

Regulatory Analysis Form

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UNIVERSITY OF PENNSYLVANIA
REGULATORY
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 §§ 31.16 & 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 proposed 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 animal health 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 approved 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.

Regulatory Analysis Form

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

No federal or state law, federal regulation, or court order mandates the regulation.

(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 requirements imposed by the Board in determining whether to grant credit for biennial license renewal. 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 animal health 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.

The public welfare is enhanced by expanding the variety of high-quality continuing education courses available to veterinarians and animal health technicians to meet their biennial continuing education requirement.

(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 animal health 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.

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 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 animal health 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.

Regulatory Analysis Form

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

There are no 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.

Regulatory Analysis Form

(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.

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.

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. The next meetings of the State Board of Veterinary Medicine are as follows: March 13, May 22, July 17, September 4, October 23 and December 4, 2003.

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 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 Board anticipates that 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.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED
LEGISLATIVE REFERENCE BUREAU
2003-05-12

LEGISLATIVE REFERENCE BUREAU
REVIEW COMMISSION

#2334

DO NOT WRITE IN THIS SPACE

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

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

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

BY:

(DEPUTY ATTORNEY GENERAL)

State Board of Veterinary Medicine
(AGENCY)

BY:

FEB 11 2003

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-5714

DATE OF ADOPTION:

BY:

Brian V. Harpster, V.M.D.
Brian V. Harpster, V.M.D.

2/5/03

DATE OF APPROVAL

(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.

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

The State Board of Veterinary Medicine (Board) proposes to amend 49 Pa. Code §§ 31.16 and 31.40 (relating to continuing education provider approval) to read as set forth in Annex A. The proposed regulation would add 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 pre-approved to offer courses for credit toward the biennial continuing education requirements for veterinarians and animal health technicians.

Effective Date

The rulemaking would be effective upon publication of the final-form regulation in the Pennsylvania Bulletin.

Statutory Authority

Section 18 of the Veterinary Medicine 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 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 Amendment

The American Association of Veterinary State Boards (AAVSB) approached the Board and asked the Board to consider adding those providers who are approved by the AAVSB and listed on the AAVSB's Registry of Approved Continuing Education to the list of providers who are pre-approved by the Board to provide continuing education required for biennial license renewal to Pennsylvania'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 list 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 pre-approved status.

Description of Proposed Amendments

The Board proposes to amend section 31.16(a) of its regulations, which lists those continuing education providers who are pre-approved by the Board to offer courses to licensed veterinarians, by adding a new subsection (8) which includes providers listed on the RACE of the AAVSB. The Board proposes to likewise amend section 31.40(a) of its regulations, which lists those continuing education providers who are pre-approved by the Board to offer courses to certified animal health technicians, by adding a new subsection (8) which includes providers listed on the RACE of the AAVSB.

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 schools of veterinary medicine for pre-draft comment. The Board did not receive any comments.

Fiscal Impact and Paperwork Requirements

The proposed 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 of the Board's regulations. The proposed amendments will also relieve the Board of the work involved in reviewing and approving these continuing education courses.

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 (71 P.S. § 745.5(a)), the Board submitted a copy of this proposed regulation on March 5, 2003, to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC), and the House Professional Licensure Committee (HPLC). In addition to

submitting the proposed rulemaking, the Board has provided IRRC, SCP/PLC, and HPLC with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), if IRRC has comments, recommendations or 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 comments, recommendations and objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of comments, recommendations and objections by the Board, the General Assembly, and the Governor prior to publication of the regulations.

Public Comment

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking to Robert Kline, State Board of Veterinary Medicine, P.O. Box 2649, Harrisburg, Pennsylvania, 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

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

* * *

§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.

* * *



**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**

March 5, 2003

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

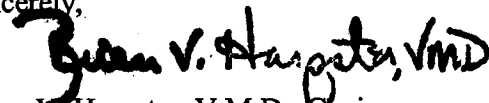
Re: Proposed Regulation
State Board of Veterinary Medicine
16A-5714: Continuing Education Provider Approval

Dear Chairman McGinley:

Enclosed is a copy of a proposed 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: State Board of Veterinary Medicine - Continuing Education Provider Approval
AGENCY: DEPARTMENT OF STATE # 2334

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

INDEPENDENT REGULATORY REVIEW COMMISSION
MARCH 4, 2003

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3/5/03	<u>[Signature]</u>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
3/5/03	<u>Maya Walmer</u>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
3/5/03	<u>Pam Eckert</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
3/5/03	<u>Maya Garas</u>	LEGISLATIVE REFERENCE BUREAU

March 4, 2003