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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

2844

September 28, 2010

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

RE: Final Regulation  
State Board of Veterinary Medicine  
16A-51 – Civil Penalties

Dear Mr. Kaufman:

**RECOMMENDATION:** It is recommended the House Professional Licensure Committee approve Final Regulation 16A-51.

**SUMMARY OF THE COMMENTS BY THE COMMITTEE AND RESPONSES  
FROM THE BOARD**

1. The Committee recommended that the sections of this proposed regulation be re-organized so that each section remains consistent with the previously stated profession.
  - The Board responded that it preferred to organize the regulation according to violation rather than licensee class.

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2. The Committee requested information on how the Board monitors the civil penalty time periods to ensure compliance with the proposed regulation.
  - The Board responded that, based on records that it maintains, the Commissioner is able to determine the date when a license to practice veterinary medicine has expired. When the licensee applies to renew the license, the number of months that have lapsed can be calculated by counting the months between the attempted renewal to the date of expiration.
  
3. The Committee questioned the need for adding a new civil penalty time period of 25-30 months and requested an explanation on how the Board determined the amount of a civil penalty for practicing on a lapsed license.
  - The Board responded that a new civil penalty was added because licensees who have forgotten to renew generally only realize their licenses are expired at the end of a biennial renewal period. The new 25-30 month period provides a simplified disciplinary process for licensees who have failed to renew for two (2) biennial periods. The additional civil penalty is appropriately the highest civil penalty, yet it provides the licensees with the opportunity to renew licenses without formal action, saving the Commonwealth money by reducing unnecessary formal actions.
  
4. The Committee requested an explanation on why a category of failing to display a current certificate for VTs with a civil penalty is not included.
  - The Board responded that neither the Veterinary Medicine Practice Act nor the Board's regulations require CVTs to display a current certificate. The Board is considering such a rulemaking which will adopt a civil penalty for violation.

Sincerely,



Michael P. McGeehan  
Chairman, House Professional Licensure Committee