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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
REGULATORY REVIEW COMMISSION

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March 13, 2000

John E. Nanorta, Jr., Esquire
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17120

VIA TELEFACSIMILE AND
FIRST CLASS MAIL

RE: State Board of Veterinary Medicine Regulation 16A-576 (Advertising)

Dear Mr. Nanorta:

I am writing to respond to your inquiry regarding the response to question 16 on the Regulatory Analysis Form ("RAF") of the above-referenced regulation, wherein the Board indicated that it had sought input from the regulated community in developing and drafting the advertising regulation. The advertising regulation has a lengthy history, first documented in a November 1995 letter from Priority Veterinary Consultants ("PVC") reporting to the Board that the advertising issue was being discussed by the Pennsylvania Veterinary Medical Association ("PVMA").

The Board requested pre-draft comments from the regulated community prior to the publication of proposed rulemaking in the Pennsylvania Bulletin on July 27, 1998. In response to the Board's request for pre-draft comments, the Board received comments from PVC on July 19, 1997, from the chairman of the Practice Act Task Committee of the PVMA on August 14, 1997, and from the PVMA's Executive Director on August 25, 1997. The Board amended the first draft of the regulation in accordance with the suggestions made by these pre-drafting commentators.

On February 3, 1998, the Board received from the Acting Executive Director of the PVMA a request for an opinion on whether a particular Yellow Pages advertisement would meet the requirements of the advertising regulation under consideration. Finally, on July 13, 1998, the Board received a request from the Pet Industry Joint Advisory Council (PIJAC) for a copy of the

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proposed regulation so they could determine whether or not to submit comments.

The Board did not receive any public comments during the 30 day public comment period following publication of proposed rulemaking from the above-mentioned organizations or any other commentators. This is confirmed by Kristine Shomper of your office, who, at my request, on October 8, 1999, sent me all comments in your files pertaining to this rulemaking.

Because the Board did not receive comments following publication of proposed rulemaking, the Board did not further solicit additional public comments when Annex A was amended, prior to submission of the final form rulemaking package, to conform to the comments made by the IRRC. This is consistent with section 5a of the Regulatory Review Act, 71 P.S. §745.5a(b).

In response to your other inquiries: I will be attending the House Professional Licensure Committee meeting on March 15. Because the Board meets on March 23, Herbert Abramson, Senior Counsel in Charge, will attend the March 23 IRRC meeting in my stead.

If you have any additional questions, please do not hesitate to contact me. Thank you for your assistance with this regulation; I look forward to working with you in the future.

Very truly yours,



Teresa Lazo-Miller, Esq.
Counsel, State Board of Veterinary Medicine

TLM:eco

c: Robert Kline, Board Administrator
State Board of Veterinary Medicine