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INDEPENDENT REGULATORY REVIEW COMMISSION

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

July 7, 2010

Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
2601 North Third Street
Harrisburg, PA 17110

Re: Regulation #16A-51 (IRRC #2844)
Bureau of Professional and Occupational Affairs
Schedule of Civil Penalties - Veterinarians and Veterinary Technicians

Dear Commissioner Merenda:

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
wbg
Enclosure

cc: Honorable Robert M. Tomlinson, Majority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Michael P. McGeehan, Majority Chairman, House Professional Licensure Committee
Honorable Julie Harhart, Minority Chairman, House Professional Licensure Committee
Robert A. Mulle, Esq., Office of Attorney General
Andrew Clark, Esq., Office of General Counsel

Comments of the Independent Regulatory Review Commission



Bureau of Professional and Occupational Affairs Regulation #16A-51 (IRRC #2844)

Schedule of Civil Penalties - Veterinarians and Veterinary Technicians

July 7, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the May 8, 2010 *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 Bureau of Professional and Occupational Affairs (Bureau) to respond to all comments received from us or any other source.

Comments of the House Professional Licensure Committee. – Need; Reasonableness; Protection of the public welfare; Implementation procedure; Clarity.

On June 9, 2010, the House Professional Licensure Committee (Committee) voted to submit the following comments to the Bureau:

- The Committee recommends that the sections of this proposed regulation be re-organized so that each section remains consistent with the previously stated profession.
- The Committee requests information on how the Bureau monitors the civil penalty time periods to ensure compliance with the proposed regulation.
- The Committee questions the need for adding a new civil penalty time period of 25-30 months and requests an explanation on how the Bureau determined the amount of a civil penalty for practicing on a lapsed license.
- The Committee requests an explanation on why a category of failing to display a current certificate for CVTs [certified veterinary technicians] with civil penalty is not included.

We will review the Bureau's responses to these issues in our determination of whether the final regulation is in the public interest.

RECEIVED

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INDEPENDENT REGULATORY
REVIEW COMMISSION**Facsimile Cover Sheet**

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

To: Tom Blackburn
Cynthia Montgomery
Agency: Department of State
Licensing Boards and Commissions
Phone: 3-7200
3-3394 (Cynthia Montgomery)
Fax: 7-0251
Date: July 7, 2010
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Bureau of Professional and Occupational Affairs' regulation #16A-51 (IRRC #2844). 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:

Date:

7/7/10