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ROBERT E. NYCE, EXECUTIVE DIRECTOR  
MARY S. WYATTE, CHIEF COUNSEL



PHONE: (717) 783-5417  
FAX: (717) 783-2664  
irrc@irrc.state.pa.us  
<http://www.irrc.state.pa.us>

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

March 2, 2001

Brian V. Harpster, V.M.D., Chairman  
State Board of Veterinary Medicine  
116 Pine Street  
Harrisburg, PA 17105-2649

Re: Regulation #16A-5713 (IRRC #2160)  
State Board of Veterinary Medicine  
Examinations, Application for Licensure and Certification, Fees

Dear Chairman Harpster:

Enclosed are our Comments. They will soon be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce  
Executive Director

evp

Enclosure

cc: Honorable Mario J. Civera, Jr., Majority Chairman, House Professional Licensure Committee  
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee  
Honorable Clarence D. Bell, Chairman, Senate Consumer Protection & Professional Licensure Committee  
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection & Professional Licensure Committee  
Honorable Kim Pizzingrilli, Secretary of the Commonwealth  
Albert H. Masland, Commissioner, Bureau of Professional and Occupational Affairs, Department of State  
Teresa Lazo-Miller, Esq., Counsel, State Board of Veterinary Medicine  
Joyce McKeever, Esq., Deputy Chief Counsel, Department of State

# Comments of the Independent Regulatory Review Commission

on

## State Board of Veterinary Medicine Regulation No. 16A-5713

### Examinations, Application for Licensure and Certification, Fees

March 2, 2001

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The State Board of Veterinary Medicine (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by January 2, 2003, the regulation will be deemed withdrawn.

#### 1. Section 31.32. Certification. – Clarity.

##### *Subsection (a)(4)*

This subsection requires an applicant to provide a letter of good standing from the licensure board of other states reporting the outcome of any disciplinary actions. It is unclear what impact reports of disciplinary actions accompanying a “letter of good standing” will have in the Board’s certification decisions. The regulation should be revised to clarify how disciplinary action may affect the review of these types of applications.

##### *Subsection (a)(5)*

This subsection requires an animal health technician applicant to provide a statement that the applicant has not been convicted of a drug related felony in Pennsylvania or other states. The subsection includes three exceptions to this requirement: (1) “at least 10 years have elapsed from the date of conviction,” (2) the applicant demonstrates “significant progress in personal rehabilitation since the conviction” and (3) “the applicant otherwise satisfies the qualifications contained in the Board’s regulations.”

Each exception raises questions.

First, the House Professional Licensure Committee questioned how the Board would determine that there have been no convictions during the past 10 years.

Second, how will the Board determine whether “significant progress in personal rehabilitation” has occurred?

Third, what is the need for, and purpose of, the third exception? It provides an exception when the applicant “otherwise satisfies the qualifications contained in the Board’s regulations.” To which “qualifications,” is it referring? Aren’t all applicants required to meet the qualifications prescribed by the Board?

The Board should respond to the questions concerning these exceptions.

**2. Section 31.33. Applications.**

**Section 31.11. Application for licensure. – Reasonableness; Clarity.**

There are two issues concerning how applicants can obtain application forms.

First, there are different application forms for animal health technician certification. To apply for certification by endorsement, applicants must contact the Board for application forms. In contrast, applicants for certification by examination must contact the professional testing organization for application forms pursuant to Section 31.33(a). The regulation contains information on how to contact the Board for application forms. However, it provides no information on how to contact the professional testing organization. The regulation should clarify how applicants may obtain forms from the professional testing organization.

Second, Sections 31.33(b) state that applicants may use the Board's mailing address or the "Board's web page" to obtain application forms for animal health technician certification by endorsement. Similar language is used in Section 31.11(a) for application forms for veterinarian licensure. However, the regulation is deleting the Board's telephone number as an option for contacting the Board. Why? The regulation should give applicants the opportunity to obtain application forms via telephone as well as mail or internet.

**3. Section 31.35. Examinations. – Clarity.**

The Board is deleting information on the availability and frequency of examinations. The Board's reason for this deletion is "the professional testing organization, not the Board, determines the frequency and location of the Veterinary Technician National Examination." While this is correct, the regulation should inform applicants how they can learn where and when these examinations will be given.



# INDEPENDENT REGULATORY REVIEW COMMISSION

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**To:** Suzanne Hoy  
**Agency:** Department of State  
 Licensing Boards and Commissions  
**Phone:** 7-2628  
**Fax:** 7-0251

**From:** Kristine M. Shomper  
 Administrative Officer  
**Company:** Independent Regulatory Review  
 Commission  
**Phone:** (717) 783-5419 or (717) 783-5417  
**Fax:** (717) 783-2664

**Date:** March 2, 2001  
**# of Pages:** 4

**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the State Board of Veterinary Medicine's regulation #16A-5713 (#2160). 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: *Suzanne J. Hoy* Date: 3/2/01