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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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February 7, 2001

COMMITTEES

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

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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
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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-5711

State Board of Veterinary Medicine

PROPOSAL: Regulation 16A-5711 amends 49 PA Code, Chapter 31, regulations of the State Board of Veterinary Medicine. The amendment would limit the amount of credit a veterinarian could earn towards the eight hour continuing education requirement by taking individual study or correspondence courses. A maximum of two clock hours would be allowed for continuing education obtained through these methods, beginning with the December 2000 to December 2002 renewal period.

The proposed Rulemaking was published in the Pennsylvania Bulletin on November 18, 2000. The Professional Licensure Committee has until February 13, 2001 to submit comments on the regulation.

ANALYSIS: Pursuant to Section 18 of the Veterinary Medicine Practice Act, 63 P.S. Sec. 485.18, veterinarians are required to obtain eight clock hours of continuing education per biennium for license renewal. The Board indicates that an increasing number of continuing education providers are seeking Board approval for continuing education through individual study programs. The Board has granted approval for some of these programs, but wishes to limit the number of individual study course credits a licensee may apply to meet continuing education requirements for two reasons. First, the Board indicates that it is impossible for the Board to independently verify a licensee's completion of an individual study course. Second, individual study courses do not provide licensees with an opportunity to interact with their colleagues, which the Board believes is an integral component of traditional continuing education courses. Accordingly, the Board proposes a limit of two clock hours of individual study that will be credited toward a licensee's continuing education requirement.

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. 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.

House of Representatives
Professional Licensure Committee
February 2, 2001