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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

May 17, 2006

Thomas J. McGrath, DVM, Chairman
State Board of Veterinary Medicine
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-5716 (IRRC #2530)
State Board of Veterinary Medicine
Certified Veterinary Technician Specialist

Dear Chairman McGrath:

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 regulatory 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 me.

Sincerely,

Kim Kaufman
Executive Director

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Enclosure

cc: 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 Thomas P. Gannon, Majority Chairman, House Professional Licensure
Committee
Honorable William W. Rieger, Democratic Chairman, House 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 #16A-5716 (IRRC #2530)

Certified Veterinary Technician Specialist

May 17, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the March 18, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Veterinary Medicine (Board) to respond to all comments received from us or any other source.

Section 31.38. Code of ethics for certified veterinary technicians. - Consistency with existing regulations; Clarity.

In Subsection (g), the first sentence states that a certified veterinary technician (CVT) “may not make a false, deceptive or misleading statement or claim.” The second sentence provides one example of such a claim or statement involving a representation that a CVT is a specialist unless he or she has the proper certification. In its comments on this proposed regulation, the House Professional Licensure Committee requested specific information on other acts that would qualify as making a “false, deceptive or misleading statement or claim.”

In the existing provisions of Section 31.21 relating to rules of professional conduct for veterinarians, there is a list of examples of false, deceptive or misleading statements. These descriptions are found under “Principle 5” which is entitled “Advertising.” In the final-form regulation, the Board should clarify what other types of activities by CVTs would be considered as making false, misleading or deceptive statements.

The second sentence of Subsection (g) contains the words: “... a Veterinary Technician Specialist or a VTS ...” Neither this term nor its abbreviation appears elsewhere in the Board’s existing regulations. For this reason, inclusion of the abbreviation is unnecessary and the words “or VTS” should be deleted. If the abbreviation is retained, the term and its abbreviation should be added to the definitions in Section 31.1 in the final-form regulation.

Facsimile Cover Sheet

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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: *Cynthia Montgomerie*
Suzanne Hoy
Agency: Department of State
Licensing Boards and Commissions
Phone: 7-2628
Fax: 7-0251
Date: May 17, 2006
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Veterinary Medicine's regulation #16A-5716 (IRRC #2530). 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:

Cynthia K. Montgomerie

Date:

5/17/06