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**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
333 MARKET STREET
14TH FLOOR
HARRISBURG, PA 17101**

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May 5, 2004

Brian V. Harpster, V.M.D., Chairman
State Board of Veterinary Medicine
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-5715 (IRRC #2391)
State Board of Veterinary Medicine
Implanting Electronic Identification; Veterinary Technician

Dear Chairman Harpster:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulation review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Nyce", with a stylized flourish at the end.

Robert E. Nyce
Executive Director

evp

Enclosure

cc: Honorable Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State

Comments of the Independent Regulatory Review Commission

on

State Board of Veterinary Medicine Regulation No. 16A-5715

Implanting Electronic Identification; Veterinary Technician

May 5, 2004

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 must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on April 5, 2004. 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regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

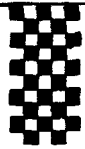
1. Section 31.31. Scope of practice. – Reasonableness.

Subsection (b)(1)(xi) authorizes a noncertified employee of a veterinarian to “implant an electronic identification device” under direct veterinary supervision. Commentators have objected to the use of noncertified employees to implant electronic identification devices. Specifically, they state that the implantation of these devices is an invasive procedure that should be done by a trained and certified person to ensure that the device is inserted properly and the accompanying paperwork is completed and filed accurately.

The Board should further explain the basis for allowing noncertified employees to implant electronic identification devices.

2. Section 31.39. Grounds for disciplinary proceedings. – Consistency with statute.

Subsection (a)(6) deletes the phrase “which, if committed in this Commonwealth, would be deemed a felony.” However, the Veterinary Practice Act (63 P.S. Section 485.21(15)) contains this language. The Board should retain this language in the final-form regulation, or explain why it is unnecessary to do so.



Facsimile Cover Sheet

Kristine M. Shomper
Administrative Officer



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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
Date: May 5, 2004
Pages: 3

INDEPENDENT REGULATORY REVIEW COMMISSION

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Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Veterinary Medicine regulation #16A-5715 (IRRC #2391). 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 J. Hoy* Date: 5/5/04