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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

Re: Regulation #16A-5711 (IRRC #2164)  
State Board of Veterinary Medicine  
Continuing Education

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,

A handwritten signature in black ink that reads "Robert E. Nyce".

Robert E. Nyce  
Executive Director

wbg

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 Pizzigrilli, 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-5711**

### **Continuing Education**

**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 must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by December 18, 2002, the regulation will be deemed withdrawn.

#### **1. Section 31.15. Continuing education. – Reasonableness of implementation; Need; and Clarity.**

We have four concerns with this section:

##### *“Individual study or correspondence courses”*

The terms “individual study or correspondence courses” are unclear. Existing regulations for other licensure boards contain definitions for similar terms. For example, Section 36.224 in the existing regulations for Certified Pennsylvania Evaluators defines the term “correspondence courses.” Including similar definitions in this regulation would clarify these terms.

##### *Setting a limit on credit for “individual study or correspondence courses”*

The House Professional Licensure Committee (House Committee) noted that the Regulatory Analysis Form (RAF) states that the regulation uses the figure “25%” to set the number of credits that could be earned through individual study or correspondence courses. However, the regulation sets a limit of a “maximum of 2 clock hours” per biennium for these types of courses. Why are the RAF and the regulation inconsistent when describing required credit hours? This should be explained.

##### *Implementation date*

The Preamble states that the regulation will apply to continuing education credits earned during the December 1, 2000, to December 1, 2002, biennial renewal period. We have two concerns with beginning the program during this cycle. First, the House Committee has suggested that the Board should postpone implementation of the program to the next biennial cycle. If the Board plans to implement this rulemaking within the next six months, we see no need to alter the effective date. However, if implementation will take longer than six months, we agree with the

House Committee that the regulation should not apply to continuing education credits earned until the December 1, 2002, to December 1, 2004, biennial renewal period.

Second, licensees who take individual study or correspondence courses prior to the rulemaking's effective date should be given full credit for those courses in accordance with current requirements.

*Unnecessary phrases*

The amendment adds a new sentence to the end of Section 31.15 that reads: "The courses shall meet the requirements of § 31.16 (relating to continuing education provider approval)." We question the need for this sentence since Section 31.16 immediately follows this section and includes similar language. The new sentence is also redundant. The first sentence in the same section states, "a veterinarian shall attend clock hours of continuing education courses **approved** by the Board ..." (emphasis added). To eliminate repetition, the new sentence at the end of this section should be deleted.

*"Attend" v. "complete"*

The section states that "a veterinarian shall attend 8 clock hours of continuing education ...." The House Committee suggested changing the word "attend" to "**complete**" (emphasis added). We agree that this change would clarify the requirements set forth in the regulation.



# 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-5711 (#2164). 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 Hoy* Date: 3/2/01