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DAVID J. DEVRIES, ESQ.
JOHN F. MIZNER, ESQ.
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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 5, 2007

Honorable Robert M. Tomlinson, Chairman
Senate Consumer Protection and Professional Licensure Committee
362 Main Capitol
Harrisburg, PA 17110

Re: Regulation #16A-5719 (IRRC #2565)
State Board of Veterinary Medicine
Recordkeeping

Dear Senator Tomlinson:

On November 29, 2006, we delivered our comments on the above-captioned regulation to Thomas J. McGarth, DVM, Chairman, State Board of Veterinary Medicine. Because the General Assembly had adjourned *sine die*, we were precluded from providing you with a copy at that time.

Enclosed is a copy of our comments. If you have any questions, please contact me.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 5, 2007

Honorable Lisa M. Boscola, Minority Chairman
Senate Consumer Protection and Professional Licensure Committee
458 Main Capitol
Harrisburg, PA 17110

Re: Regulation #16A-5719 (IRRC #2565)
State Board of Veterinary Medicine
Recordkeeping

Dear Senator Boscola:

On November 29, 2006, we delivered our comments on the above-captioned regulation to Thomas J. McGarth, DVM, Chairman, State Board of Veterinary Medicine. Because the General Assembly had adjourned *sine die*, we were precluded from providing you with a copy at that time.

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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 5, 2007

Honorable P. Michael Sturla, Majority Chairman
House Professional Licensure Committee
105 East Wing
Harrisburg, PA 17110

Re: Regulation #16A-5719 (IRRC #2565)
State Board of Veterinary Medicine
Recordkeeping

Dear Representative Sturla:

On November 29, 2006, we delivered our comments on the above-captioned regulation to Thomas J. McGarth, DVM, Chairman, State Board of Veterinary Medicine. Because the General Assembly had adjourned *sine die*, we were precluded from providing you with a copy at that time.

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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 5, 2007

Honorable William Adolph, Jr., Minority Chairman
House Professional Licensure Committee
110 Ryan Office Building
Harrisburg, PA 17110

Re: Regulation #16A-5719 (IRRC #2565)
State Board of Veterinary Medicine
Recordkeeping

Dear Representative Adolph:

On November 29, 2006, we delivered our comments on the above-captioned regulation to Thomas J. McGarth, DVM, Chairman, State Board of Veterinary Medicine. Because the General Assembly had adjourned *sine die*, we were precluded from providing you with a copy at that time.

Enclosed is a copy of our comments. If you have any questions, please contact me.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

Comments of the Independent Regulatory Review Commission

on

State Board of Veterinary Medicine Regulation #16A-5719 (IRRC #2565)

Recordkeeping

November 29, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the September 30, 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 31.22. Recordkeeping. – Clarity.

We have three concerns with this section.

First, we agree with the House Professional Licensure Committee (HPLC) that the terms “animal” and “patient” are used interchangeably throughout the regulation, and recommend that one term be used consistently.

Second, the Board should clearly indicate which recordkeeping methods would meet the required standards. This section contains the phrase “problem-oriented or similar format.” The preamble states that a “problem oriented medical record” (POMR) is a “recognized standard form of all medical recordkeeping.” Board staff indicated that POMR is a general recordkeeping method and there are several more specific methods that fall under it. Which of these methods are acceptable to the Board?

Finally, Paragraph (4) requires the veterinary record of an animal, “except a production animal,” to include documentation of communication with a client. The Board excluded production animals because existing Federal regulations address communication between veterinarians and owners of production animals. The HPLC questioned whether a citation to the Federal regulations should be included in this regulation. We agree and recommend that the final-form regulation include a cross-reference to the appropriate Federal regulations.