

MARIO J. CIVERA, JR., MEMBER
HOUSE POST OFFICE BOX 202020
MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120-2020
PHONE: (717) 787-3850
FAX: (717) 705-1851

232 LONG LANE
UPPER DARBY, PENNSYLVANIA 19082
PHONE: (610) 352-7800
FAX: (610) 352-3389



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Original: 2160

February 7, 2001

COMMITTEES

PROFESSIONAL LICENSURE,
MAJORITY CHAIRMAN
LIQUOR CONTROL
FIREFIGHTERS' CAUCUS,
COCHAIRMAN EMERITUS

RECEIVED
2001 FEB -9 PM 12:06
REGULATORY
REVIEW COMMISSION

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harrisstown 2
333 Market Street
Harrisburg, PA 17101

Dear Chairman McGinley:

I am writing to inform you that the House Professional Licensure Committee held a meeting on February 6, 2001, and voted to take no formal action on Regulation 16A-5711 until final form regulations are promulgated. However, the Committee offers the following comments:

1. In Item 23 of the Regulatory Analysis Form, the Board indicates that it considered using the term "2 credits" rather than "25%," but chose 25% to be flexible in case the total number of continuing education hours was increased by amendment. However, the term "two clock hours" actually appears in the proposed language.
2. The Board indicates that the revision will become effective for the 2000-2002 biennial renewal period. Since it cannot be determined when the regulation will be approved in final form, the Committee questions whether this will be sufficient notice to licensees for compliance. Accordingly, the Committee recommends that the revision become effective for the 2002-2004 renewal period.
3. The Committee recommends that the language of Section 31.15 be changed from a veterinarian shall "attend" eight clock hours of continuing education to a veterinarian shall "complete" eight clock hours, etc.

In addition, the Committee voted to take no formal action on Regulation 16A-5713 until final form regulations are promulgated. However, the Committee offers the following comments:

1. The Committee questions the intent of proposed Section 31.32(a)(5). This section requires applicants for certification as animal health technicians to provide a statement that the applicant has not been convicted of a drug related felony unless: (i) at least 10 years have elapsed from the date of

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
Page 2
February 7, 2001

- conviction and (ii) the applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction, etc. The Committee questions how the Board will be able to make a determination that a conviction is more than 10 years old or that an applicant is satisfactorily rehabilitated if these circumstances relieve an applicant from the obligation of providing that information to the Board.
2. Proposed Section 31.32(a)(4) requires applicants for certification as animal health technicians to provide letters of good standing from any states where the applicant has been licensed, reporting the outcome of any disciplinary action taken against the applicant in that state. The Committee recommends that this language be revised to clarify that the Board will have the discretion to deny certification if a history of disciplinary action is indicated.
 3. In the draft of Section 31.33(a), the bracket before the word "designated" on the fifth line is not closed.

Please feel free to contact my office if any questions should arise.

Sincerely,



Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms
Enclosures

cc: Brian V. Harpster, V.M.D., Chairman
State Board of Veterinary Medicine
Honorable Kim H. Pizzigrilli, Secretary of the Commonwealth
Department of State

Regulation 16A-5713

State Board of Veterinary Medicine

PROPOSAL: Regulation 16A-5713 amends 49 PA Code, Chapter 31, regulations of the State Board of Veterinary Medicine. The amendment makes revisions to the procedures to be followed for licensure as a veterinarian or animal health technician. The amendment also deletes references to the costs of the veterinarian and animal health technician licensure examinations because those fees are set by the professional testing organizations and not by the Board.

The proposed Rulemaking was published in the Pennsylvania Bulletin on December 2, 2000. The Professional Licensure Committee has until February 13, 2001 to submit comments on the regulation.

ANALYSIS: The Board proposes to amend Sections 31.3 and 31.11 which would change the procedure for applying for licensure as a veterinarian by examination. The required examination is the North American Veterinary Licensing Examination (NAVLE) which is administered by the National Board Examination Committee (NBEC). Applicants would contact the Board to request examination and licensure applications. Examination applications and the required fee would be sent directly to the NBEC. Applications for licensure would be sent to the Board at least 60 days prior to the first day of the NAVLE testing period.

Section 31.32 would be amended to require applicants for certification as animal health technicians to provide additional information with their applications. Applicants who have been licensed in other states would be required to provide a letter of good standing from the licensure board of each state where the applicant has held a license, reporting the outcome of any disciplinary actions taken against the applicant. Applicants would also be required to provide a statement that they have not been convicted of a drug related felony, unless at least ten years have elapsed from the date of conviction, and demonstrate satisfactory progress in personal rehabilitation since the conviction.

Section 31.33 would be amended to change the application procedure for certification as an animal health technician. Applicants for certification by examination would be required to file an application and the specified fee with the Board, and also file an application for the Veterinary Technician National Examination (VTNE), with the required fee, directly with the professional testing organization. Both applications would be obtained from the testing organization. Applicants for certification by endorsement would obtain the appropriate application form from the Board and file it with the Board.

Section 31.34 would be amended to clarify that applicants for the examination must be graduates of an approved school. Section 31.35 would be amended to delete references to the frequency and specific fee for the examination, since that is determined by the professional testing organization. References to examination fees for veterinarians and animal health technicians

would also be deleted from the Board's schedule of fees, since the fees are determined by the testing organizations.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee take no formal action until final form regulations are promulgated. However, the Committee offers the following comments:

1. The Committee questions the intent of proposed Section 31.32(a)(5). This section requires applicants for certification as animal health technicians to provide a statement that the applicant has not been convicted of a drug related felony unless: (i) at least 10 years have elapsed from the date of conviction and (ii) the applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction, etc. The Committee questions how the Board will be able to make a determination that a conviction is more than 10 years old or that an applicant is satisfactorily rehabilitated if these circumstances relieve an applicant from the obligation of providing that information to the Board.
2. Proposed Section 31.32(a)(4) requires applicants for certification as animal health technicians to provide letters of good standing from any states where the applicant has been licensed, reporting the outcome of any disciplinary action taken against the applicant in that state. The Committee recommends that this language be revised to clarify that the Board will have the discretion to deny certification if a history of disciplinary action is indicated.
3. In the draft of Section 31.33 (a), the bracket before the word "designated" on the fifth line is not closed.

House of Representatives
Professional Licensure Committee
February 2, 2001