

P. MICHAEL STURLA, MEMBER
MAJORITY DEPUTY WHIP
333 MAIN CAPITOL BUILDING
P.O. BOX 202096
HARRISBURG, PENNSYLVANIA 17120-2096
PHONE: (717) 787-3555
FAX: (717) 705-1923

THE GRIEST BUILDING
8 NORTH QUEEN STREET
SUITE 1100
LANCASTER, PENNSYLVANIA 17603
PHONE: (717) 295-3157
FAX: (717) 295-7816

2594



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

PROFESSIONAL LICENSURE – MAJORITY CHAIRMAN
AGRICULTURE & RURAL AFFAIRS
FINANCE
RULES
MAJORITY POLICY
CAPITOL PRESERVATION

April 18, 2007

Mr. Kim Kaufman
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: Proposed Regulation 16A-5721
State Board of Veterinary Medicine
Professional Conduct

Dear Mr. Kaufman:

The House Professional Licensure Committee on this date voted to take no formal action on Regulation 16A-5721 until final regulation is promulgated and submit the following comments:

1. Regarding Principle #1, subsection (d), the Committee has noted that the Board has made it both discretionary and mandatory for a veterinarian to report instances of neglect or animal abuse. The Committee finds this to be confusing and would ask for clarification on whether the reporting is discretionary or mandatory, especially considering Principle #3, subsection (k).
2. Also regarding Principle #1, subsection (d), the Committee suggests the Board address voluntary reporting in a separate paragraph from the mandatory reporting requirements keeping in mind that a mandatory reporting requirement cannot also be discretionary.
3. Regarding Principle #3, preamble, the Committee suggests the inclusion of §§ (21)(12) and (5)(2) in citing the Board's authority to impose discipline.
4. Addressing Principle #3, subsection (e), the Committee notes the presence of two conditions in this paragraph which makes the language confusing. The Committee recommends that this paragraph be redrafted for clarity and that one paragraph address coercion, undue pressure or intimidation and one paragraph address inducement.
5. Regarding Principle #3, subsection (f), the Committee questions whether this paragraph should be restricted to acts occurring while acting within the scope of the veterinarian practice or extend beyond the scope of practice.
6. Regarding Principle #3, subsection (j), the Committee questions whether this paragraph should be restricted to acts occurring while acting within the scope of the veterinarian

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practice or extend beyond the scope of practice. If the paragraph is intended to extend beyond the scope of practice, the Committee requests the Board provide further information regarding the types of behavior the Board is intending to address. Also, the Committee would like further information as to other states' practice acts and regulations regarding this issue.

7. Regarding Principle #7, subsection (a)(1), the Committee suggests that, where the owner is known to the veterinarian, a reasonable attempt to contact the owner be required to protect the owners interests and wishes concerning the animal. The Committee also asks whether the Board considered language in which the veterinarian would be required to treat only those animals the veterinarian is trained and competent to treat.
8. Principle #7, subsection (a)(2), the Committee expresses concern for the lack of an affirmative duty to care for the animal from the time of notice until such time as another veterinarian may resume treatment.
9. Principle #7, subsection (b), the Committee would like clarification on whether the term "ending suffering" includes euthanasia and if so, would suggest the Board specify euthanasia in this paragraph. The Committee also notes that in the Board's Preamble to the Proposed Regulations, the Board suggests that amendments to subsection (b) are related to the proposed amendments in subsection (a). The Committee recommends the Board to consider language that would clarify the connection between subsections (a) and (b).
10. Principle #7, subsection (d), the Committee questions the deletion of this paragraph and believes it may be best served as part of subsection (a)(2) of this principle.
11. Also regarding Principle #7, subsection (d), the Committee questions the use of the term "familiar" as opposed to "professional judgment." The Committee suggests the term "familiar" is a less stringent standard and would like to see both "familiar" and "professional judgment" used in this paragraph to require a veterinarian to be familiar with advancements in veterinary medicine and with pharmacologic properties and contraindications of drugs and biologics plus use their professional judgment in the choice of drugs, biologics or other treatments. The Committee also notes the inconsistent use of the terms "familiarize themselves" and "become familiar" in this paragraph.
12. Principle #7, subsection (f), the Committee questions the use of the term "remain abreast of" and suggests that the veterinarian be required to "remain current." The Committee also notes what appears to be a typo in the first paragraph which currently reads "especially as regards alleviation of pain and suffering" and asks that the Board clarify this particular language.
13. The Committee recommends the board develop and submit a separate proposed regulation regarding the issue of sexual misconduct by individual regulated under the Veterinary Medicine Practice Act.

Sincerely,



P. Michael Sturla
Chairman, House Professional Licensure Committee