

Regulatory Analysis Form

This space for use by IRRC

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Veterinary Medicine

(2) I.D. Number (Governor's Office Use)

16A-5711

IRRC Number: **2164**

(3) Short Title

Continuing education

(4) PA Code Cite

49 Pa.Code § 31.15

(5) Agency Contacts & Telephone Numbers

Primary Contact: **Teresa Lazo-Miller, Counsel
State Board of Veterinary Medicine (717) 783-7200**
Secondary Contact: **Joyce McKeever, Deputy Chief
Counsel, Department of State (717) 783-7200**

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

This regulation amends 49 Pa.Code § 31.15, relating to continuing education ("CE"), by limiting to 25% the number of total required CE credits that may be earned from individual instruction programs to fulfill the biennial CE requirement and requires licensees to complete rather than attend the required number of CE clock hours.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The proposed amendment is authorized under Section 18 of the Veterinary Medicine Practice Act ("Act"), Act of December 27, 1974, P.L. 995, as amended, 63 P.S. § 485.18.

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Section 18 of the act, 63 P.S. § 485.18, directs the Board to set the standards for continuing education programs to ensure that the programs meet the educational and professional requirements of the profession.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The public is protected by requiring veterinarians to meet educational requirements that keep them abreast of current learning and scholarship. Limiting the number of individual instruction credits that may be earned to comply with the CE requirement in the act ensures that the Board can verify licensees' completion of required CE. Moreover, limiting the number of credit hours that may be earned from individual study programs ensures that licensees will attend programs that include interaction with professional colleagues. Such programs foster the sharing of veterinary medical information. The amendment will also ensure that licensees complete the required number of CE clock hours.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Failure to limit participation in individual study programs would restrict the Board's ability to verify licensees' completion of required CE, and may lead to licensees purchasing individual study programs but not completing the programs.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The general public will benefit by being assured that veterinarians have participated in appropriate CE.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

The Board has identified no groups that will be adversely affected by the proposed amendment.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All veterianry licensees will be required to comply with the regulation. There are approximately 3,249 licensed veterinarians in the Commonwealth.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

A draft of the proposed amendment was sent to state and regional veterinary associations, schools and other interested individuals for pre-draft commentary in accord with Executive Order 1996-1.

A 30 day public comment period followed publication of the proposed rulemaking on November 18, 2000. No comments were received from the public.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

There are no known costs or savings associated with the proposed amendment.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

There are no known costs or savings associated with the proposed amendment.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

There are no known costs or savings associated with the proposed amendment.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY	FY +1	FY +2	FY +3	FY +4	FY +5
SAVINGS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

There are no known costs or savings associated with the proposed amendment. There is no substantial difference in the cost of traditional continuing education programs and independent study continuing education programs.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
N/A				

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

As none of the Board's programs are affected by the regulations, there is no cost-benefit information provided.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Because the act directs the Board to set continuing education requirements by regulation, no non-regulatory alternatives were considered.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

The Board considered allowing 1-3 credits for distance learning and decided that no more than one-fourth of a licensee's total continuing education requirement should be from independent study. The Board considered using the term "2 credits" rather than "25%," but chose 25% to be flexible in case the act were amended to increase the total number of CE credits required.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

There is no federal regulation in the area of CE requirements for state-licensed veterinarians.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The regulation will not put Pennsylvania at a competitive disadvantage with other states. Although none of the surrounding states limit the number of credit hours that may be earned from independent study programs, all of the surrounding states that mandate continuing education require substantially more credit hours than does Pennsylvania.

<u>STATE</u>	<u>CREDITS PER YEAR</u>
Pennsylvania	4
Maryland	12
Delaware	12
Ohio	15
West Virginia	8
New York	Optional

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will not affect any other existing or proposed regulations.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board conducts public meetings at least six times per year. The meetings are generally held at 124 Pine Street, Harrisburg, Pennsylvania. Detailed information about the meetings may be obtained from Board Administrator Robert Kline, P.O. Box 2649, Harrisburg, PA 17105-2649, or by calling the Board office at (717) 783-4848. The following dates represent the meetings scheduled for the remainder of calendar year 2001: July 19, September 6, October 18, and December 6.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The regulation will not change any existing reporting, record keeping, or other paperwork requirements. Currently, the Board audits approximately 5% of the licensee population, following biennial renewal, for compliance with the existing CE requirements. Because the CE certificates submitted will indicate whether or not the course taken was an independent study course, the Board anticipates no significant change to the existing compliance review procedure.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has identified no particular affected groups. The proposed regulation will apply to all the Board's licensees.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon final publication in the Pennsylvania Bulletin and will apply to the 2000-2002 CE requirements. Licensees must complete the 8 hours of required continuing education no later than November 30, 2002.

(31) Provide the schedule for continual review of the regulation.

The Board continually reviews its regulations at its semi-monthly meetings.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

#2164

DO NOT WRITE IN THIS SPACE

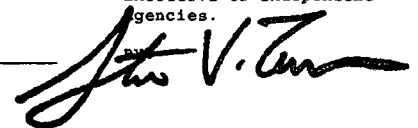
Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

STATE BOARD OF VETERINARY MEDICINE
(AGENCY)



DOCUMENT/FISCAL NOTE NO. 16A-5711

DATE OF APPROVAL

DATE OF ADOPTION: _____

BY: Brian V. Harpster, VMD
BRIAN V. HARPSTER, V.M.D.

DATE OF APPROVAL

8/23/01

(Deputy General Counsel
(~~Chief Counsel,~~
~~Independent Agency~~
(Strike inapplicable title)

TITLE: CHAIRMAN
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if applicable. No Attorney General approval or objection within 30 day after submission.

NOTICE OF FINAL RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE
49 PA. CODE, CHAPTER 31
CONTINUING EDUCATION

The State Board of Veterinary Medicine (Board) adopts an amendment to 49 Pa.Code § 31.15, relating to continuing education, as set forth in Annex A.

Notice of Proposed Rulemaking was published at 30 Pa.B. 5969 (November 18, 2000). Publication was followed by a 30-day public comment period during which the Board received no comments from the general public. The House Professional Licensure Committee (HPLC) submitted comments on February 2, 2001. The Senate Consumer Protection and Professional Licensure Committee made no comments. The Independent Regulatory Review Commission (IRRC) submitted comments to the proposed rulemaking on March 2, 2001.

Summary of Comments and Responses to Proposed Rulemaking

The HPLC and the IRRC made three comments to the proposed rulemaking.

The first comment related to a discrepancy between information provided in the Regulatory Analysis Form (RAF) and the proposed rulemaking language. Although the RAF indicated that the Board had considered, but rejected, using the term "2 credits" rather than "25%" to indicate the number of credits that could be earned from independent study courses to meet the biennial continuing education requirement, the proposed rulemaking inadvertently used the term "2 credits." Because the Board intends that no more than one-quarter of the total credits required be obtained through independent study courses even if the number of total credits required should change, the Board determined that it would be appropriate to use the term "25%" rather than "2 credits." The final form rulemaking has been corrected to use the term "25%."

The second comment questioned whether licensees would receive sufficient notice of the regulatory change to allow them to complete the continuing education requirement during the 2000-2002 biennial period. The Board has determined that the regulation will create no hardship to veterinarians. First, to May 28, 2001, the Board has approved no programs offering independent study continuing education credits for the current biennial period. Some independent study courses may be approved for credit during this biennial period. However, during the prior biennial renewal period (1998-2000), only seven credits from independent study courses were approved. It is, therefore, unlikely that implementing this new regulation for the 2000-2002 renewal period will have an immediate, significant impact on a large number of licensees. In addition, it is both convenient and inexpensive for veterinarians to obtain non-independent study continuing education credits through the Pennsylvania Veterinary Medical Association or regional veterinary medical associations. Finally, the Board anticipates that this final form regulation will be published and take effect no later than the fall of 2001, giving any veterinarian who has completed more than two credits of continuing education from independent study courses at least one calendar year (until November 30, 2002) to complete any additional credits needed to meet the new regulatory requirement.

Finally, the HPLC and IRRC recommended that the regulatory language be amended such that veterinarians be required to "complete" 8 clock hours of continuing education biennially instead

of the current requirement that veterinarians “attend” 8 clock hours of continuing education biennially. The Board agrees with this proposal and the change is reflected in the final rulemaking language.

Statutory Authority

The regulation is authorized under Section 18 of the Veterinary Medicine Practice Act (Act), the Act of December 27, 1974, P.L. 995, as amended, 63 P.S. § 485.18. Section 18 requires the Board to set standards for continuing education programs and continuing education requirements for licensees to ensure that veterinarians maintain currency in their profession.

Fiscal Impact and Paperwork Requirements

The regulation will have no fiscal impact on the Commonwealth or its political subdivisions. In addition, the regulation will create no additional paperwork for the Board or the private sector.

Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulation, the Board sent the text of the proposed regulation to interested parties, including state and regional veterinary medical associations, associations of animal health technicians, and veterinary schools. In addition, the Board considered the regulation as required by law.

Regulatory Review

Pursuant to Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of the Notice of Proposed Rulemaking, published at 30 Pa.B. 5969 (November 18, 2000), to the Independent Regulatory Review Commission and to the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure.

Publication of the Notice of Proposed Rulemaking was followed by a 30-day public comment period during which the Board received no written comments from the public. Subsequent to the close of the public comment period, the Board received and considered comments from the House Committee and from the IRRC.

These final form regulations were approved by the House Professional Licensure Committee on _____ and were (deemed) approved by the Senate Consumer Protection and

Professional licensure Committee on _____. IRRC met on _____,
and (deemed) approved the regulation in accordance with section 5(e) of the Regulatory Review Act.

Additional Information

Individuals who would like information about the regulation may contact Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-4848.

Findings

The State Board of Veterinary Medicine finds:

- (1) That public notice of intention to adopt a regulation at 49 Pa.Code, Chapter 31, was given under sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§ 1201-1202, and the regulations promulgated under those sections at 1 Pa.Code §§ 7.1-7.2.
- (2) That the regulation of the State Board of Veterinary Medicine is necessary and appropriate for the administration of the Veterinary Medicine Practice Act.

Order

The Board therefore ORDERS:

- (A) That the regulations of the State Board of Veterinary Medicine, 49 Pa.Code Chapter 31, are amended to read as set forth in the attached Annex.
- (B) That the Board shall submit a copy of the Annex to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (C) That the Board shall certify this Order and Annex and shall deposit them with the Legislative Reference Bureau as required by law.
- (D) That the regulations shall take effect immediately upon publication in the Pennsylvania Bulletin.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. Professional and Occupational Affairs
CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

LICENSURE

§ 31.15 Continuing Education.

As a condition of licensure renewal under § 31.13 (relating to licensure renewal), a veterinarian shall ~~attend~~ COMPLETE 8 clock hours of continuing education courses approved by the Board during the 24 months preceding the renewal date. Continuing education credit will not be given for a course in office management or practice building. A maximum of ~~two clock~~ 25% OF THE hours may be earned by taking individual study or correspondence courses for which third-party verification of satisfactory completion is provided. Such courses must meet the requirements of §31.16.



PROPOSED RULEMAKING

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Continuing Education

[30 Pa.B. 5969]

Nov 18, 2000

The State Board of Veterinary Medicine (Board) proposes to amend § 31.15 (relating to continuing education) to read as set forth in Annex A. The proposed amendment would restrict the number of continuing education hours taken in individual study programs to 25% of the total hours required by statute and regulation.

Effective Date

The limitation would be effective on final publication in the *Pennsylvania Bulletin* and would apply to continuing education credits earned during the December 1, 2000, to December 1, 2002, biennial renewal period.

Statutory Authority

Section 18 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.18), requires the Board to set the standards for continuing education programs to ensure that the programs meet the educational and professional requirements of the profession.

Background and Need for Amendment

The Board's current regulation regarding continuing education was adopted at 26 Pa.B. 2785 (June 15, 1996). The current regulation mirrors the statutory requirements for biennial continuing education.

Under the current system of approving continuing education programs for credit, a number of providers, such as the American Veterinary Medical Association and veterinary colleges, are preapproved and do not have to submit their proposed courses for approval of the Board. Other continuing education providers must submit a course description to the Board's continuing education committee for approval prior to the course being offered. For these courses, the committee reviews the proposed program and makes a recommendation to the entire Board. The Board then determines whether or not to approve the course for continuing education credit. If the course is approved for credit, the Board determines how many credits will be granted for completion of the course.

Over the past year, an increasing number of continuing education providers whose courses

are not preapproved have sought approval for individual study programs. The Board has granted credit for some of these individual study programs. The Board wishes to limit the number of individual study course credits a licensee may apply to meet the continuing education requirements for two reasons.

First, the act mandates that all licensees complete a minimum of 8 hours of continuing education each biennial period. The Board is charged with enforcing this requirement. Because it is impossible for the Board to independently verify a licensee's completion of an individual study course, the Board believes that the number of individual study courses a licensee may use to fulfill the biennial continuing education requirement should be limited.

Second, individual study courses do not provide licensees with an opportunity to interact with their professional colleagues, which is an integral component of traditional continuing education courses. Because the Board believes that interaction with professional peers is an important part of a licensee's participation in traditional continuing education courses, the Board believes that the number of individual study courses a licensee may use to fulfill the biennial continuing education requirement should be limited.

Description of Proposed Amendments

The Board proposes to amend its continuing education regulation in § 31.15 to require that six of the eight credits required in each biennial period be earned from traditional continuing education programs. The remaining two credits may be earned from individual study programs.

Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulation, the Board sent the text of the proposed amendment to interested parties, including State and regional veterinary medical associations, associations of animal health technicians and veterinary schools. Only one predraft comment was received regarding the proposed amendment: the Bucks/Montgomery Counties Veterinary Medical Association endorsed the proposed amendment. In addition, the Board considered the amendment as required by law and the least restrictive means of covering the costs of services required to be performed by the Board.

Fiscal Impact

The proposed amendment should have no fiscal impact on licensees, the Board, the private sector, the general public or any political subdivisions.

Paperwork Requirements

The proposed amendment should not create additional paperwork for the Board or the private sector.

Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 8, 2000, the Board submitted a copy of this proposed amendment to IRRC and the Chairpersons of the House Professional Licensure Committee and Senate Consumer Protection and Professional Licensure Committee for review and comment. In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Robert Kline, Administrator, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

BRIAN V. HARPSTER, V.M.D.,
Chairperson

Fiscal Note: 16A-5711. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE****LICENSURE****§ 31.15. Continuing education.**

As a condition of licensure renewal under § 31.13 (relating to licensure renewal), a veterinarian shall attend [eight] 8 clock hours of continuing education courses approved by the Board during the 24 months preceding the renewal date. Continuing education credit will not be given for a course in office management or practice building. **A maximum of 2 clock hours may be earned by taking individual study or correspondence courses for**

which third-party verification of satisfactory completion is provided. The courses shall meet the requirements of § 31.16 (relating to continuing education provider approval).

[Pa.B. Doc. No. 00-1982. Filed for public inspection November 17, 2000, 9:00 a.m.]

No part of the information on this site may be reproduced for profit or sold for profit.

This material has been drawn directly from the official *Pennsylvania Bulletin* full text database. Due to the limitations of HTML or differences in display capabilities of different browsers, this version may differ slightly from the official printed version.



webmaster@PaBulletin.com



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7134

October 5, 2001

The Honorable John R. McGinley, Jr., Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Veterinary Medicine
16A-5711: Continuing Education

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Board of Veterinary Medicine pertaining to continuing education.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Brian V. Harpster, VMD".

Brian V. Harpster, V.M.D., Chairperson
State Board of Veterinary Medicine

BVH/TLM:kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Albert H. Masland, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Christal Pike-Nase, Regulatory Counsel
Bureau of Professional and Occupational Affairs
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Teresa Lazo-Miller, Counsel
State Board of Veterinary Medicine
State Board of Veterinary Medicine

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-5711
SUBJECT: State Board of Veterinary Medicine - Continuing Education
AGENCY: DEPARTMENT OF STATE

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
10-5-01	<i>Lou A. Clark</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
10/5/01	<i>Sammy Weisman</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
10/5/01	<i>Elana Pagan</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

ORIGINAL: 2164



RECEIVED

2001 OCT 25 PM 1:57

INDEPENDENT REGULATORY
REVIEW COMMISSION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7134

October 25, 2001

The Honorable John R. McGinley, Jr., Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Veterinary Medicine
16A-5711: Continuing Education

Dear Chairman McGinley:

The Independent Regulatory Review Commission contacted the State Board of Veterinary Medicine today and asked the Board to amend its preamble to the above-referenced final rulemaking package in order to address two comments made by IRRC on March 2, 2001. Enclosed is a copy of the amended preamble. The additional paragraphs have been tabbed for your convenience.

Sincerely,

A handwritten signature in black ink that reads "Brian V. Harpster, VMD".

Brian V. Harpster, V.M.D., Chairperson
State Board of Veterinary Medicine

BVH/TLM:kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Albert H. Masland, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Philip Zarone, Regulatory Counsel
Bureau of Professional and Occupational Affairs
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Teresa Lazo-Miller, Counsel
State Board of Veterinary Medicine
State Board of Veterinary Medicine

The State Board of Veterinary Medicine (Board) adopts an amendment to 49 Pa.Code § 31.15, relating to continuing education, as set forth in Annex A.

Notice of Proposed Rulemaking was published at 30 Pa.B. 5969 (November 18, 2000). Publication was followed by a 30-day public comment period during which the Board received no comments from the general public. The House Professional Licensure Committee (HPLC) submitted comments on February 2, 2001. The Senate Consumer Protection and Professional Licensure Committee made no comments. The Independent Regulatory Review Commission (IRRC) submitted comments to the proposed rulemaking on March 2, 2001.

Summary of Comments and Responses to Proposed Rulemaking

The HPLC and the IRRC made three comments to the proposed rulemaking.

The first comment related to a discrepancy between information provided in the Regulatory Analysis Form (RAF) and the proposed rulemaking language. Although the RAF indicated that the Board had considered, but rejected, using the term "2 credits" rather than "25%" to indicate the number of credits that could be earned from independent study courses to meet the biennial continuing education requirement, the proposed rulemaking inadvertently used the term "2 credits." Because the Board intends that no more than one-quarter of the total credits required be obtained through independent study courses even if the number of total credits required should change, the Board determined that it would be appropriate to use the term "25%" rather than "2 credits." The final form rulemaking has been corrected to use the term "25%."

The second comment questioned whether licensees would receive sufficient notice of the regulatory change to allow them to complete the continuing education requirement during the 2000-2002 biennial period. The Board has determined that the regulation will create no hardship to veterinarians. First, to May 28, 2001, the Board has approved no programs offering independent study continuing education credits for the current biennial period. Some independent study courses may be approved for credit during this biennial period. However, during the prior biennial renewal period (1998-2000), only seven credits from independent study courses were approved. It is, therefore, unlikely that implementing this new regulation for the 2000-2002 renewal period will have an immediate, significant impact on a large number of licensees. In addition, it is both convenient and inexpensive for veterinarians to obtain non-independent study continuing education credits through the Pennsylvania Veterinary Medical Association or regional veterinary medical associations. Finally, the Board anticipates that this final form regulation will be published and take effect no later than the fall of 2001, giving any veterinarian who has completed more than two credits of continuing education from independent study courses at least one calendar year (until November 30, 2002) to complete any additional credits needed to meet the new regulatory requirement.

Finally, the HPLC and IRRC recommended that the regulatory language be amended such that veterinarians be required to "complete" 8 clock hours of continuing education biennially instead

of the current requirement that veterinarians “attend” 8 clock hours of continuing education biennially. The Board agrees with this proposal and the change is reflected in the final rulemaking language.

In addition, the IRRC commented that “the terms ‘individual study or correspondence courses’ are unclear.” Individual study courses are courses where the licensee worked independently. Correspondence courses are courses where the licensee corresponds with the course provider rather than attending a lecture or wet lab. The Board finds that the terms are self-explanatory and do not need to be defined in the regulation.

IRRC also commented that the last sentence of Section 31.15, which provides that independent study or correspondence courses must meet the requirements of Section 31.16, because Section 31.16 immediately follows Section 31.15 and because the first sentence of Section 31.15 already requires that continuing education courses be approved by the Board. The Board believes that the sections should contain cross references, and declines to delete the last sentence of Section 31.15.

Statutory Authority

The regulation is authorized under Section 18 of the Veterinary Medicine Practice Act (Act), the Act of December 27, 1974, P.L. 995, as amended, 63 P.S. § 485.18. Section 18 requires the Board to set standards for continuing education programs and continuing education requirements for licensees to ensure that veterinarians maintain currency in their profession.

Fiscal Impact and Paperwork Requirements

The regulation will have no fiscal impact on the Commonwealth or its political subdivisions. In addition, the regulation will create no additional paperwork for the Board or the private sector.

Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulation, the Board sent the text of the proposed regulation to interested parties, including state and regional veterinary medical associations, associations of animal health technicians, and veterinary schools. In addition, the Board considered the regulation as required by law.

Regulatory Review

Pursuant to Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of the Notice of Proposed Rulemaking, published at 30 Pa.B. 5969 (November 18, 2000), to the Independent Regulatory Review Commission and to the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure.

Publication of the Notice of Proposed Rulemaking was followed by a 30-day public comment period during which the Board received no written comments from the public. Subsequent to the close of the public comment period, the Board received and considered comments from the House Committee and from the IRRC.

These final form regulations were approved by the House Professional Licensure Committee on October 19, 2001, and were (deemed) approved by the Senate Consumer Protection and Professional Licensure Committee on _____. IRRC met on November 1, 2001, and (deemed) approved the regulation in accordance with section 5(e) of the Regulatory Review Act.

Additional Information

Individuals who would like information about the regulation may contact Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-4848.

Findings

The State Board of Veterinary Medicine finds:

- (1) That public notice of intention to adopt a regulation at 49 Pa.Code, Chapter 31, was given under sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§ 1201-1202, and the regulations promulgated under those sections at 1 Pa.Code §§ 7.1-7.2.
- (2) That the regulation of the State Board of Veterinary Medicine is necessary and appropriate for the administration of the Veterinary Medicine Practice Act.

Order

The Board therefore ORDERS:

- (A) That the regulations of the State Board of Veterinary Medicine, 49 Pa.Code Chapter 31, are amended to read as set forth in the attached Annex.
- (B) That the Board shall submit a copy of the Annex to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (C) That the Board shall certify this Order and Annex and shall deposit them with the Legislative Reference Bureau as required by law.
- (D) That the regulations shall take effect immediately upon publication in the Pennsylvania Bulletin.

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

I.D. NUMBER: 16A-5711
SUBJECT: State Board of Veterinary Medicine - Continuing Education
AGENCY: DEPARTMENT OF STATE

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation - Amended Preamble
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
- a. With Revisions b. Without Revisions

RECEIVED
2001 OCT 25 PM 1:57
REGULATORY REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
10/25/01	<i>Zori A Clark</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
10/25/01	<i>Sammy Werner</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
10/25/01	<i>Dena Pagan</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU