

Regulatory Analysis Form

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REVIEW COMMISSION

(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-5714

IRRC Number: 2334

(3) Short Title

Continuing Education Provider Approval

(4) PA Code Cite

49 Pa. Code §§ 31.15, 31.16, 31.36 and 31.40

(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
☐ Policy Statement

(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.

The regulation would add all providers of continuing education for veterinarians and animal health technicians who are approved by the American Association of Veterinary State Boards (AAVSB) and listed on the AAVSB's Registry of Approved Continuing Education (RACE) to the list of providers pre-approved to offer continuing education courses to Pennsylvania veterinarians and veterinary technicians for biennial license renewal without the providers having to apply to the Board for approval.

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

Section 18 of the Veterinary Medical Practice Act (Act), Act of December 27, 1974, P.L. 995, No. 326 as amended, 63 P.S. §485.18 authorizes the Board to approve continuing education programs for the Board's licensees. Section 5 of the Act, 63 P.S. §485.5(2), authorizes the Board to adopt rules and regulations related to maintaining skills in the profession. Section 11 of the Act, 63 P.S. §485.11, authorizes the Board to regulate the practice of veterinary technicians. Act 167 of 2002 amended the Act to require veterinarians to complete 30 hours and technicians to complete 16 hours of continuing education biennially. Act 167 also renamed animal health technicians to veterinary technicians.

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(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.

No federal or state law, federal regulation, or court order mandates the regulation as it relates to the pre-approved provider list. The amendment to the Act by Act 167 of 2002 mandates the change in terminology from animal health technician to veterinary technician.

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

Providers whose continuing education programs are approved by the AAVSB and added to the RACE are consistently of high quality and meet the guidelines used by the Board in determining whether to grant credit to courses. Therefore, it is not necessary for these providers to apply separately to the Board for approval of their continuing education courses. Relieving the RACE providers of this obligation will provide for more potential educational programs in which veterinarians and veterinary technicians may meet their biennial continuing education requirements and will relieve the providers from paying the fee associated with applying to the Board for approval.

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

Expanding the variety of high-quality continuing education courses available to veterinarians and veterinary technicians to meet their biennial continuing education requirement enhances the public welfare.

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

Veterinarians and veterinary technicians who must meet biennial continuing education requirements will benefit from the regulation because they will have a wider variety of courses to attend to meet their educational requirement. RACE-listed providers of continuing education will benefit by being relieved of the requirement to apply to the Board for approval of their courses. The general public will benefit by having a better-educated professional population.

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(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 can think of no group or individual who will be adversely affected by the regulation.

(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 RACE-approved continuing education providers will have to comply with the regulation in that they will no longer have to apply to the Board for approval of their courses and will no longer have to pay the \$35 application fee.

(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.

In developing and drafting the regulation, the Board solicited comment from the Pennsylvania Veterinary Medical Association, regional veterinary medical associations, associations of veterinary technicians and schools of veterinary medicine.

(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.

Licensees will not realize any direct costs or savings associated with the regulation. Licensees may realize some savings by having a wider variety of approved continuing education courses to choose from to meet their biennial renewal requirements.

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(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 specific costs or savings to local governments associated with the regulation.

(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 specific costs or savings to the state government associated with implementation of the regulation.

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(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:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings						
COSTS:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Costs						
REVENUE LOSSES:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses						

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

There are no costs associated with the proposed regulation.

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

N/A	FY 96-97	FY 97-98	FY 98-99	FY 99-00
Program	FY -3	FY -2	FY -1	Current FY
Veterinary Board	182,445.32	221,044.29	261,139.28	259,000.00

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

As there are no costs to the proposed regulation; the benefit to the Board's licensees in having more educational programs available for credit to meet biennial educational requirements for license renewal and the reduction in cost for providers who offer these programs clearly favors adopting the regulation.

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

Because pre-approved providers are already listed in the Board's regulations, the Board considered no nonregulatory alternatives to achieve the goals.

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

The Board did not consider any alternative regulatory schemes.

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(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.

None of the provisions of the proposed regulation are more stringent than federal standards.

(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. The boards of veterinary medicine in Delaware, Maryland and Virginia accept all RACE-approved courses. The board of veterinary medicine in West Virginia accepts all RACE-approved courses, but limits veterinarians to 2 non-classroom credit hours and requires technicians to take all license renewal credits in classroom courses. In all, only 15 states do not accept RACE-approved continuing education courses. This number is deceptively high, however, because 9 of these 15 states do not require continuing education of veterinarians or technicians, including New Jersey and New York. Ohio does require continuing education, but does not offer pre-approval of RACE-approved courses.

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

This regulation will not effect any existing or proposed regulations of the Board.

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

The Board holds public meetings on a monthly basis and public comment at the meetings is invited. Interested persons may obtain the schedule of Board meetings at the Department's website, www.dos.state.pa.us.

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(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 Board anticipates no reporting, record keeping or other paperwork requirements associated with this regulation.

(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 affected groups whose needs must be considered in this regulation.

(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.

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

The Board continuously reviews regulations at its monthly meetings.

expenditures in fiscal years 2003-04 and 2004-05, in addition to recovering the anticipated deficit of June 30, 2003.

The Board raises virtually all its revenues through fees. The biennial license renewal fee is the most substantial revenue-generating fee of the fees charged by the Board. Section 18.1(a) of the act requires the Board to increase fees by regulation if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

The Board proposes to begin recovering that deficit during the 2004-06 biennial period. The Board anticipates that the proposed new fees and the increased user fees which have recently been promulgated would enable it to recapture the current deficit, meet its estimated expenditures for the upcoming fiscal years and generate a surplus of approximately \$160,000 at the end of fiscal year 2004-05.

Description of the Proposed Rulemaking

Section 13.12 would be amended to increase the biennial renewal fee from \$130 to \$185.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking would increase the biennial renewal fee for funeral directors and funeral establishments in this Commonwealth, but, otherwise, should have no adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

Sunset Date

The Board continuously monitors the cost effectiveness of 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 March 5, 2003, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board. 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 rulemaking, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Michelle DeMerice, Administrative Officer, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Reference No. 16A-4811 (renewal fee), when submitting comments.

JAMES O. PINKERTON, FD,
Chairperson

Fiscal Note: 16A-4811. 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 13. STATE BOARD OF FUNERAL DIRECTORS
LICENSURE**

§ 13.12. Fees.

Following is the schedule of fees charged by the Board:

	* * * *
Biennial renewal	\$ [130] 185

[Pa.B. Doc. No. 03-449. Filed for public inspection March 14, 2003, 9:00 a.m.]

**STATE BOARD OF
VETERINARY MEDICINE**

[49 PA. CODE CH. 31]

Continuing Education Provider Approval

The State Board of Veterinary Medicine (Board) proposes to amend §§ 31.16 and 31.40 (relating to continuing education provider approval) to read as set forth in Annex A. The proposed rulemaking adds providers approved by the American Association of Veterinary State Boards (AAVSB) and included on the Registry of Approved Continuing Education (RACE) to the list of continuing education providers who are preapproved to offer courses for credit toward the biennial continuing education requirements for veterinarians and animal health technicians.

Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 18 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.18) authorizes the Board to approve all continuing education programs and to promulgate standards to ensure that the programs meet the educational and professional requirements of the profession and are designed to keep the members of the profession abreast of current learning and scholarship.

Section 5(2) of the act (63 P. S. § 485.5(2)) authorizes the Board to promulgate regulations to effectuate the act. Section 11 of the act (63 P. S. § 485.11) authorizes the Board to promulgate regulations related to the practice of veterinary technicians.

Background and Need for Proposed Rulemaking

The AAVSB asked the Board to consider adding providers who are approved by the AAVSB and listed on the

RACE to the list of providers who are preapproved by the Board to provide continuing education required for biennial license renewal to this Commonwealth's licensed veterinarians and certified animal health technicians. After reviewing the information provided by the AAVSB, the Board found that courses are approved by the AAVSB for inclusion on the RACE in accordance with standards equivalent to the standards employed by the Board in approving continuing education courses. The Board concluded that RACE-listed courses are of consistently high educational quality and should have preapproved status.

Description of Proposed Rulemaking

The Board proposes to amend § 31.16(a), which lists those continuing education providers who are preapproved by the Board to offer courses to licensed veterinarians, by adding paragraph (8), which includes providers listed on the RACE. The Board proposes to amend § 31.40(a), which lists those continuing education providers who are preapproved by the Board to offer courses to certified animal health technicians, by adding paragraph (8), which includes providers listed on the RACE.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will relieve providers who are listed on the RACE from having to apply to the Board for approval of a continuing education course to be offered by the provider. This will save the providers \$35 per course, the fee assessed for approval of a continuing education program in § 31.41. The proposed rulemaking will also relieve the Board of the work involved in reviewing and approving the continuing education courses.

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 March 5, 2003, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board. 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 rulemaking, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, 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 the proposed rulemaking to Robert Kline, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

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

Fiscal Note: 16A-5714. 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

§ 31.16. Continuing education provider approval.

(a) Subject to § 31.15 (relating to continuing education), the Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers:

* * * * *

(8) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB).

* * * * *

ANIMAL HEALTH TECHNICIANS AND NONCERTIFIED [EMPLOYEES] EMPLOYEES

§ 31.40. Continuing education provider approval.

(a) The Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers as long as the programs are specifically designed to increase the skills, knowledge and competency of certified animal health technicians:

* * * * *

(8) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB) to offer courses for certified animal health technicians.

* * * * *

[Pa.B. Doc. No. 03-450. Filed for public inspection March 14, 2003, 9:00 a.m.]

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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

CHAIRMAN
PROFESSIONAL LICENSURE

May 8, 2003

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 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 May 6, 2003.

The Committee voted to approve Regulation 16A-7012, State Board of Certified Real Estate Appraisers.

The Committee voted to take no formal action on Regulation 16A-4811, State Board of Funeral Directors, until final form regulations are promulgated.

The Committee voted to take no formal action on Regulation 16A-5714, State Board of Veterinary Medicine, until final form regulations are promulgated. However, the Committee submits the following comments:

1. The Committee recommends that the proposed amendments incorporate the increase in required continuing education clock hours established with the enactment of Act 167 of 2002.
2. The Committee recommends that the proposed amendments incorporate the change of "certified animal health technician" to "certified veterinary technician" established with the enactment of Act 167 of 2002.

Comments of the Independent Regulatory Review Commission

on

State Board of Veterinary Medicine Regulation No. 16A-5714

Continuing Education Provider Approval

May 14, 2003

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) 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 within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Sections 31.15 and 31.36. Continuing education - Consistency with statute.

Act 167 of 2002 increased the required continuing education clock hours for veterinarians from eight clock hours to 30 clock hours and establishes a 16-clock hour requirement for certified veterinary health technicians. The House Professional Licensure Committee recommends that the Board incorporate the statutory increase in required continuing education clock hours into this proposal. We agree.

2. Section 31.40. Continuing education provider approval - Consistency with statute.

Section 31.40 (a) refers to "certified animal health technicians." Act 167 of 2002 deleted the term "animal health technician" and redefined the category as "certified veterinary technician." The term should be updated to reflect current law. We recommend a similar revision of the heading "Animal Health Technicians and Noncertified Employees" as well.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1742 Session of
2001

File-Vet
Act
Act 167
of 2002
(Dec 9, 02)
effective 60 da
(Feb 9 '03)

INTRODUCED BY HERSHEY, BARD, COY, BASTIAN, J. EVANS,
T. ARMSTRONG, CASORIO, STRITTMATTER, GABIG, MYERS,
YOUNGBLOOD, HORSEY, ROHRER, S. MILLER, AND G. ARMSTRONG,
JUNE 13, 2001

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, NOVEMBER 19, 2002

AN ACT

1 Amending the act of December 27, 1974 (P.L.995, No.326),
2 entitled "An act regulating the practice of veterinary
3 medicine and imposing penalties," further providing for
4 definitions, for board approval of certain schools and
5 colleges, for additional duties of board, for biennial
6 education requirements and for grounds for disciplinary
7 proceedings; providing for records and inspection of records;
8 AND further providing for exemptions and exceptions; and
9 ~~providing for privileged communications.~~ <—

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Sections 3, 4(a), 8, 11, 18 and 21 of the act of
13 December 27, 1974 (P.L.995, No.326), known as the Veterinary
14 Medicine Practice Act, amended May 9, 1986 (P.L.166, No.54), are
15 amended to read:

16 Section 3. Definitions.--As used in this act:

17 (1) "Board" means the Pennsylvania State Board of Veterinary
18 Medicine.

19 (2) "Hearing" means any proceeding initiated before the

1 board in which the legal rights, duties, privileges or
2 immunities of a specific party or parties are determined.

3 (3) "Complainant" means the board or any other person who
4 initiates a proceeding.

5 (4) "Respondent" means any person against whom a proceeding
6 is initiated.

7 (5) "Current licensee or certificate holder" means the
8 holder of a current license to practice veterinary medicine or
9 the holder of a certificate of [animal health] veterinary
10 technician, which license or certificate was issued under this
11 act and which has not been suspended or revoked and has not
12 expired.

13 (6) "Temporary permit" means temporary permission to
14 practice veterinary medicine issued pursuant to section 10.

15 (7) "Veterinary college" means any board approved veterinary
16 school, legally organized, [whose course of study in the art and
17 science of veterinary medicine shall have been approved by the
18 board and placed on its published list of approved schools.]
19 that is accredited by an accrediting agency for veterinary
20 medicine programs recognized by the United States Department of
21 Education.

22 (8) "Licensed doctor of veterinary medicine" means a person
23 qualified by educational training and experience in the science
24 and techniques of veterinary medicine and who is currently
25 licensed by the board to practice veterinary medicine.

26 (9) "Veterinary medicine" means that branch of medicine
27 which deals with the diagnosis, prognosis, treatment,
28 administration, prescription, operation or manipulation or
29 application of any apparatus or appliance for any disease, pain,
30 deformity, defect, injury, wound [or], physical condition or

1 mental condition requiring medication of any animal or for the
2 prevention of or the testing for the presence of any disease.

3 (10) "Practice of veterinary medicine" includes, but is not
4 limited to, the practice by any person who (i) diagnoses,
5 prescribes, or administers a drug, medicine, biological
6 product, appliance, application, or treatment of whatever
7 nature, for the prevention, cure or relief of a wound, fracture
8 or bodily injury or disease of animals, treats, corrects,
9 changes, relieves or prevents animal disease, deformity, injury
10 or other physical, mental or dental conditions by any method or
11 mode, including the prescription or administration of any drug,
12 medicine, biologic, apparatus, application, anesthetic or other
13 therapeutic or diagnostic substance or technique, (ii) performs
14 a surgical operation, including cosmetic surgery, upon any
15 animal, (iii) performs any manual procedure upon an animal for
16 the diagnosis or treatment of sterility or infertility of
17 animals, (iv) represents himself as engaged in the practice of
18 veterinary medicine, (v) offers, undertakes, or holds himself
19 out as being able to diagnose, treat, operate, vaccinate, or
20 prescribe for any animal disease, pain, injury, deformity, or
21 physical condition [or], (vi) uses any words, letters, or titles
22 in such connection or under such circumstances as to induce the
23 belief that the person using them is engaged in the practice of
24 veterinary medicine and such use shall be prima facie evidence
25 of the intention to represent himself as engaged in the practice
26 of veterinary medicine[.], (vii) performs diagnostic veterinary
27 pathology, (viii) implants electronic identification, as
28 determined by the board, upon any animal, (ix) renders advice or
29 recommendation by any means including the electronic
30 transmission of data with regard to any of the above, or (x)

1 removes any embryo from an animal for the purpose of
2 transferring such embryo into another animal or cryopreserving
3 such embryo, except it shall not be considered the practice of
4 veterinary medicine when: (a) a person or his full-time employee
5 removes or transfers an embryo from the person's own animals for
6 the purpose of transferring or cryopreserving the embryo, so
7 long as ownership of the animal is not transferred or employment
8 of the person is not changed for the purpose of circumventing
9 this act, or (b) a person independently, with indirect
10 veterinary supervision, implants any embryo into an animal.

11 [(11) "Animal health technician" means any person who is a
12 graduate of a board-approved program of animal health technology
13 and is employed within the field of veterinary medicine within
14 the meaning of this act who, for compensation or personal
15 profit, is employed by, or under the supervision of, a
16 veterinarian to perform such duties as are required in the
17 physical care of animals and in carrying out of assignments
18 directed by a licensed veterinarian and requiring an
19 understanding of animal science but not requiring the
20 professional skill and judgment of a licensed veterinarian.]

21 (12) "Veterinary technology" means the science and art of
22 providing all aspects of professional medical care and treatment
23 for animals as determined by board regulation, with the
24 exception of diagnosis, prognosis, surgery and prescription of
25 medications. The term includes, but is not limited to, surgical
26 nursing, induction and maintenance of anesthesia, preparation
27 and dispensing of pharmaceuticals, biologicals and
28 ectoparasitocides, administration of medication by all routes,
29 dental prophylaxis, performance of diagnostic imaging, physical
30 examinations, emergency and critical care nursing, including

1 catheterization by all routes, collection and administration of
2 blood products, external cardiopulmonary resuscitation and
3 performing laboratory procedures in hematology, clinical
4 chemistry, parasitology and microbiology.

5 (13) "Certified veterinary technician" means an individual
6 who has successfully completed a board-approved post-high school
7 program of veterinary technology accredited by an accrediting
8 agency for veterinary technology programs recognized by the
9 United States Department of Education, is certified by the board
10 as a veterinary technician and who may practice veterinary
11 technology under appropriate supervision of a licensed
12 veterinarian as defined by board regulation. Unless authorized
13 to practice veterinary technology under this act, an individual
14 may not practice veterinary technology nor use the title
15 "certified veterinary technician," or the abbreviation "CVT."

16 (14) "Veterinary assistant" means an employee of a
17 veterinarian who does not hold certification as a veterinary
18 technician and whom the veterinarian deems competent to
19 ~~administer medication or render auxiliary or supporting~~ <—
20 ~~assistance under direct veterinary supervision or immediate~~
21 ~~veterinary supervision~~ PERFORM TASKS INVOLVED IN THE CARE AND <—
22 TREATMENT OF ANIMALS as defined by board regulation.

23 (15) "Veterinarian-client-patient relationship" means a
24 relationship satisfying all of the following conditions: (i) the
25 veterinarian has assumed the responsibility for making
26 veterinary medical judgments regarding the health of an animal
27 and the need for veterinary medical treatment, and the client,
28 owner or caretaker of the animal has agreed to follow the
29 instructions of the veterinarian; (ii) the veterinarian has
30 sufficient knowledge of the animal to initiate at least a

1 general, preliminary or tentative diagnosis of the medical
2 condition of the animal; (iii) the veterinarian is acquainted
3 with the keeping and care of the animal by virtue of an
4 examination of the animal or medically appropriate and timely
5 visits to the premises where the animal is kept; (iv) the
6 veterinarian is available for consultation in cases of adverse
7 reactions to or failure of the regimen of therapy; (v) the
8 veterinarian maintains records on the animal examined in
9 accordance with regulations established by the board.

10 Section 4. Pennsylvania State Board of Veterinary Medical
11 Examiners.--(a) There is hereby established within the
12 Department of State the State Board of Veterinary Medicine. The
13 board shall consist of nine members, as follows:

14 (1) The Commissioner of Professional and Occupational
15 Affairs.

16 (2) Two members representing the general public who shall be
17 appointed by the Governor with the advice and consent of a
18 majority of the members elected to the Senate.

19 (3) Five members, appointed by the Governor with the advice
20 and consent of a majority of the members elected to the Senate,
21 who are licensed to practice veterinary medicine under the laws
22 of this Commonwealth and who have been engaged in the full-time
23 practice of veterinary medicine in this Commonwealth for at
24 least five years immediately preceding their appointment.

25 (4) One member, appointed by the Governor with the advice
26 and consent of a majority of the members elected to the Senate,
27 who is certified as [an animal health] a veterinary technician
28 in accordance with this act.

29 * * *

30 Section 8. Board May Approve Schools and Colleges of

1 Veterinary Medicine and Programs of [Animal Health] Veterinary
2 Technology.--The board may approve schools and colleges of
3 veterinary medicine and programs of [animal health] veterinary
4 technology [which maintain standards of training and
5 reputability sufficient to admit their graduates to the
6 examinations required by the board.] that are accredited by an
7 accrediting agency for veterinary medicine and veterinary
8 technology programs recognized by the United States Department
9 of Education.

10 Section 11. Additional Duties of Board of Examiners; [Animal
11 Health] Veterinary Technicians.--It shall further be the
12 responsibility of the board to promulgate by regulation the
13 qualifications and requirements for the certification and
14 regulation of [animal health] veterinary technicians. Such
15 regulations shall provide for disciplinary action and shall
16 prescribe the grounds for such action. The board shall have
17 authority to establish reasonable fees for certification as
18 hereinafter provided in this act.

19 Section 18. Biennial Educational Requirements.--Each
20 [license] holder of a license to practice veterinary medicine
21 under this act shall be required to [attend eight] complete
22 thirty clock hours of educational programs in the twenty-four
23 months preceding each renewal date[.], and each holder of a
24 certificate to practice veterinary technology under this act
25 shall be required to complete sixteen clock hours of educational
26 programs in the twenty-four months preceding each renewal date.
27 Certification of such [attendance] completion shall be in
28 accordance with regulations of the board. All such educational
29 programs shall be first approved by the board and shall meet the
30 standards [to be] promulgated by the board to ensure that the

1 programs meet the educational and professional requirements of
2 the profession and are designed to keep the members of the
3 profession abreast with current learning and scholarship. No
4 credit shall be given for any course in office management or
5 practice building.

6 Section 21. Grounds for Disciplinary Proceedings.--The board
7 shall suspend or revoke any license or certificate or otherwise
8 discipline an applicant [or], licensee or certificate holder who
9 is found guilty by the board or by a court of one or more of the
10 following:

11 (1) Wilful or repeated violations of any provisions of this
12 act or any of the rules and regulations of the board.

13 (2) Fraud or deceit in the procuring or attempting to
14 procure a license to practice veterinary medicine or presenting
15 to the board dishonest or fraudulent evidence of qualifications.
16 Fraud or deception in the process of examination for the purpose
17 of securing a license.

18 (3) The wilful failure to display a license.

19 (4) Fraud, deception, misrepresentation, dishonest or
20 illegal practices in or connected with the practice of
21 veterinary medicine.

22 (5) Wilfully making any misrepresentation in the inspection
23 of food for human consumption.

24 (6) Fraudulently issuing or using any health certificate,
25 inspection certificate, vaccination certificate, test chart or
26 other blank forms used in the practice of veterinary medicine to
27 prevent the dissemination of animal disease. Transportation of
28 diseased animals or the sale of inedible products of animal
29 origin for human consumption.

30 (7) Fraud or dishonesty in applying, treating or reporting

1 on any diagnostic or other biological test.

2 (8) Failure to keep the equipment and premises of the
3 business establishment in a clean and sanitary condition.

4 (9) Refusing to permit the board, or duly authorized
5 representatives of the board, to inspect the business premises
6 of the licensee [during regular business hours].

7 (10) Circulating untrue, fraudulent, misleading or deceptive
8 advertising.

9 (11) Incompetence, gross negligence or other malpractice, or
10 the departure from, or failure to conform to, the standards of
11 acceptable and prevailing veterinary medical practice, in which
12 case actual injury need not be established.

13 (12) Engaging in practices in connection with the practice
14 of veterinary medicine which are in violation of the standards
15 of professional conduct as defined herein or prescribed by the
16 rules of the board.

17 (13) Revocation [or], suspension or other disciplinary
18 action by another state of a license to practice veterinary
19 medicine or veterinary technology in that state on grounds
20 similar to those which in this State allow disciplinary
21 proceedings, in which case the record of such revocation [or],
22 suspension or other disciplinary action shall be conclusive
23 evidence.

24 (14) Conviction of a violation of "The Controlled Substance,
25 Drug, Device and Cosmetic Act" in which case a record of
26 conviction shall be conclusive evidence.

27 (15) Conviction of a felony or misdemeanor crime related to
28 the profession or crime of moral turpitude in the courts of this
29 State or any other state, territory or country which, if
30 committed in this State, would be deemed a felony or misdemeanor

1 crime related to the profession or crime of moral turpitude and
2 suspension or revocation of the license is in the best interest
3 of the public health and the general safety and welfare of the
4 public.

5 A record of conviction in a court of competent jurisdiction
6 shall be sufficient evidence for disciplinary action to be taken
7 as may be deemed proper by the board.

8 (16) Permitting or allowing another to use his or her
9 license for the purpose of treating or offering to treat sick,
10 injured or afflicted animals.

11 (17) Engaging in the practice of veterinary medicine under a
12 false or assumed name or the impersonation of another
13 practitioner of a like, similar or different name.

14 (18) Maintaining a professional or business connection with
15 any other person who continues to violate any of the provisions
16 of this act or rules of the board after ten days' notice in
17 writing by the board.

18 (19) Addiction to the habitual use of intoxicating liquors,
19 narcotics or stimulants to such an extent as to incapacitate him
20 or her from the performance of his or her professional
21 obligations and duties.

22 (20) Professional incompetence.

23 (21) The wilful making of any false statement as to material
24 matter in any oath or affidavit which is required by this act.

25 (22) Knowingly maintaining a professional connection or
26 association with any person who is in violation of this act or
27 regulation of the board or knowingly aiding, assisting,
28 securing, advising, or having in the licensee's employment any
29 unlicensed person to practice veterinary medicine contrary to
30 this act or regulations of the board.

1 (23) Failing to furnish a copy of a patient's medical
2 records or failing to provide a patient's radiographs to another
3 treating veterinarian, hospital or clinic upon the written
4 request of an owner or owner's agent, or failing to provide the
5 owner or owner's agent with a copy of the medical records within
6 a reasonable period of time and upon proper request or waiver by
7 the owner or owner's agent, or failing to comply with any other
8 law or regulation relating to medical records. The furnishing of
9 a summary of a patient's medical records shall be permissible
10 only when a summary and not a copy of the records is requested.

11 (24) Failing to maintain required veterinary medical,
12 surgical and/or diagnostic procedure logs and/or medical
13 records.

14 Section 2. The act is amended by adding a section to read:

15 Section 27.1. Records; Inspection of Records.--(a) A
16 veterinarian subject to the provisions of this section shall, as
17 required by regulation of the board, keep or cause to be kept a
18 written record of all animals or groups of animals, as the case
19 may be, receiving veterinary services, and provide a summary or
20 copy of that record to the owner of the animals when requested.
21 The minimum amount of information which shall be included in
22 written or electronically maintained records and summaries and
23 the minimum duration of time for which a veterinarian shall
24 retain the records or a complete copy of the records shall be
25 established by the board.

26 (b) (1) Copies of all records required to be kept by a
27 veterinarian under this section, including, but not limited to,
28 records pertaining to diagnosis and treatment of animals and
29 records pertaining to drugs or devices for use on animals, shall
30 be provided to the board immediately upon request. The records

1 shall also be open to inspection by the board or its authorized
2 representatives during an inspection as part of an inspection
3 program adopted by the board or during an investigation
4 initiated in response to a complaint that a licensee has
5 violated any law or regulation that constitutes grounds for
6 disciplinary action by the board.

7 (2) Equipment and drugs on the premises or any other place
8 where veterinary medicine, dentistry or surgery is being
9 practiced, or otherwise in the possession of a veterinarian for
10 purposes of the practice of veterinary medicine, shall be open
11 to inspection by the board or its authorized representatives
12 during an inspection as part of an inspection program adopted by
13 the board or during an investigation initiated in response to a
14 complaint that a licensee has violated any law or regulation
15 which constitutes grounds for disciplinary action by the board.

16 Section 3. Section 32 of the act, amended May 9, 1986
17 (P.L.166, No.54), is amended to read:

18 Section 32. Exemptions and Exceptions.--This act shall not
19 apply to:

20 (1) Students in schools or colleges of veterinary medicine
21 and programs of [animal health] veterinary technology approved
22 by the board pursuant to section 8 in the performance of duties
23 or actions assigned by their instructors or when working under
24 the immediate supervision of a licensee.

25 (2) [Any lawfully qualified doctor of veterinary medicine
26 residing in some other state or country when meeting in
27 consultation with a licensed doctor of veterinary medicine of
28 this State.] Licensed veterinarians in good standing with their
29 respective states who are called from their states, provinces of
30 Canada or United States territories to consult with licensees of

1 this State but who: (i) do not open an office or appoint a place
2 to do business within this State; (ii) do not print or use
3 letterhead or business cards reflecting addresses in this State;
4 (iii) do not establish answering services or advertise the
5 existence of a practice's address within this State; (iv) do not
6 practice veterinary medicine as consultants rendering services
7 directly to the public without the direction and consultation of
8 licensees of this State more than 16 days per calendar year; or
9 (v) are providing services for organizations conducting public
10 events lasting less than ten days that utilize animals in need
11 of veterinary examinations, treatments or oversight to promote
12 the safety and health of the public, the event or the animal
13 participants.

14 (3) Any doctor of veterinary medicine in the employ of the
15 United States Government while actually engaged in the
16 performance of his or her official duties: Provided, however,
17 That this exemption shall not apply to such person when he or
18 she is not engaged in carrying out his or her official duties or
19 is not working at the installations for which his or her
20 services were engaged.

21 (4) Any person or his or her regular employe or agent while
22 practicing veterinary medicine on his or her own animals. This
23 exemption shall not apply in the case of a temporary transfer of
24 ownership of an animal to a person not licensed in accordance
25 with this act if the purpose of the transfer is the rendering of
26 veterinary treatment or care by such unlicensed person.

27 (5) Accredited schools, institutions, foundations, business
28 corporations or associations, physicians licensed to practice
29 medicine and surgery in all its branches[, graduate doctors of
30 veterinary medicine] or persons under the direct supervision

1 thereof, which or who conduct experiments, and scientific
2 research on animals in the development of pharmaceuticals,
3 biologicals, serums, or methods of treatment or techniques for
4 the diagnosis or treatment of human ailments or graduate doctors
5 of veterinary medicine when engaged in the study and development
6 of methods and techniques directly or indirectly applicable to
7 the problems and practice of veterinary medicine or when engaged
8 in the practice of veterinary medicine in a facility or program
9 operated by a board-approved school of veterinary medicine or
10 veterinary technology.

11 (6) Any nurse, laboratory technician or other employe of a
12 licensed doctor of veterinary medicine when administering
13 medication or rendering auxiliary or supporting assistance under
14 the responsible supervision of such licensed practitioner,
15 provided that this exemption shall not apply to the performance
16 of duties by any employe other than a nurse or laboratory
17 technician if those duties require an understanding of animal
18 science and provided further that this exemption shall not apply
19 to any graduate of a board-approved school or college of
20 veterinary medicine or to any graduate of a board-approved
21 program of animal health technology.

22 (7) Any person performing normal husbandry practices on
23 bovine, porcine, caprine, ovine or equine animals or avis.

24 (8) Any person performing grooming services on canine or
25 feline animals.

26 (9) The care and rehabilitation of wildlife species by
27 wildlife rehabilitators.

28 (10) The preparation, mixing, alteration or providing of
29 animal feed, including the addition of any substance to animal
30 feed for purposes of improving the nutritional quality of the

1 feed, maintaining or improving the health or productivity of the
2 animal or preventing animal disease.

3 (11) Farriers or persons actively engaged in the art or
4 profession of horseshoeing.

5 ~~Section 4. The act is amended by adding a section to read:~~ <—

6 ~~Section 37. Privileged Communication. (a) Veterinarians~~
7 ~~shall not disclose any information concerning the veterinarian's~~
8 ~~care of an animal except:~~

9 ~~(1) on written authorization or other waiver by the animal's~~
10 ~~owner or the veterinarian's client;~~

11 ~~(2) when the owner is unavailable, the information is~~
12 ~~essential to the health of the animal or other animals exposed~~
13 ~~or likely to be exposed to the animal, and the information is~~
14 ~~being supplied to a veterinary colleague rendering medical care~~
15 ~~to the animal or to a humane society or animal control agency~~
16 ~~that has lawful custody of the animal;~~

17 ~~(3) upon demand by the board or in response to an~~
18 ~~appropriate court order or subpoena;~~

19 ~~(4) for medical communications attendant to referrals of~~
20 ~~patients between veterinarians;~~

21 ~~(5) for the documentation and reporting of events associated~~
22 ~~with the use of medications in animals;~~

23 ~~(6) when the disclosure of information is essential to the~~
24 ~~immediate treatment of a life threatening condition of the~~
25 ~~animal or is necessary to protect other animals from exposure to~~
26 ~~a serious transmissible disease that the animal has incurred and~~
27 ~~written consent cannot be immediately obtained, or~~

28 ~~(7) when disclosure of information is essential to the~~
29 ~~public health and safety.~~

30 ~~(b) This section shall not apply to any laws relating to~~

1 ~~cruelty to animals, communicable diseases or laws providing for~~
2 ~~public health and safety when such laws apply in the course of a~~
3 ~~veterinarian's examination or treatment of an animal. In any of~~
4 ~~those circumstances a veterinarian may communicate relevant and~~
5 ~~otherwise privileged information to the appropriate individuals~~
6 ~~or entities empowered by the Commonwealth to enforce such laws.~~

7 Section 5 4. This act shall take effect in 60 days.

<—

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

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REVIEW COMMISSION

#2334

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
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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
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Executive or Independent
Agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Veterinary Medicine
(AGENCY)

BY: *John V. Tan*

DOCUMENT/FISCAL NOTE NO. 16A-5714

DATE OF ADOPTION: _____

10/6/03
DATE OF APPROVAL

DATE OF APPROVAL

BY: *Brian V. Harpster VMD*
Brian V. Harpster V.M.D.

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

TITLE: Chairperson
(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.

FINAL RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE
49 PA. CODE, §§ 31.15, 31.16, 31.36 and 31.40
CONTINUING EDUCATION PROVIDER APPROVAL

The State Board of Veterinary Medicine (Board) adopts an amendment to 49 Pa. Code §§ 31.15, 31.16, 31.36 and 31.40 to read as set forth in Annex A. The regulation adds those providers of continuing education approved by the American Association of Veterinary State Boards (AAVSB) and included on the Registry of Approved Continuing Education (RACE) to the list of continuing education providers who are preapproved to offer courses for credit toward the biennial continuing education requirements for veterinarians and veterinary technicians. The amendment also updates the continuing education regulations by referencing the new statutory credit hour requirements for veterinarians and technicians and refers to animal health technicians by their new designation, veterinary technicians in accordance with comments made in the regulatory review process.

Notice of Proposed Rulemaking was published at 33 Pa.B. 1359 (March 15, 2003). Publication was followed by a 30-day public comment period during which the Board did not receive any comments. On May 8, 2003, the House Professional Licensure Committee (HPLC) submitted two comments to the proposed rulemaking. The Senate Consumer Protection and Professional Licensure Committee made no comments. The Independent Regulatory Review Commission (IRRC) submitted two comments to the proposed rulemaking on May 14, 2003.

Summary of Comments and Responses to Proposed Rulemaking

After the proposed rulemaking was submitted for publication, Act 167 of 2002 (December 9, 2002) was enacted and became effective on February 9, 2003. Act 167 increased the amount of continuing education required for biennial license renewal. Under Act 167, veterinarians must complete 30 hours and technicians must complete 16 hours of biennial continuing education. Act 167 also renamed certified animal health technicians; these licensees are now known as certified veterinary technicians. The HPLC recommended that the rulemaking be amended to reflect these statutory changes. The IRRC echoed the HPLC recommendations. The Board concurs, and the final rulemaking package reflects these amendments.

Section 31.15 was amended in final rulemaking to reflect the new statutory requirement of 30 hours of biennial continuing education for veterinarians and 16 hours of biennial continuing education for veterinary technicians. Section 31.36 was amended in final rulemaking to reflect the new statutory nomenclature veterinary technician instead of animal health technician.

Statutory Authority

Section 18 of the Veterinary Medicine Practice Act (Act), (63 P.S. § 485.18), authorizes the Board to approve all continuing education programs and to promulgate standards to ensure that the programs meet the educational and professional requirements of the profession and are designed to keep the members of the profession abreast of current learning and scholarship.

August 29, 2003

Section 5(2) of the Act (63 P.S. § 485.5(2)) authorizes the Board to promulgate regulations to effectuate the Act. Section 11 of the Act (63 P.S. § 485.11) authorizes the Board to promulgate regulations related to the practice of veterinary technicians.

Fiscal Impact and Paperwork Requirements

The amendments will relieve providers who are listed on the RACE from having to apply to the Board for approval of a continuing education course to be offered by the provider. This will save the providers \$35 per course, the fee assessed for approval of a continuing education program in § 31.41 (relating to schedule of fees). The amendments will also relieve the Board of the work involved in reviewing and approving these continuing education courses.

Compliance with Executive Order 1996-1

The Board reviewed this rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1. This final-form rulemaking addresses a compelling public interest and otherwise complies with Executive Order 1996-1.

Regulatory Review

Under 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 33 Pa.B. 1359 (March 15, 2003), to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Professional Licensure (HPLC) and the Senate Committee on Consumer Protection and Professional Licensure (SCP/PLC). In compliance with section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Board also provided the Commission and the committees with copies of all comments received, as well as other documents.

Publication of the Notice of Proposed Rulemaking was followed by a 30-day public comment period during which the Board received no comments from the public. The Board received two comments from the HPLC and IRRC. In preparing this final-form regulation, the Board has considered and adopted the comments received from the HPLC and IRRC.

This final-form regulation was (deemed) approved by the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee on _____, 2003. IRRC met on _____, 2003, and (deemed) approved the regulation in

August 29, 2003

accordance with section 5.1(e) of the Regulatory Review Act.

Additional Information

Individuals who need information about the regulation may contact Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649.

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 a public comment period was provided as required by law and all comments were considered.
- (3) That the regulation of the State Board of Veterinary Medicine is necessary and appropriate for the administration of the Veterinary Medicine Practice Act.
- (4) That the amendments to this final rulemaking do not enlarge the original purpose of the proposed regulation published at 33 Pa. B. 1359 (March 15, 2003).

Order

The Board therefore ORDERS that:

- (A) 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) The Board shall submit the Order and a copy of the Annex to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (C) The Board shall certify this Order and Annex and shall deposit them with the Legislative Reference Bureau as required by law.

August 29, 2003

(D) This Order and regulation shall take effect upon publication in the Pennsylvania Bulletin.

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

August 29, 2003

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 complete 30 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 25% of the 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).

§ 31.16. Continuing education provider approval.

- (a) Subject to § 31.15 (relating to continuing education), the Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers:

* * *

- (8) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB).

* * *

**~~ANIMAL HEALTH VETERINARY TECHNICIANS AND NONCERTIFIED~~
[EMPLOYEES] EMPLOYEES**

* * *

§ 31.36. Renewal of certification, inactive status and reactivation of certification.

- (a) *Renewal of certification.* Renewal of certification shall be biennially. A renewal application shall be returned by the renewal deadline and shall be accompanied by an affidavit of attendance at continuing education programs for 8 16 hours every 2 years, and by a fee as specified at § 31.41 (relating to schedule of fees). A certified ~~animal health~~ VETERINARY technician who fails to biennially renew certification, but who continues to practice as a certified ~~animal health~~ VETERINARY technician in this Commonwealth shall be subject to disciplinary action by the Board, and will be required to pay a late fee of \$5 for each month or part of a month beyond the date specified for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), in addition to the prescribed biennial renewal fee.

- (b) *Inactive status.* Certified ~~animal health~~ VETERINARY technicians who are not practicing in this Commonwealth may request that their certification be placed on inactive status, during which time renewal fees will not be assessed.
- (c) *Reactivation of certification.* Certified ~~animal health~~ VETERINARY technicians who desire to reactivate certification may do so by complying with the continuing education requirements in effect at the time of reactivation, paying the current renewal fee and submitting a notarized affidavit to the Board setting forth the period of time in which the certificateholder did not practice in this Commonwealth. Certified ~~animal health~~ VETERINARY technicians who seek to reactivate certification will not be assessed a late renewal fee for the preceding biennial renewal periods in which the certificateholder did not engage in practice in this Commonwealth.

§31.40. Continuing education provider approval.

- (d) The Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers as long as the programs are specifically designed to increase the skills, knowledge and competency of certified ~~animal health~~ VETERINARY technicians:

* * *

(89) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB) to offer courses for certified ~~animal health~~ VETERINARY technicians.

* * *



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 28, 2003

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

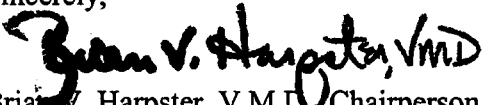
Re: Final Regulation
State Board of Veterinary Medicine
16A-5714: Continuing Education Provider Approval

Dear Chairman McGinley:

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

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

Sincerely,


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

BVH/TLM/kmh

Enclosure

cc: Andrew Sislo, Chief Counsel
Department of State
Scott J. Messing, Deputy Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Department of State
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-5714
SUBJECT: Continuing Education Provider Approval
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

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2003 OCT 28 AM 11:26
REGULATORY REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
<u>10/28/03</u>	<u>[Signature]</u>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
<u>10/28/03</u>	<u>Mary Walmer</u>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
<u>10/28/03</u>	<u>Elena Pagan</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
_____	_____	ATTORNEY GENERAL (for Final Omitted only)
_____	_____	LEGISLATIVE REFERENCE BUREAU (for Proposed only)

October 14, 2003