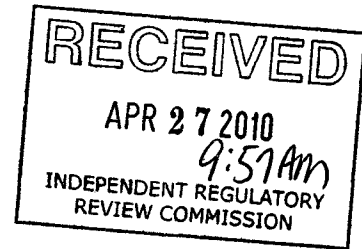


Regulatory Analysis Form

(Completed by Promulgating Agency)



SECTION I: PROFILE



(1) Agency:

Department of State, Bureau of Professional and Occupational Affairs

(2) Agency Number:

Identification Number: 16A-51

IRRC Number: 2844

(3) Short Title:

Schedule of Civil Penalties – Veterinarians and Veterinary Technicians

(4) PA Code Cite:

49 Pa. Code § 43b.21a

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: Teresa Lazo, Counsel, State Board of Veterinary Medicine

Secondary Contact: Joyce McKeever, Deputy Chief Counsel, Regulatory Review

2601 North Third Street, P.O. Box 2647; telephone: 717-783-7200; fax: 717-787-0251; ST-VETERINARY@state.pa.us

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation
- Emergency Certification Regulation;
- Certification by the Governor
- Certification by the Attorney General

Regulatory Analysis Form

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The regulation codifies and amends previously promulgated Act 48 civil penalties for violations of the Veterinary Medicine Practice Act. Most of the penalties were previously promulgated as a statement of policy. Three additional civil penalties are added.

(9) Include a schedule for review of the regulation including:

Editorial note: These dates will be filled in prior to delivery of the regulation package to the HPLC, SCP-PLC and IRRC, as the dates are unknown at present time.

- | | |
|---|--|
| A. The date by which the agency must receive public comments: | 30 days after publication of proposed rulemaking |
| B. The date or dates on which public meetings or hearings will be held: | none |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | within 18 months of publication of proposed rulemaking |
| D. The expected effective date of the final-form regulation: | upon publication, anticipated Spring 2011 |
| E. The date by which compliance with the final-form regulation will be required: | upon publication anticipated Spring 2011 |
| F. The date by which required permits, licenses or other approvals must be obtained: | N/A |

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

The Board continuously monitors its regulations at its meetings. The Board generally meets 6 to 8 times per year.

Regulatory Analysis Form

SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau of Professional and Occupational Affairs (the Bureau), to promulgate regulations setting forth a schedule of civil penalties, guidelines for their imposition, and procedures for appeal for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating an act or regulation of a licensing board or commission relating to the conduct or operation of a business or facility licensed by the board or commission.

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation will improve the efficiency of the Board in handling violations for which a civil penalty is the appropriate sanction.

(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

No scientific data, studies or references were used in developing the regulation.

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

No one will be adversely affected by the regulation.

(16) 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.

Licensees will be subject to the civil penalties set forth in the regulation for certain violations.

Regulatory Analysis Form

SECTION III: COST AND IMPACT ANALYSIS

(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. Explain how the dollar estimates were derived.

The regulated community should see a savings based on the streamlined disciplinary process of the citation procedure.

(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. Explain how the dollar estimates were derived.

Local governments will not be affected by 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. Explain how the dollar estimates were derived.

The Board will save some costs related to the prosecution of violations.

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 08-09	FY +1 09-10	FY +2 10-11	FY +3 11-12	FY +4 12-13	FY +5 13-14
SAVINGS:	\$0	\$0	\$0	\$0	\$0	\$0
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0		0
State Government	0	0	0	0		0
Total Costs	0	0	0	0	0	0
REVENUE LOSSES:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

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

Program	FY -3 2005-2006	FY -2 2006-2007	FY -1 2007-2008	Current FY 2008-2009
State Board of Veterinary Medicine	\$537,277	\$635,628	\$534,629	\$706,000

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

There are no costs or adverse effects. The regulation is a benefit to the Bureau and the Board because it allows for a more streamlined disciplinary process for certain violations.

Regulatory Analysis Form

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

The Commissioner previously published the civil penalty schedule as a statement of policy. Neither the Board nor the Commissioner has received any communication from the public regarding the civil penalty schedule, however, the proposal was discussed during public meetings of the Board at which time members of the professional associations and other interested parties and stakeholders are present.

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Because the Commissioner had already published most of the civil penalty schedule as a statement of policy, the Board did not consider alternative regulatory provisions. The Commissioner finds that its proposal is the least burdensome alternative.

(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 regulations.

No federal standards apply.

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

The Commissioner is not aware of other states that use a civil penalty schedule, although some states use "sanctioning guidelines." Most disciplinary boards determine the appropriate sanction for violations on a case-by-case basis.

Regulatory Analysis Form

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

No.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

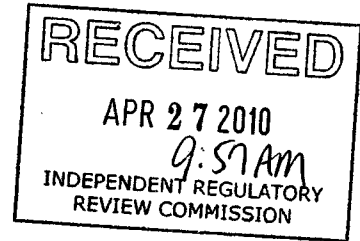
No additional procedures or expenses are anticipated.

(28) 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.

There are no affected groups such as minorities, elderly, small businesses or farmers known to the Commissioner.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)



DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

Department of State
Bureau of Professional and Occupational Affairs
(AGENCY)

BY: _____
(DEPUTY ATTORNEY GENERAL)

BY: Andrew C. Clark

DOCUMENT/FISCAL NOTE NO. 16A-51

APR 16 2010

MAR 25 2010

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL

BY: Basil L. Merenda
Basil L. Merenda

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

TITLE: Commissioner
(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.

PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
49 PA. CODE, CHAPTER 43b
SCHEDULE OF CIVIL PENALTIES
VETERINARIANS AND VETERINARY TECHNICIANS

The Commissioner of Professional and Occupational Affairs (Commissioner) proposes to amend Chapter 43b by deleting § 43b.21 (relating to schedule of civil penalties – veterinarians and certified veterinary technicians – statement of policy) and replacing it with § 43b.21a (relating to schedule of civil penalties – veterinarians and certified veterinary technicians) to read as set forth in Annex A.

Effective date

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

Statutory authority

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau of Professional and Occupational Affairs (the Bureau), to promulgate regulations setting forth a schedule of civil penalties, guidelines for their imposition, and procedures for appeal for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating an act or regulation of a licensing board or commission relating to the conduct or operation of a business or facility licensed by the board or commission.

Background and purpose

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts, with approximately 30% of all sanctions imposed by the Boards and Commissions being accomplished through the Act 48 citation process.

The Commissioner had previously published a policy statement on June 8, 2007 (37 Pa. B. 2608) establishing Act 48 civil penalties for veterinarians and certified veterinary technicians (CVTs) and now proposes to codify and amend the schedule of civil penalties in this proposed rulemaking. Proposed § 43b.21a sets forth the complete civil penalty schedule for the State Board of Veterinary Medicine (Board). The civil penalties set forth in § 43b.21a were drafted following discussions between the Board and a representative of the Commissioner at regularly scheduled public meetings.

Description of the proposed amendments

The proposal would codify and amend the schedule of civil penalties that the Commissioner previously published and add new violations to the Board's Act 48 schedule. The new violations include failure to complete mandatory continuing education, failure to make up a deficiency in continuing education within 6 months of receiving a citation, failure to properly label drugs dispensed to clients and failure to dispense drugs in containers as required by Board regulations.

The Commissioner proposes amendments to alter the time periods and penalties associated with practicing on an expired license. Practice on a lapsed license for up to 6 months would still result in a warning. The second time period, previously 6 to 24 months, was changed to from 7 to 12 months; the civil penalty would remain the same. The proposal would alter the third time period, previously from 24 to 48 months, to from 13 to 24 months; and would provide for a \$500 civil penalty for CVTs and a \$750 civil penalty for veterinarians. The Commissioner would add another time period, 25 to 30 months; with a \$750 civil penalty for certified veterinary technicians and a \$1000 civil penalty for veterinarians. The shortened time periods and increased civil penalties reflect the determination that an enhanced penalty schedule is required to ensure compliance and protect the public.

The Commissioner proposes to add two new offenses to the Act 48 offenses that may be disposed of by issuance of a citation and civil penalty. The two new offenses involve violating a regulation related to the conduct or operation of a veterinary business. Because many drugs prescribed by veterinarians are exclusively animal drugs that are not stocked in commercial human pharmacies, veterinarians operate in-house pharmacies as part of their businesses. Section § 31.21 (relating to Rules of Professional Conduct for Veterinarians), Principle 8(c) and (d), of the Board's regulations require veterinarians to properly label prescription drugs dispensed to clients and to dispense drugs in child resistant or original manufacturer's packaging. The Commissioner proposes civil penalties of \$500 for the first offense and \$1000 for the second offense for violating either of these regulatory provisions. These provisions were modeled after provisions in the Act 48 schedule at § 43b.7 (relating to schedule of civil penalties – pharmacists and pharmacies), which provides for civil penalties for violations under § 27.18 of the State Board of Pharmacy's regulations (related to standards of practice). Section 43b.7 provides for Act 48 civil penalties for dispensing drugs in "unsuitable containers" and for "lack of required information on container labels."

The Commissioner also proposes a schedule of civil penalties for the failure to complete mandatory continuing education by veterinarians and CVTs during the biennial renewal period preceding license renewal. The proposal calls for a \$25 per credit hour civil penalty for CVTs for the first offense and a \$150 per credit hour civil penalty for veterinarians for the first offense; however, these civil penalties would only apply if the licensee made up the hours of continuing education that were deficient within 6 months of the end of the biennial renewal period. The biennial renewal period for veterinarians and certified veterinary technicians ends on November 30 of even-numbered years. The

proposal would require veterinarians and CVTs to make up the number of deficient hours within 6 months or face formal prosecution. The \$150 proposed civil penalty per credit hour for veterinarians represents a significant increase over the civil penalty of \$50 per credit hour that was adopted by the Board in 2005. Because veterinary medicine is constantly evolving, with new treatments, new surgical techniques, new drugs, and new research, participation in continuing education is vital to the continued competence of veterinarians. The amended civil penalty demonstrates the commitment of the Commissioner and the Board to ensuring that licensees are able to provide high quality care to animals and adequately meet public health needs for veterinary medicine in the Commonwealth.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking would have a positive fiscal impact on the Commonwealth or its political subdivisions, and would reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process.

Sunset Date

Professional licensure statutes require each board and commission to be self-supporting; therefore, boards and commissions continually monitor the cost effectiveness of regulations affecting their operations. As a result, no sunset date has been assigned.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 27, 2010, the Commissioner 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 shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commissioner, the General Assembly, and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking to Teresa Lazo, Counsel, State Board of Veterinary Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Basil L. Merenda,
Commissioner
Bureau of Professional and Occupational
Affairs

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL
 AFFAIRS**

**SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL
 PENALTIES AND PROCEDURES FOR APPEAL**

* * * * *

§ 43b.21. [Schedule of civil penalties – veterinarians and veterinary technicians – statement of policy] (Reserved).

[STATE BOARD OF VETERINARY MEDICINE

Violation under 63 P.S.	Violation under 49 Pa. Code Chapter 31	Title/Description	Civil Penalty
Section 485.17	N/A	Failure to display current license.	Each offense - \$100
Section 485.21(1)	§ 31.21 Principle 5(c)	Improper advertising of emergency services.	First offense - \$250 Second offense - \$1,000 Subsequent offense – formal action

Sections 485.9(a) and 485.21(1)	§ 31.13	Practicing veterinary medicine on an expired license.	0 – 6 months – warning 6 – 24 months - \$500 24 – 48 months - \$1,000 More than 48 months – formal prosecution
Section 485.21(1)	§ 31.36	Practicing as a veterinary technician on an expired certificate.	0 – 6 months – warning 6 – 24 months - \$250 24 months – 48 months - \$500 More than 48 months – formal action]

§ 43b.21a. Schedule of civil penalties – veterinarians and certified veterinary technicians.

STATE BOARD OF VETERINARY MEDICINE

<u>Violation under 63 P.S.</u>	<u>Violation under 49 Pa. Code Chapter 31</u>	<u>Title/Description</u>	<u>Civil Penalty</u>
<u>Section 485.17 and Section 485.21(3)</u>	N/A	<u>Failure to display current license.</u>	<u>Each offense - \$100</u>
<u>Section 485.21(1)</u>	§ 31.21 Principle 5(c)	<u>Improper advertising of emergency services.</u>	<u>First offense - \$250</u> <u>Second offense - \$1000</u> <u>Subsequent offense – formal action</u>

<u>Sections 485.9(a)</u> <u>and 485.21(1)</u>	<u>§ 31.13</u>	<u>Practicing veterinary</u> <u>medicine on an expired</u> <u>license.</u>	<u>0 – 6 months – warning</u> <u>7 – 12 months - \$500</u> <u>13 – 24 months - \$750</u> <u>25 – 30 months - \$1,000</u> <u>More than 30 months –</u> <u>formal action</u>
<u>Section 485.21(1)</u>	<u>§ 31.36</u>	<u>Practicing veterinary</u> <u>technology on an expired</u> <u>certificate.</u>	<u>0 – 6 months – warning</u> <u>7 – 12 months - \$250</u> <u>13 – 24 months - \$500</u> <u>25 – 30 months \$750</u> <u>More than 30 months –</u> <u>formal action</u>
<u>Section 485.18</u>	<u>§ 31.15</u>	<u>Failure of veterinarian to</u> <u>complete required</u> <u>continuing education during</u> <u>the preceding biennial</u> <u>renewal period, which is</u> <u>corrected within 6 months.</u>	<u>First offense –</u> <u>\$150 per credit hour</u> <u>Second offense – formal</u> <u>action</u>
<u>Section 485.18</u>	<u>§ 31.36(a)</u>	<u>Failure of certified</u> <u>veterinary technician to</u> <u>complete required</u>	<u>First offense – \$25 per</u> <u>credit hour</u> <u>Second offense – formal</u>

continuing education during action
the preceding biennial
renewal period, which is
corrected within 6 months.

<u>Section 485.21(1)</u>	<u>§ 31.21</u>	<u>Improper labeling of</u>	<u>First offense - \$500</u>
	<u>Principle 8(d)</u>	<u>dispensed drugs.</u>	<u>Second offense - \$1000</u>
			<u>Subsequent offense –</u>
			<u>formal action</u>

<u>Section 485.21(1)</u>	<u>§ 31.21</u>	<u>Improper packaging of</u>	<u>First offense - \$500</u>
	<u>Principle 8(c)</u>	<u>dispensed drugs.</u>	<u>Second offense - \$1000</u>
			<u>Subsequent offense –</u>
			<u>formal action</u>

STATEMENTS OF POLICY

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Veterinarians and Veterinary Technicians

The Commissioner of Professional and Occupational Affairs (Commissioner) adds § 43b.21 (relating to schedule of civil penalties—veterinarians and veterinary technicians—statement of policy) to read as set forth in Annex A. This section establishes a civil penalty schedule for violations of the Veterinary Medicine Practice Act (63 P. S. §§ 485.1—485.35) and the regulations of the State Board of Veterinary Medicine (Board).

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with the licensing boards and commissions in the Bureau of Professional and Occupational Affairs (Bureau), to adopt a schedule of civil penalties for: (1) operating without a current, registered, unsuspended and unrevoked license, registration, certificate or permit; and (2) violating a provision of an act or regulation of a licensing board or commission within the Bureau regarding the conduct or operation of a business or facility licensed by the licensing board or commission. Under section 5(a) of Act 48, the Commissioner may adopt the schedule of penalties by publishing the schedule in the *Pennsylvania Bulletin* as a statement of policy and within 2 years thereafter promulgating the schedule as a regulation.

The Commissioner previously adopted civil penalty schedules under section 5(a) of Act 48 for many of the licensing boards and commissions within the Bureau. These schedules, as well as guidelines and procedures for their implementation, have been codified as regulations, in accordance with Act 48, in Chapter 43b (relating to Commissioner of Professional and Occupational Affairs). Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and

consent agreements. At the same time, licensees who receive an Act 48 citation retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts, with approximately 30% of sanctions imposed by the boards and commissions being accomplished through the Act 48 citation process.

The Commissioner recently consulted with the Board regarding the adoption of a schedule of civil penalties for violation of certain provisions of the Veterinary Medicine Practice Act and the regulations of the Board that would appear to lend themselves to the Act 48 summary procedures such as advertising violations, failure to display a license and practicing as a veterinarian or veterinary technician on an expired license or certificate. Prior to adoption of the civil penalty schedule, the Commissioner's representative consulted with the Board, who then approved the civil penalty schedule set forth in Annex A at a regular public meeting of the Board held on February 27, 2007.

The civil penalties set forth in Annex A are effective upon publication in the *Pennsylvania Bulletin* and apply to acts, omissions or violations occurring on and after the date of publication.

BASIL L. MERENDA,
Commissioner

(Editor's Note: Title 49 of the *Pennsylvania Code* is amended by adding a statement of policy in § 43b.21 to read as set forth in Annex A.)

Fiscal Note: 16-39. 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 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.21. Schedule of civil penalties—veterinarians and veterinary technicians—statement of policy.

STATE BOARD OF VETERINARY MEDICINE

Violation under 63 P. S.	Violation under 49 Pa. Code Chapter 31	Title/Description	Civil Penalty
Section 485.17	N/A	Failure to display current license.	Each offense—\$100
Section 485.21(1)	§ 31.21 Principle 5(c)	Improper advertising of emergency services.	First offense—\$250 Second offense—\$1,000 Subsequent offense— formal action

<i>Violation under 63 P. S.</i>	<i>Violation under 49 Pa. Code Chapter 31</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Sections 485.9(a) and 485.21(1)	§ 31.13	Practicing veterinary medicine on an expired license.	0—6 months—warning 6—24 months—\$500 24—48 months—\$1,000 More than 48 months— formal prosecution
Section 485.21(1)	§ 31.36	Practicing as a veterinary technician on an expired certificate.	0—6 months—warning 6—24 months—\$250 24—48 months—\$500 More than 48 months— formal action

[Pa.B. Doc. No. 07-1008. Filed for public inspection June 8, 2007, 9:00 a.m.]

STATE CONSERVATION COMMISSION

[25 PA. CODE CH. 83]

Nutrient Management Rules and Regulations

The State Conservation Commission (SCC) is proposing to amend Chapter 83, Subchapter B, Conservation District Fund Allocation Program—Statement of Policy (CDFAP SOP).

In July 2006, Senate Bill 1224 was signed into law creating authorization for a new Conservation District Fund. This legislation amended the existing Conservation District Law and directed the State Conservation Commission (SCC), in cooperation with the Department of Environmental Protection (DEP) and the Pennsylvania Department of Agriculture (PDA), to create a new special nonlapsing fund (The Conservation District Fund). Under this legislation, the SCC was specifically authorized to establish procedures for advanced payments to county conservation districts and to provide funding for activities necessary to meet the requirements of the Conservation District Law.

The SCC's CDFAP SOP guides the distribution of specific funds from DEP and PDA for transfer to county conservation districts. It is the vehicle through which the SCC disburses funds to districts for conservation district manager's cost-share, technical assistance cost-share, administrative assistance and other special project funds.

The SCC intends to amend its current published CDFAP SOP to incorporate changes necessary to implement the provisions of the Conservation District Fund legislation.

Contact Persons

For further information contact Karl G. Brown, Executive Secretary, State Conservation Commission, 2301 N. Cameron St., Room 407, Harrisburg, PA 17110, (717) 787-8821. Persons with a disability may use the AT&T Relay Service, (800) 654-5988 (voice users).

Proposed Statement of Policy

Copies of the proposed statement of policy may be obtained from Amy Smith, State Conservation Commission, 2301 N. Cameron St., Room 407, Harrisburg, PA 17110, (717) 787-8821, or by e-mail at ra-scc@state.pa.us. This proposal is also available electronically through the Department of Environmental Protection's website at www.depweb.state.pa.us, (Select: "Public Participation, Proposals Open for Comment, 2007").

Summary of Amendments

General Provisions

§ 83.31. Purpose.

The Commission proposes numerous additions to better describe the purpose of the CDFAP SOP and the new nonlapsing "Conservation District Fund." The Commission proposes to delete the list of program funding priorities.

§ 83.32. Definitions.

The Commission proposes adding definitions for the Agricultural Conservation Technical Assistance Program, Agricultural Area Security Law, Conservation District Management Staff, Cooperating Organization, Erosion and Sediment Control Program, National Pollutant Discharge Elimination System Permitting Program and the PDA. The Commission also proposes adding "and engineer" to the "Conservation district technician" definition.

§ 83.33. Eligible expenses.

This is a new section consolidating eligible expenses from the existing CDFAP SOP sections. Additional salary-related expenses that may be reimbursed are also proposed in this section.

§ 83.34. Application procedures.

This is a new section consolidating application procedures from existing CDFAP SOP sections.

§ 83.35. Procedures for allocating funds.

This is a new section describing how funds will generally be allocated to conservation districts and general restrictions that may be imposed based on the intent of the funding.

§ 83.36. Procedures for advance payments.

This is a new section describing how advance payments to conservation districts for manager and technical cost-share and administrative assistance will be determined.

§ 83.37. Reimbursement requirements and procedures.

This is a new section consolidating reimbursement requirements and procedures from existing CDFAP SOP sections. This section also defines what reports and documents are required by the Commission and the due date for each. Sanctions for missing a due date are also defined in this section.

§ 83.38. Reporting requirements.

This is a new section consolidating reporting requirements from existing CDFAP SOP sections. This section also requires the conservation district to use the Conser-



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7200

April 27, 2010

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

Re: Proposed Regulation
Bureau of Professional and Occupational Affairs
16A-51

Dear Chairman Coccodrilli:

Enclosed is a copy of a proposed rulemaking package of the Commissioner of Bureau of Professional and Occupational Affairs pertaining to schedule of civil penalties for veterinarians and veterinary technicians.

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

Sincerely,

A handwritten signature in cursive script that reads "Basil L. Merenda".

Basil L. Merenda
Commissioner
Bureau of Professional and Occupational Affairs

BLM/TL:rs

Enclosure

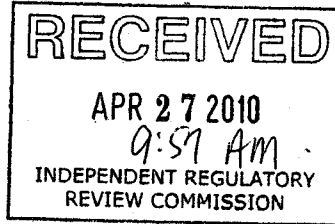
cc: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Steven V. Turner, Chief Counsel
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel & Senior Counsel in Charge
Department of State
Teresa Lazo, Counsel
State Board of Veterinary Medicine
State Board of Veterinary Medicine

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-721
 SUBJECT: GENERAL PROVISIONS
 AGENCY: DEPARTMENT OF STATE
 STATE BOARD OF MASSAGE THERAPY

TYPE OF REGULATION

- X 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



FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
4/27/10	<i>Klaus P. Nichols</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Michael P. McGeehan</u>
4/27/10	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Robert M. Tomlinson</u>
4/27/10	<i>K Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION ATTORNEY GENERAL (for Final Omitted only)
4/27/10	<i>M. L. Ladd</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)