

REGULATORY AFFAIRS		This space for use by IRRC
(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of <i>Veterinary Medicine</i>		RECEIVED
		2001 JAN 31 PM 3:10 REGULATORY REVIEW COMMISSION
(2) I.D. Number (Governor's Office Use) <i>16A-5711</i>		IRRC Number: # <i>2164</i>
(3) Short Title <i>Continuing Education</i>		
(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) <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted	(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. <p style="text-align: center;">This regulation proposes to amend the Board's regulation relating to continuing education ("CE") by limiting the number of CE credits from individual instruction programs that licensees may use to fulfill the biennial CE requirement.</p>		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. <p style="text-align: center;">The proposed amendment is authorized under Section 18 of the Veterinary Medicine Practice Act ("Act"), Act of December 27, 1974, P.L. 995, <u>as amended</u>, 63 P.S. §485.18.</p>		

(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 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 with 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 licensees will attend programs that integrate interaction with professional colleagues.

(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 licensees will be required to comply with the regulation. There are approximately 3,249 licensed veterinarians and 753 licensed animal health technicians 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.

(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.

(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.

(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						
Local Government						
State Government						
Total Savings						
COSTS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated						
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.

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

(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 establish certification of attendance at CE programs 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 on 2. 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 required 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 following dates represent the meetings scheduled for the remainder of calendar year 2000: July 20, September 7, October 19, and December 7.

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.

(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.

(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)

RECEIVED

2001 JAN 31 PM 3:11

REGULATORY
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

2164

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.

[Signature]
BY: _____
(DEPUTY ATTORNEY GENERAL)

STATE BOARD OF VETERINARY MEDICINE
(AGENCY)

[Signature]
BY: _____

OCT 27 2000

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-5711

DATE OF ADOPTION:

[Signature]
DATE OF APPROVAL

BY: *[Signature]*
BRIAN V. HARPSTER, V.M.D.

(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 PROPOSED 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) proposes to amend 49 Pa. Code §31.15 (relating to continuing education) as set forth in Annex A. The proposed regulation 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), Act of December 27, 1974, P.L. 995, as amended, 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 June 15, 1996, at 26 Pa. B. 2785. 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 pre-approved 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 pre-approved 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 at 49 Pa. Code §31.15 to require that 6 of the 8 credits required in each biennial period be earned from traditional continuing education programs. The remaining 2 credits may be earned from individual study programs.

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. Only one pre-draft comment was received regarding the proposed regulation: the Bucks/Montgomery Counties Veterinary Medical Association endorsed the proposed regulation. In addition, the Board considered the regulation 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 amendments should have no fiscal impact on licensees, the Board, the private sector, the general public or any political subdivisions.

Paperwork Requirements

The proposed regulation 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

Pursuant to Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73), as amended, 71 P.S. §745.5(a), the Board submitted a copy of this proposed regulation on _____ to the Independent Regulatory Review Commission 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 regulation, the Board has provided the Commission 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.

If the Commission has any objections to any portion of the proposed regulation, it will notify the Board within ten days after the expiration of the Committees' review period. Such notification shall specify the regulatory review criteria which have not been met by that portion. The 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, Pennsylvania 17105-2649, within 30 days following publication of this proposed rulemaking 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 eight 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 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.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE

LEGAL OFFICE
Counsel Division
(717) 783-7200
FAX: (717) 787-0251

116 PINE STREET
P.O. BOX 2649
HARRISBURG, PA
17105-2649

January 31, 2001

The Honorable John R. McGinley, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2
333 Market Street
Harrisburg, PA 17120

**RE: Proposed Regulations of the State Board of Veterinary Medicine
Pertaining to Continuing Education (16A-5711)**

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Veterinary Medicine. This package is being resubmitted under Section 745.5(e), of the Regulatory Review Act.

The State Board of Veterinary Medicine, as always, will be pleased to provide your committee with any assistance it may require during the course of its review of this regulation.

Sincerely,

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

BVH:TLM:eco

c: John T. Henderson, Jr., Chief Counsel
Department of State

Albert H. Masland, Acting Commissioner
Bureau of Professional and Occupational Affairs

Joyce McKeever, Deputy Chief Counsel
Department of State

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



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P.O. BOX 2649
HARRISBURG, PA
17105-2649

January 31, 2001

The Honorable Clarence D. Bell, Majority Chairman
Consumer Protection and Professional Licensure Committee
SENATE OF PENNSYLVANIA
20 Main Capitol, East Wing
Harrisburg, Pennsylvania 17120

**RE: Proposed Regulations of the State Board of Veterinary Medicine
Pertaining to Continuing Education (16A-5711)**

Dear Senator Bell:

Enclosed please find five (5) copies of a proposed rulemaking package of the State Board of Veterinary Medicine. This package is being resubmitted under Section 745.5(e), of the Regulatory Review Act.

The State Board of Veterinary Medicine, as always, will be pleased to provide your committee with any assistance it may require during the course of its review of this regulation.

Sincerely,


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

BVH:TLM:eco

c: John T. Henderson, Jr., Chief Counsel
Department of State
Albert H. Masland, Acting Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
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



COMMONWEALTH OF PENNSYLVANIA
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P.O. BOX 2649
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17105-2649

January 31, 2001

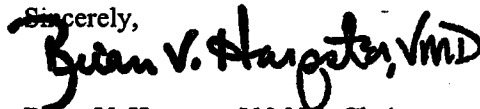
The Honorable Lisa M. Boscola, Minority Chairperson
Consumer Protection and Professional Licensure Committee
SENATE OF PENNSYLVANIA
183 Main Capitol
Harrisburg, Pennsylvania 17120

**RE: Proposed Regulations of the State Board of Veterinary Medicine
Pertaining to Continuing Education (16A-5711)**

Dear Senator Boscola:

Enclosed is a copy of a proposed rulemaking package of the State Board of Veterinary Medicine. This package is being resubmitted under Section 745.5(e), of the Regulatory Review Act.

The State Board of Veterinary Medicine, as always, will be pleased to provide your committee with any assistance it may require during the course of its review of this regulation.

Sincerely,

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

BVH:TLM:eco

c: John T. Henderson, Jr., Chief Counsel
Department of State

Albert H. Masland, Acting Commissioner
Bureau of Professional and Occupational Affairs

Joyce McKeever, Deputy Chief Counsel
Department of State

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



COMMONWEALTH OF PENNSYLVANIA
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116 PINE STREET
P.O. BOX 2649
HARRISBURG, PA
17105-2649

January 31, 2001


The Honorable Mario J. Civera, Majority Chairman
Professional Licensure Committee
PENNSYLVANIA HOUSE OF REPRESENTATIVES
Room 105, Matthew K. Ryan Building
Harrisburg, PA 17120

**RE: Proposed Regulations of the State Board of Veterinary Medicine
Pertaining to Continuing Education (16A-5711)**

Dear Representative Civera:

Enclosed is a copy of a proposed rulemaking package of the State Board of Veterinary Medicine. This package is being resubmitted under Section 745.5(e), of the Regulatory Review Act.

The State Board of Veterinary Medicine, as always, will be pleased to provide your committee with any assistance it may require during the course of its review of this regulation.

Sincerely,

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

BVH:TLM:eco

c: John T. Henderson, Jr., Chief Counsel
Department of State

Albert H. Masland, Acting Commissioner
Bureau of Professional and Occupational Affairs

Joyce McKeever, Deputy Chief Counsel
Department of State

Herbert Abramson, Senior Counsel in Charge
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Teresa Lazo-Miller, Counsel
State Board of Veterinary Medicine

State Board of Veterinary Medicine



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116 PINE STREET
P.O. BOX 2649
HARRISBURG, PA
17105-2649

January 31, 2001

The Honorable William W. Rieger, Minority Chairman
Professional Licensure Committee
PENNSYLVANIA HOUSE OF REPRESENTATIVES
327 Main Capitol
Harrisburg, PA 17120

**RE: Proposed Regulations of the State Board of Veterinary Medicine
Pertaining to Continuing Education (16A-5711)**

Dear Representative Rieger:

Enclosed is a copy of a proposed rulemaking package of the State Board of Veterinary Medicine. This package is being resubmitted under Section 745.5(e), of the Regulatory Review Act.

The State Board of Veterinary Medicine, as always, will be pleased to provide your committee with any assistance it may require during the course of its review of this regulation.

Sincerely,

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

BVH:TLM:eco

c: John T. Henderson, Jr., Chief Counsel
Department of State

Albert H. Masland, Acting Commissioner
Bureau of Professional and Occupational Affairs

Joyce McKeever, Deputy Chief Counsel
Department of State

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

X Proposed Regulation
 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

RECEIVED
 2001 JAN 31 PM 3:12
 INDEPENDENT REGULATORY REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
1-31-01	<i>Lou A. Clark</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
1/2/01	<i>James E. Zubay</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
1/3/01	<i>Tina Ebert</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU