

Regulatory Analysis Form

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INDEPENDENT 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-5716

IRRC Number: 2530

(3) Short Title

Certified Veterinary Technician Specialists

(4) PA Code Cite

49 Pa. Code §§ 31.1 and 31.38(e)(2) and (g)

(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 amendment would restrict certified veterinary technicians from making false, deceptive or misleading statements or claims, including a representation that the certified veterinary technician is a specialist, a veterinary technician specialist or a VTS unless the certified veterinary technician holds current certification from a National Association of Veterinary Technicians in America-recognized specialty organization.

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

Section 11 of the Veterinary Medicine Practice Act (act) (63 P.S. § 485.11) authorizes the Board to promulgate regulations regarding the qualifications and practice of certified 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.

The regulation is not mandated by state or federal law or regulation or by any court order.

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

The regulation serves the public interest by ensuring that only properly credentialed veterinary technicians may use terminology to suggest they are a specialist, veterinary technician specialist, or VTS.

The regulation serves the public interest by prohibiting a certified veterinary technician from making a false, deceptive or misleading statement or claim.

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

The risk to the general public of nonregulation is that the public may be misled regarding the specialty qualifications of a certified veterinary technician or because the certified veterinary technician has made a false, deceptive or misleading statement or claim without being subject to discipline.

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

The general public, including licensees, will benefit by the Board providing clear a clear guideline to its licensees regarding the use of the terms specialist, veterinary technician specialist and VTS.

The public will benefit from the prohibition against false, deceptive or misleading statements or claims.

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 has not identified any group that 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 certified veterinary technicians will be required to comply with the regulation.

(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 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 the state veterinary medical associations, associations of animal health technicians, and schools of veterinary medicine. No comments were received from any group.

(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 experience any cost related to complying with the amendment.

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 costs or saving 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 costs or savings to state governments associated with the regulation.

Regulatory Analysis Form

(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 Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:	0	0	0	0	0	0
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	0	0	0	0	0	0
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

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

N/A

Regulatory Analysis Form

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

Program	FY -3 FY 03-04	FY -2 FY 04-05	FY -1 FY 05-06	Current FY FY 06-07
Veterinary Board	\$425,535.80	\$473,960.85	\$532,146.51	\$596,000.00 (projected)

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

There are no costs to this regulation, which has clear public benefits.

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

No nonregulatory alternatives were considered.

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

The Board considered listing the approved specialty academies. However, the regulation would have to be amended as specialty practice grows, so the Board decided to name only the national accrediting body rather than individual veterinary technology specialty academies.

This approach has the additional advantage of mirroring the restriction on veterinarians making false, deceptive or misleading statements, including representing themselves as a specialist or Board certified unless they are a diplomate of an AVMA-recognized specialty organization.

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.

No provisions of the proposed rulemaking 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 does not place Pennsylvania at a competitive disadvantage with other states. None of the surrounding states have yet regulated the use of the term specialist, veterinary technician specialist or VTS; however, the Board's regulation is consistent with the acceptable and prevailing standards in veterinary medicine and veterinary technology nationwide.

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

The rulemaking will not affect existing regulations.

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

No public hearings or informational meeting will be scheduled. The Board's meeting schedule is available from the Board's home page on the Department of State website, www.dos.state.pa.us/bpoa.

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 regulation will not change existing reporting, record keeping or other paperwork requirements.

(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 not identified any particular affected groups.

(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 publication of the final-form rulemaking.

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

The Board continuously reviews its regulations. A schedule of Board meeting dates is available from the Board Administrator at 717-783-7134 and on the Department of State's website at www.dos.state.pa.us/bpoa.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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copy of a document issued, prescribed or promulgated by

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to form and legality.
Executive of Independent
Agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Veterinary Medicine
(AGENCY)

BY: Andrew C. Clark

DOCUMENT/FISCAL NOTE NO. 16A-5716

MAR 29 2007

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL

BY: Thomas J. McBrath
Thomas J. McBrath, D.V.M.

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

TITLE: Chairman
(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, §31.38
CERTIFIED VETERINARY TECHNICIAN SPECIALISTS

The State Board of Veterinary Medicine (Board) amends §§ 31.1 and 31.38 (relating to definitions; and code of ethics for certified veterinary technicians) to read as set forth in Annex A. The amendments define a Veterinary Technician Specialist (VTS) as a certified veterinary technician who holds current certification from a specialty organization recognized by the National Association of Veterinary Technicians in America (NAVTA). In addition, the amendments prohibit a certified veterinary technician from making false, deceptive or misleading statements or claims, including any representation that the certified veterinary technician is a specialist, a Veterinary Technician Specialist or a VTS unless appropriately qualified.

Effective Date

The amendments will be effective upon publication of the final-form rulemaking in the Pennsylvania Bulletin.

Statutory Authority

Section 11 of the Veterinary Medicine Practice Act (63 P.S. § 485.11) authorizes the Board “to promulgate by regulation the qualifications and requirements for the certification and regulation of veterinary technicians . . . to provide for disciplinary action and . . . [to] prescribe the grounds for such action.” This rulemaking regulates the qualifications and conduct of veterinary technicians and, through § 31.39(1) (relating to grounds for disciplinary proceedings), provides for disciplinary action against a certified veterinary technician for violations of these rules.

Background and Purpose of the Amendments

Over the past several years, it has become increasingly common for certified veterinary technicians to obtain specialized education and training in a specialty area beyond the minimum education required for certification. In addition, it has become increasingly common for certified veterinary technicians to hold themselves out to the public and coworkers as specialists. These amendments are intended to protect the public from being misled by certified veterinary technicians who hold themselves out as specialists, unless they have been granted specialist status by a National accrediting body that ensures the competence of the certified veterinary technician in a particular area.

Summary of Comments and the Board's Response

Notice of proposed rulemaking was published on March 18, 2006, at 36 Pa.B. 1240. The Board received one public comment submitted jointly by the Pennsylvania Veterinary Medical Association and the Veterinary Technicians and Assistants Association of Pennsylvania, which indicated that both of these organizations fully support the amendments.

The House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) provided comments as part of their review of the proposed rulemaking. Both the HPLC and IRRC asked for specific information regarding what acts other than representing oneself as a specialist would qualify as making a false, deceptive or misleading statement or claim. In response to this question, the Board has added a cross-reference to Principal 5(a) of § 31.21 (relating to Rules of Professional Conduct for Veterinarians), which contains a definition of a false, deceptive or misleading statement or claim.

The HPLC asked for detailed information regarding the Board's statement that this rulemaking was a necessary precursor to another proposed rulemaking. The Board is in the process of drafting proposed rulemaking related to dental practice on animals. Veterinary dentistry is one of the three veterinary technician specialties currently recognized by the NAVTA. The Board intends to propose a broader scope of practice for a VTS who is a specialist in dentistry. Therefore, these amendments are necessary to make it clear that the broader scope of practice would apply only to those certified veterinary technicians who have been granted certification by the Academy of Veterinary Dental Technicians.

IRRC also noted that the Board did not define the term Veterinary Technician Specialist or VTS. In the final rulemaking, the Board has added a definition to § 31.1 (relating to definitions).

Description of the Amendments

Section 31.1 (relating to definitions) has been amended by adding a definition of Veterinary Technician Specialist (VTS) as "a certified veterinary technician who holds current certification from a specialty organization recognized by the National Association of Veterinary Technicians in America (NAVTA)."

Section 31.38 (relating to code of ethics for certified veterinary technicians) is amended to prohibit a certified veterinary technician from making a false, deceptive or misleading statement or claim. Amendments to the final rulemaking clarify that a false, deceptive or misleading statement or claim includes those items identified in Principle 5(a) of § 31.21 (relating to Rules of Professional Conduct for Veterinarians), as well as any representation that the certified veterinary technician is a specialist, a Veterinary Technician Specialist, or a VTS,

unless the certified veterinary technician holds a current certification from a specialty organization recognized by NAVTA.

Fiscal Impact and Paperwork Requirements

The amendments should not have any financial impact on licensees or any other state entity. The proposed amendment will have no fiscal impact on the public. The amendments may have a small fiscal impact on the Board related to additional disciplinary matters if technicians violate the regulation. There are no additional paperwork requirements associated with the rulemaking.

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)), the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 1240 (March 18, 2006), to IRRC and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on _____, 2006, the final-form rulemaking was approved by the HPLC. On _____, 2006, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC approved the final-form rulemaking on _____, 2006.

Findings

The Board finds that:

1. Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240), (45 P.S. §§ 1201 – 1202), and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 – 7.2.
2. A public comment period was provided as required by law and all comments were considered.
3. This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this Preamble.

The Board, acting under its authorizing statute, orders that:

- (A) The regulations of the Board at 49 Pa. Code §§ 31.1 and 31.38 are amended to read as set forth in Annex A.
- (B) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.
- (C) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (D) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

Thomas J. McGrath, D.V.M.
Board Chairman

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

GENERAL PROVISIONS

§ 31.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

VETERINARY TECHNICIAN SPECIALIST (VTS) – A CERTIFIED VETERINARY TECHNICIAN WHO HOLDS CURRENT CERTIFICATION FROM A SPECIALTY ORGANIZATION RECOGNIZED BY THE NATIONAL ASSOCIATION OF VETERINARY TECHNICIANS IN AMERICA (NAVTA).

* * * * *

VETERINARY TECHNICIANS AND NONCERTIFIED EMPLOYEES

* * * * *

§ 31.38. Code of ethics for certified veterinary technicians.

* * * * *

(e) A certified veterinary technician shall be responsible to the client and to the veterinarian in the following respects:

* * * * *

(2) To perform [his] the veterinary technician's work only in the manner directed by the veterinarian and to employ [his] the veterinary technician's best care and skill in performing all work for the veterinarian [and not to]. The veterinary technician may not undertake any work which [he] the veterinary technician is not capable of performing satisfactorily.

* * * * *

(g) A certified veterinary technician may not make a false, deceptive or misleading statement or claim. A false, deceptive or misleading statement or claim includes THE STATEMENTS AND CLAIMS DEFINED IN PRINCIPLE 5(a) OF § 31.21 (RELATING TO RULES OF PROFESSIONAL CONDUCT FOR VETERINARIANS) AND any representation that the certified veterinary technician is a specialist, a Veterinary Technician Specialist or a VTS unless the certified veterinary technician holds current certification from a SPECIALTY ORGANIZATION RECOGNIZED BY THE National Association of Veterinary Technicians in America-recognized specialty organization.

location or facility. An individual referral from a supervising physician, dentist or podiatrist is required in the absence of a written protocol.

§ 25.710. Refusal, suspension or revocation of certificate.

(a) The Board may refuse to issue a certificate, and after notice and hearing, may suspend or revoke the certificate of a person who is subject to disciplinary action under section 15(b) of the act (63 P. S. § 271.15(b)).

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a certificate are taken subject to the right of notice, hearing and adjudication and appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

[Pa.B. Doc. No. 06-427. Filed for public inspection March 17, 2006, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Certified Veterinary Technician Specialists

The State Board of Veterinary Medicine (Board) proposes to amend § 31.38 (relating to code of ethics for certified veterinary technicians) to read as set forth in Annex A. The proposed amendment would bar a certified veterinary technician (CVT) from making false, deceptive or misleading statements or claims, including a representation that the CVT is a specialist, a Veterinary Technician Specialist or a VTS unless the CVT holds current certification from a National Association of Veterinary Technicians in America (NAVTA), recognized specialty organization. The proposed amendment parallels Principle 5(a)(4) in § 31.21 (relating to Rules of Professional Conduct for Veterinarians), which regulates advertising by a veterinarian.

Effective Date

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

Statutory Authority

Section 11 of the Veterinary Medicine Practice Act (63 P. S. § 485.11) authorizes the Board "to promulgate by regulation the qualifications and requirements for the certification and regulation of veterinary technicians . . . to provide for disciplinary action and . . . [to] prescribe the grounds for such action." This proposed rulemaking provides requirements necessary for the regulation of veterinary technicians and, through § 31.39(1) (relating to grounds for disciplinary proceedings), provides for disciplinary action against the certification of a CVT.

Background and Need for Proposed Amendments

Over the past several years, it has become increasingly common for CVTs to obtain specialized education and training in a specialty area beyond the minimum education required for certification. In addition, it has become increasingly common for CVTs to hold themselves out to the public and coworkers as specialists.

For example, a CVT may belong to a veterinary technician society, which is a group of individuals who associate together to exchange information among mem-

bers. Currently, no accrediting agency has established specialty training, testing or continuing education standards for membership in such a society. A CVT may belong to a topic-specific academy. NAVTA is the Nationally-recognized entity that provides accreditation services for schools of veterinary technology and CVT specialty academies. For a CVT specialty academy to obtain accreditation (known as "recognition"), the academy must undergo a rigorous review of the academy's education, examination and continuing education requirements. Both veterinarians and CVTs conduct this review. Once a specialty academy has been recognized by NAVTA, all veterinarians, CVTs and the public are ensured a uniform level of preparation and competence in the individuals who are granted certification as specialists of the academy. There are currently three veterinary technician academies recognized by NAVTA to confer a specialty certification upon a veterinary technician. These three academies are the Academy of Veterinary Emergency Critical Care Technicians, the Academy of Veterinary Technician Anesthetists and the Academy of Veterinary Dental Technicians.

The Board believes that it is a departure from the acceptable standards of ethical conduct for a CVT to hold himself out as a specialist because the term, in both human and animal medicine, implies a high degree of achievement including third-party peer reviewed education and examination in a particular subject area. The Board is aware that Federal and State Constitutional law limits governmental regulation of commercial speech so that regulation is permissible if it targets only commercial speech that is misleading and if the governmental regulation employs the least restrictive means possible to avoid misleading the public. The Board believes that a CVT who holds himself out as a specialist, as that term is commonly understood by the public, a Veterinary Technician Specialist or a VTS when the CVT has not been granted specialist status by a National accrediting body that ensures the competence of the CVT in a particular area is misleading the public into believing that the CVT's competence in a particular area has been subject to the rigorous review of a National accrediting body. In addition, the Board believes that its proposed rulemaking is the least restrictive means possible to avoid misleading the public. First, the proposed rulemaking does not restrict a CVT from noting membership in a veterinary technician academy or society. Second, the proposed rulemaking is consistent with National standards of conduct in the profession of veterinary technology.

The rulemaking also proposes to amend § 31.38(e)(2) to conform to the *Pennsylvania Code and Bulletin Style Manual*, which prefers the use of gender-neutral terms.

Description of Proposed Amendments

The Board proposes to amend the code of ethics for CVTs to use the gender-neutral term "the technician" in place of the term "his" in § 31.38(e)(2).

The Board proposes to add § 31.38(g). This subsection, through § 31.39(1), would authorize the Board to discipline a CVT who makes a false, deceptive or misleading statement or claim, including a statement or claim that includes a representation that the CVT is a specialist, a Veterinary Technician Specialist or a VTS unless the CVT holds current certification from a NAVTA-recognized organization. The provision parallels an existing provision for veterinarians.

In drafting and promulgating this proposed rulemaking, the Board sent the text of the proposed rule-

making to interested parties, including State and regional veterinary medical associations, associations of animal health technicians and schools of veterinary medicine.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking should not have any financial impact on licensees, the Board or any other State entity. The proposed rulemaking will have no fiscal impact on the public. There are no additional paperwork requirements associated with the rulemaking.

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 8, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. 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 comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this 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-5716. 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

VETERINARY TECHNICIANS AND NONCERTIFIED EMPLOYEES

§ 31.38. Code of ethics for certified veterinary technicians.

* * * * *

(e) A certified veterinary technician shall be responsible to the client and to the veterinarian in the following respects:

* * * * *

(2) To perform [his] the veterinary technician's work only in the manner directed by the veterinarian and to employ [his] the veterinary technician's best care and skill in performing all work for the veterinarian [and not to]. The veterinary technician may not undertake any work which [he] the veterinary technician is not capable of performing satisfactorily.

* * * * *

(g) A certified veterinary technician may not make a false, deceptive or misleading statement or claim. A false, deceptive or misleading statement or claim includes any representation that the certified veterinary technician is a specialist, a Veterinary Technician Specialist or a VTS unless the certified veterinary technician holds current certification from a National Association of Veterinary Technicians in America-recognized specialty organization.

[Pa.B. Doc. No. 06-428. Filed for public inspection March 17, 2006, 9:00 a.m.]

**16A-5716 – CERTIFIED VETERINARY TECHNICIAN SPECIALISTS
LIST OF PUBLIC COMMENTATORS**

David R. Wolfgang, President
Pennsylvania Veterinary Medical Association
Freya Burnett, President
Veterinary Technicians and Assistants Association of Pennsylvania
Briarcrest Office Building
905 W. Governor Road, Suite 320
Hershey, PA 17033-2307
1-888-550-7862



**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**

May 3, 2007

The Honorable Arthur Coccodrilli, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Veterinary Medicine
16A-5716: Certified Veterinary Technician Specialists

Dear Chairman Coccodrilli:

Enclosed is a copy of a final rulemaking package of the State Board of Veterinary Medicine pertaining to Certified Veterinary Technician Specialists.

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

Sincerely,

Thomas J. McGrath, D.V.M., Chairperson
State Board of Veterinary Medicine

TJM/TL:klh

Enclosure

cc: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Albert H. Masland, Chief Counsel
Department of State
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, 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-5716
SUBJECT: CERTIFIED VETERINARY TECHNICIAN SPECIALISTS
AGENCY: DEPARTMENT OF STATE
STATE BOARD OF VETERINARY MEDICINE

TYPE OF REGULATION

- 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

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REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
5/3/07		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
5/3/07		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
5/3/07		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)