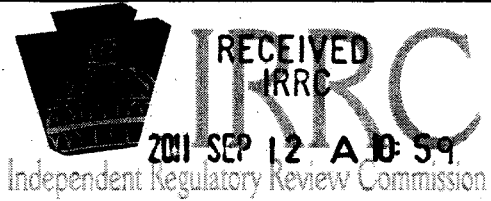


**This Final Form
Regulation (#2858)
includes an updated
Preamble which was
delivered on October
17, 2011.**

Regulatory Analysis Form

(Completed by Promulgating Agency)



SECTION I: PROFILE

(1) Agency:

Department of State, Bureau of Professional and Occupational Affairs, State Board of Veterinary Medicine

(2) Agency Number:

Identification Number: 16A-5724

IRRC Number:

2858

(3) Short Title:

Licensure, Continuing Education

(4) PA Code Cite:

49 Pa. Code §§ 31.11-31.13, 31.15, 31.16, 31.40 and 31.41

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

Primary Contact: Teresa Lazo, Counsel, State Board of Veterinary Medicine, st-veterinary@state.pa.us
Secondary Contact: Cynthia K. Montgomery, Regulatory Counsel, cymontgome@state.pa.us
2601 N. Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649
phone: 717-783-7200
fax: 717-787-0251

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

Michelle Roberts, Board Administrator, State Board of Veterinary Medicine, st-veterinary@state.pa.us
(All Comments will appear on IRRC'S website)

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

Final Regulation

Regulatory Analysis Form

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

The rulemaking will update the Board's regulations to identify an additional pathway to licensure for individuals who graduated from a school of veterinary medicine that is not accredited by the American Veterinary Medicine Association. The rulemaking will delete outdated references to the National Board Examination and Clinical Competency Test. The rulemaking will eliminate provisions and fees related to temporary practice permits because they are outdated. The rulemaking will clarify license renewal procedures and penalties. The rulemaking will accept as a pre-approved provider of continuing education the Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University. The rulemaking will require licensees to verify attendance at individual continuing education courses rather than just at a continuing education conference and will require licensees to retain proof of continuing education for 5 years.

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

- | | |
|---|-------------------|
| A. The date by which the agency must receive public comments: | August 23, 2010 |
| B. The date or dates on which public meetings or hearings will be held: | N/A |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | Spring 2011 |
| D. The expected effective date of the final-form regulation: | Upon publication. |
| E. The date by which compliance with the final-form regulation will be required: | Upon publication. |
| 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 reviews its regulations. The Board meets every other month throughout the year. The Board's remaining 2011 meeting dates are as follows: May 20, 2011, July 15, 2011, September 16, 2011, October 13, 2011 and December 16, 2011.

Regulatory Analysis Form

SECTION II: STATEMENT OF NEED

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

Section 8 of the Veterinary Medicine Practice Act (act), (63 P.S. § 485.8,) authorizes the Board to approve schools and colleges of veterinary medicine, allows the Board to determine the educational requirements for licensure. The American Veterinary Medical Association and American Association of Veterinary State Boards have developed programs for assessing the equivalence of veterinary education at non-accredited schools, such that graduates from these schools may meet the educational requirements for licensure.

Section 18 of the act, (63 P.S. § 485.18,) authorizes the Board to approve all continuing education programs and to promulgate standards to ensure that the programs meet the educational and professional requirements of the profession and are designed to keep the members of the profession abreast of current learning and scholarship.

Section 5 (2) of the act (63 P.S. § 485.5 (2)) authorizes the Board to promulgate regulations to effectuate the act.

Section 11 of the act (63 P.S. § 485.11) authorizes the Board to promulgate regulations related to the practice of veterinary technicians.

(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.

Regulatory Analysis Form

(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.

Prior to this proposed amendment, the Board accepted the equivalency evaluation of the American Veterinary Medical Association, which was the only equivalency evaluation program in existence. The American Association of Veterinary State Boards (AAVSB) developed its equivalency program over a number of years, and its program is now accepted in 39 states and jurisdictions (the U.S. Virgin Islands and Puerto Rico). The Board has followed the progress of the AAVSB program over the years and determined that it is equivalent to the AVMA equivalency assessment program. The Board voted to accept applications from individuals certified through PAVE in 2008. The amendment to the regulation conforms the regulations to the Board's practice.

Current provisions related to licensure renewal do not adequately distinguish between licensees who ceased practicing when their licenses expired and those who, in violation of the act, did not. The rulemaking clarifies the renewal requirements and penalties related to renewal when a licensee practiced on a lapsed license.

The Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University approached the Board and asked the Board to consider adding them as a provider of veterinary continuing education that is pre-approved by the Board to provide continuing education required for biennial license renewal to Pennsylvania's licensed veterinarians and veterinary technicians. After reviewing the information provided by the Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University, the Board found that their courses are in accordance with standards equivalent to the standards employed by the Board in approving continuing education courses. The Board concluded that the Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University courses are of consistently high educational quality and should have pre-approved status.

(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.

The rulemaking is not based upon any scientific data, studies or references.

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

The Board is unaware of any adverse effect of its proposal.

(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.

All veterinarians and veterinary technicians will benefit from having an additional source of pre-approved continuing education.

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.

No costs or savings to the regulated community are anticipated. The \$5 fee for a duplicate license is Bureau-wide and longstanding, having been established in 1978 under the Bureau of Professional and Occupational Affairs Fee Act. (See, 63 P.S. § 1401-226.) The Board is merely providing notice of the fee through these amendments to its regulations. Additionally, there have not been any applicants for temporary permit for 30 years, when the licensure examination began to be taken by fourth year veterinary students. For that reason, no savings are associated with the deletion of the application fee for temporary permits.

(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.

No costs or savings to local governments are associated with 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.

No costs or savings to state government is associated with the regulation.

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 Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
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	0
State Government	0	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 07-08	FY 08-19	FY 09-10 (estimated)	FY 10-11 (budgeted)
State Board of Veterinary Medicine	\$534,176	\$644,668	\$587,850	\$788,000

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

As there are no costs associated with the regulation; the benefit to the Board's licensees in increased clarity of the regulations and having an additional CE provider clearly favors adopting the regulation.

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 Board considered comments on its draft rulemaking from the Pennsylvania Veterinary Medical Association and Penn State University under Executive Order 1996-1. There were no public comments received related to the proposed rulemaking.

(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.

The Board did not consider any alternative regulatory provisions.

(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.

None of the provisions of the proposed regulation are more stringent than federal standards.

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

The regulation is comparable to other states' regulations that permit veterinarians to obtain continuing education credit for courses from state universities. It should not have an adverse impact on Pennsylvania's ability to compete with other states.

(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.

Regulatory Analysis Form

(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 Board.

Regulatory Analysis Form

SUPPLEMENTAL PAGE VALID FOR USE THROUGH 11/1/2011

(Completed by Promulgating Agency)

RECEIVED
INDEPENDENT REGULATORY
REVIEW COMMISSION
2011 SEP 12 A 10:59

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency: Department of State, Bureau of Professional and Occupational Affairs, State Board of Veterinary Medicine

(2) Agency Number: 16A
Identification Number: 5724

IRRC Number: 2858

(3) PA Code Cite: 49 Pa. Code §§ 31.11-31.13, 31.15, 31.16, 31.40 and 31.41

(4) Short Title: Licensure renewal, continuing education

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

Primary Contact: Teresa Lazo, Counsel, State Board of Veterinary Medicine, st-veterinary@pa.gov
Secondary Contact: Cynthia K. Montgomery, Regulatory Counsel, cymontogome@pa.gov
2601 N. Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649
Phone (717) 783-7200
Fax (717) 787-0251

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

- | | |
|--|--|
| <input type="checkbox"/> Proposed Regulation | <input type="checkbox"/> Emergency Certification Regulation; |
| <input checked="" type="checkbox"/> Final Regulation | <input type="checkbox"/> Certification by the Governor |
| <input type="checkbox"/> Final Omitted Regulation | <input type="checkbox"/> Certification by the Attorney General |

(7) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data formed the basis for this regulation.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

RECEIVED
IRRC

(Pursuant to Commonwealth Documents Law)

2011 SEP 12 A 10:59

DO NOT WRITE IN THIS SPACE

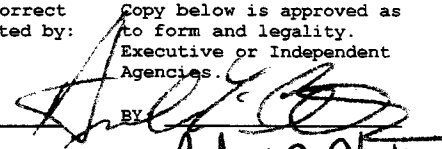
Copy below is hereby approved as to form and legality. Attorney General

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.

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Veterinary Medicine
(AGENCY)

BY: 
Andrew C. Clark

16A-5724

DOCUMENT/FISCAL NOTE NO. _____

AUG 1 2011

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL

BY: 
Robin Bernstein, Esquire

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

TITLE: Chairman
(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.

FINAL RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE

LICENSURE RENEWAL, CONTINUING EDUCATION
49 Pa. Code §§ 31.11-31.13, 31.15, 31.16, 31.40 and 31.41

2011 OCT 17 P 3:38

16A-5724 – Final Preamble
Licensure, Continuing Education
October 17, 2011

The State Board of Veterinary Medicine (Board) hereby amends §§ 31.11, 31.13, 31.15, 31.16, 31.40 and 31.41, and to rescind § 31.12 (relating to temporary permits) to read as set forth in Annex A. The amendments update the Board's regulations with regard to licensure applications and renewal, temporary permits, continuing education and existing fees for duplicate licenses.

Effective Date

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

Statutory Authority

Section 8 of the Veterinary Medicine Practice Act (act) (63 P.S. § 485.8) authorizes the Board to determine the educational requirements for licensure. Section 18 of the act (63 P.S. § 485.18), authorizes the Board to approve all continuing education programs and to promulgate standards to ensure that the programs meet the educational and professional requirements of the profession and are designed to keep the members of the profession abreast of current learning and scholarship. Section 27.1 of the act (63 P.S. § 485.27a) requires the Board to promulgate regulations setting forth recordkeeping standards. Section 5(2) of the act (63 P.S. § 485.5(2)) authorizes the Board to promulgate regulations to effectuate the act. Section 11 of the act (63 P.S. § 485.11) authorizes the Board to promulgate regulations related to the practice of veterinary technicians.

Summary of Comments to Proposed Rulemaking and the Board's Response

Notice of proposed rulemaking was published in the *Pennsylvania Bulletin* on July 24, 2010, at 40 Pa.B. 4154, which provided for 30 days of public comment. No public comments were received. On September 13, 2010, the Board received comments from the House Professional Licensure Committee (HPLC). On September 20, 2010, the Independent Regulatory Review Commission (IRRC) submitted its comments under the Regulatory Review Act (71 P.S. §§ 745.1 – 745.15). The following is a summary of those comments and the Board's response.

HPLC noted that in the Preamble to the proposed rulemaking, the Board referred to "jurisdictions states" and asked what was meant. This was essentially a typographical error; the sentence should have read as follows: "The AAVSB presented information to the Board regarding the program, which has approved over 400 candidates and is now accepted in 29 jurisdictions and states, including New York and Virginia." Both words are used because the Program for the Assessment of Veterinary Education Equivalence (PAVE) is accepted for veterinary licensure in U.S. territories as well as states. As of March 2011, there are 34 jurisdictions and states that accept PAVE, including the U.S. Virgin Islands and Puerto Rico. However, because the proposed preamble is not republished, the error cannot be corrected.

HPLC next noted a typographical error in the Preamble to the proposed rulemaking where the statutory citation was given as title 53 rather than title 63, and asked that the error be corrected. Because the Board does not republish the proposed preamble, the error cannot be corrected. HPLC also noted a typographical error in § 31.13 (relating to licensure renewal), where a “d” was erroneously added to the word “receive.” This error has been corrected in the final-form rulemaking.

HPLC asked whether the District of Columbia was included in the reference, in § 31.13(b), to “another state, territory, country, or by a Federal authority in the United States.” The Board intended the word “state” to include the District of Columbia. This interpretation comports with the definition of “state” in the Statutory Construction Act at 1 Pa.C.S.A. § 1991, which provides in part, “[w]hen used in reference to the different parts of the United States, includes the District of Columbia...”

HPLC requested an explanation for the use of the term “licensee” in § 31.13(e)(i) when other paragraphs in the subsection referenced a “veterinarian.” Subsection (e) provides for licensees who may not use the § 31.13 renewal provisions because they have been practicing on an expired license, either in the Commonwealth or in another state, or because they have not been practicing veterinary medicine even though they have a currently-renewed license in another state. Although HPLC suggested using “veterinarian” consistently in subsection (e), the Board finds that the more accurate term is “licensee” because all individuals affected by this section would be licensees of the Board. The Board has made this amendment to the final-form rulemaking.

HPLC next questioned the term used for a veterinarian who fails to renew a license, and asked if the term “holder of an expired license” or “licensee” is the “technical status.” The Board sees no difference between the two terms. Once an individual is granted a license, the individual is a licensee. Individuals have a constitutionally-protected property interest in their professional licenses. If an individual fails to renew the license, the individual retains the property interest and remains a licensee, with all of the constitutional protections afforded the individual’s right in the property. Only if the license is surrendered or revoked does the individual cease to be a licensee. In response to the HPLC’s inquiry, the Board has amended the existing language in subsection (d), which refers to a “holder of an expired license to practice veterinary medicine” to refer instead to a “licensee whose license to practice veterinary medicine is expired.”

HPLC also noted that when the proposed rulemaking was published by the Legislative Reference Bureau, a subheading caption “Veterinary Technicians and Noncertified Employees” was added. HPLC pointed out that the term “noncertified employee” has not been used since the 2002 amendments to the act. The Board believed that all references to “non-certified employees” were previously deleted and replaced with “veterinary assistant” – the term used in the 2002 statutory amendments. Apparently, the reference in the subheading was not amended at that time. The Board has made this correction to the final-form rulemaking.

IRRC asked why the Board was deleting the provisions and fee related to temporary practice permits while the underlying statutory provision related to temporary permits was still in place. Section 10 of the act (63 P.S. § 485.10) provides that the Board may issue a temporary permit to a graduate of a Board-approved school of veterinary medicine that permits the permit holder to practice veterinary medicine in association with a licensee and under the supervision of the licensee. The statutory provision further requires the permit holder to “present himself or herself for examination at the next scheduled examination of the board” and provides that the permit will immediately terminate if the holder fails the examination. From 1954 to 1970, the National Board Examination in Veterinary Medicine was given in June and graduates of schools and colleges of veterinary medicine took the examination following their graduation. Temporary permits were necessary at that time to permit a graduate to work under the supervision of a veterinarian while waiting for the exam results and issuance of a license. Beginning in 1976, the National examination was offered in December and June, and third and fourth year veterinary students were permitted to sit for examination. As a result, fewer temporary permits were issued because many students took and passed the examination while still in school. In approximately 1979, the National examination dates were changed to December and May; a year or so later the dates were changed to December and April and the examination was limited to fourth year veterinary students. Since that time and continuing to the present, fourth year students test in December and, if they are unsuccessful, retest in April – both testing dates are prior to their graduation. Because the act provides that “[n]o temporary permit shall be issued to any applicant if he or she has previously failed the examination,” a graduate who has failed the exam is not eligible for the issuance of a temporary permit. For these reasons, the Board has not had an applicant for a temporary permit for more than 30 years. Therefore, the provisions related to a temporary permit are not needed. Because the statutory provision does not mandate that the Board shall issue temporary permits, but rather provides the Board with discretion (by use of the term “may”), the Board believes that deleting these outdated, unnecessary provisions from the regulations is reasonable. The Board will consider putting forth a legislative initiative seeking to have the General Assembly amend the act in like fashion.

IRRC next asked for clarification of the Board’s amendments to section 31.13, specifically, what type of documentation would evidence completion of continuing education requirements. Certificates of attendance, which must be provided to licensees upon completion of a continuing education course pursuant to § 31.16(c) (relating to continuing education provider approval), are the standard documentation that licensees submit to verify completion with continuing education requirements. The Board has amended § 31.13(d) by changing “documentation” to “submission of certificates of attendance demonstrating” that the licensee has completed the required continuing education.

IRRC recommended maintaining existing language in § 31.15 (relating to continuing education) “so that it is clear to licensees that a license cannot be renewed if the licensee fails to complete continuing education credits as required by statute.” The Board has amended § 31.15 in the final-form rulemaking in light of IRRC’s suggestion.

Finally, IRRC notes that the Board stated that the amendments would have no adverse effect and that there are no costs or savings associated with the amendments, yet the Board proposed three amendments to its fees. The three amendments to the fees in § 31.41 (relating to schedule of fees) are as follows: add a \$5 fee for a duplicate license for veterinarians, add a \$5 fee for a duplicate license for veterinary technicians, and delete the \$35 fee for a temporary permit for veterinarians. The \$5 fee for a duplicate license is a Bureau-wide fee set forth in section 226 of the Bureau of Professional and Occupational Affairs Act (63 P.S. § 1401-226), originally established in 1978. This fee has been charged to licensees of the Board for more than 30 years. Therefore, there are no costs or savings associated with the amendment, which merely provides additional notice to licensees of the fee associated with the printing of a duplicate license. The Board does not anticipate any savings from deleting the \$35 fee for a temporary permit because, as discussed above, the Board has not issued temporary permits since approximately the late 1970s.

Description of Amendments to the Final-Form Rulemaking

Section 31.13(d) is amended to refer to a licensee whose license to practice veterinary medicine is expired, and to clarify the documentation needed to demonstrate continuing education for the biennial period preceding renewal consists of certificates of attendance. Section 31.13(e) is amended for simplification to require a licensee who either practiced on an expired license or did not practice at all for a 5-year period to re-examine to establish competence to practice.

Section 31.15 (relating to continuing education) is amended to clarify that veterinarians must certify completion of the required continuing education as a condition of licensure renewal. In addition, while reviewing the proposed amendments to subsection (c), the Board determined that it would be more beneficial to licensees to retain proof of continuing education attendance for a minimum of 5 years, rather than 3 years as proposed. In considering this change, the Board noted that a majority of other health-related boards require proof of continuing education be maintained for no less than 4 or 5 years.

Fiscal Impact and Paperwork Requirements

The Board believes that the final-form rulemaking should have little or no fiscal impact on licensees, approved continuing education providers, the Board or any other Commonwealth entity. The requirement to maintain documentation of continuing education for 5 years will have a minor effect on licensees' paperwork/recordkeeping requirements.

Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 14, 2010, the Board submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 4154 (July 24, 2010), to IRRC and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

No comments from the public were received during the public comment period. In preparing the final-form rulemaking, the Board has considered all comments received from the HPLC and IRRC.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on _____, 2011, the final-form rulemaking was approved by HPLC. On _____, 2011, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, 2011, and approved the final-form rulemaking.

Findings

The Board finds that:

1. Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240), (45 P.S. §§ 1201 – 1202), and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 – 7.2.
2. A public comment period was provided as required by law and all comments were considered.
3. The amendments to the final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 40 Pa.B. 4154.
4. This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this Preamble.

Order

The Board, acting under its authorizing statute, orders that:

- (A) The regulations of the Board at 49 Pa. Code §§ 31.11 – 31.13, 31.15, 31.16, 31.40 and 31.41 are amended to read as set forth in Annex A.
- (B) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.
- (C) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (D) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

Robin J. Bernstein, Esquire
Board Chairman

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

LICENSURE

§ 31.11. Application for licensure.

* * * * *

(b) *Original licensure.* As a prerequisite to original licensure as a veterinarian, an applicant shall submit the following documentation to the Board:

(1) Evidence of graduation from an approved school or college of veterinary medicine[. The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the] or certification of equivalence sent directly from the American Veterinary Medical Association, Educational Commission for Foreign Veterinary Graduates or [another program which may subsequently be approved by the American Veterinary Medical Association as proof of graduation from an approved school or college of veterinary medicine] the American Association of Veterinary State Boards, Program for the Assessment of Veterinary Education Equivalence.

(2) North American Veterinary Licensing Examination (NAVLE) results as furnished through a National examination grade reporting service. [The Board will accept an applicant's grades from the National Board Examination (NBE) and Clinical Competency Test (CCT) examinations if taken within the last 5 years as furnished through a National examination grade reporting service in lieu of the NAVLE, if the applicant passed these examinations with a score equivalent to or higher than the passing score then prevailing in this Commonwealth.]

* * * * *

§ 31.12. [Temporary permits] (Reserved).

[(a) *Original licensure.* An applicant for original licensure who desires a temporary permit under section 10 of the act (63 P.S. § 485.10) may be granted a temporary permit to practice veterinary medicine upon graduation from an approved school or college of veterinary medicine, completion of an application form prescribed by the Board and payment of the fee required by § 31.41 (relating to schedule of fees). The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved school or college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the American Veterinary Medical Association, Educational Commission for Foreign Veterinary Graduates or another program which may subsequently be approved by the American Veterinary Medical Association, as proof of graduation from an approved school or college of veterinary medicine.

(b) *Reciprocal licensure.* An applicant for reciprocal licensure who desires a temporary permit under section 10 of the act may be granted a temporary permit to practice veterinary medicine in this Commonwealth if the applicant completes an application form prescribed by the Board, pays the fee required by § 31.41, and otherwise meets the requirements of subsections (a) and (c) and section 10 of the act.

(c) *Temporary permit holder limitations.* A temporary permit holder shall be associated with a licensed doctor of veterinary medicine, shall limit his work to the practice of the licensed doctor of veterinary medicine and may not participate in any practice or operation of a branch office, clinic or allied establishment. The associating veterinarian shall be responsible for all veterinary activities of the temporary permit holder and shall be accessible to the temporary permit holder either by telephone or personal contact. When contact by telephone or personal contact is not possible as, for example, in the case of vacations or other travel, the associating veterinarian shall delegate the supervisory responsibilities to another licensed veterinarian. The associating veterinarian will continue to assume responsibility for the veterinary activities of the temporary permit holder in his absence. A temporary permit holder shall report to the next scheduled examination of the Board following the issuance of the temporary permit. The temporary permit shall expire on the day following the announcement of the grades of the first examination given after the temporary permit is issued.]

§ 31.13 Licensure renewal.

(a) Licenses expire on November 30 of each even-numbered year, regardless of the date of issuance. Licenses are renewable for a 2-year period beginning December 1 of each even-numbered year. The fee for biennial renewal is as set forth in § 31.41

(relating to schedule of fees). [Late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501) will be added to the renewal fees of licensees who do not submit their renewal applications by December 1 of the year of expiration of their licenses.] Upon renewing their licenses, licensees will receive a blue 5 x 7 wall certificate and wallet-size license card which show the next expiration date of the license. [These documents are the only evidence of valid, current licensure.]

(b) A licensee who is also licensed to practice veterinary medicine in another state, territory, or country shall report this information on the biennial registration form. Disciplinary action taken by the veterinary licensing authority or other authority that authorizes a licensee to the practice of veterinary medicine or that is related to veterinary medicine in [other states, territories or countries] another state, territory, country, or by a Federal authority in the United States, shall be reported to the Board on the biennial registration application or within 90 days of final disposition, whichever is sooner. Criminal convictions shall be reported to the Board on the biennial registration application or within 90 days of sentencing, including acceptance into an Accelerated Rehabilitative Disposition program, whichever is sooner.

(c) Licensed veterinarians who fail to renew their license shall cease from the practice of veterinary medicine in this Commonwealth on the last day of November of the renewal year. [Failure to do so] A licensee who continues to practice on an expired license will [result in] be subject to disciplinary action by the Board [under section 9(a) of the act (63 P.S. § 485.9(a))]. Late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501) will be added to the

renewal fee of a licensee who practiced on an expired license. The licensee will be required to pay the current biennial renewal fee as set forth in § 31.41 (relating to fees) and the fees that would have been paid had the license been maintained in good standing. The licensee will be required to submit continuing education certificates of attendance for the current and any past biennial renewal periods during which the licensee practiced on an expired license.

(d) A ~~holder of an expired~~ LICENSEE WHOSE license to practice veterinary medicine IS EXPIRED who did not practice veterinary medicine in this Commonwealth while the licensee's license was expired may reactivate and renew the license [within 5 years from the date of its expiration,] upon application to and approval of the Board and upon payment of the current biennial renewal fee as set forth in § 31.41 [and the payment of the fees that would have been paid if the license had been maintained in good standing] and documentation SUBMISSION OF CERTIFICATES OF ATTENDANCE DEMONSTRATING that the licensee has complied with § 31.15 (relating to continuing education) FOR THE BIENNIAL PERIOD PRECEDING RENEWAL. The application for renewal shall also be accompanied by [certificates of attendance at continuing education courses as required by § 31.15 (relating to continuing education) for the current and preceding biennial renewal periods in which the license was expired, and] an Affidavit of Non-Practice, verifying the period of time in which the licensee abstained from the practice of veterinary medicine in this Commonwealth. A licensee will not be assessed a late renewal fee under the Bureau of Professional and Occupational Affairs Fee Act for the preceding biennial periods in which the licensee abstained from the practice of veterinary medicine in this Commonwealth.

(e) [A licensee will not be assessed a late renewal fee for the preceding biennial periods in which the licensee abstained from the practice of veterinary medicine in this Commonwealth.] ~~The following individuals~~ A LICENSEE will be required to apply for a REACTIVATE THE license in accordance with section 9 of the act (63 P.S. §485.9) if the licensee desires to resume practicing veterinary medicine in this Commonwealth IF:

~~(i) — A~~ THE licensee who practiced veterinary medicine ON AN EXPIRED LICENSE in this Commonwealth OR ANOTHER STATE, TERRITORY OR COUNTRY on an expired Pennsylvania license for a period of more than 5 years OR IF THE LICENSEE DID NOT PRACTICE VETERINARY MEDICINE FOR A PERIOD OF MORE THAN 5 YEARS.

~~(ii) — A veterinarian who practiced veterinary medicine in another jurisdiction on an license issued by that jurisdiction that was expired for a period of more than 5 years.~~

~~(iii) — A veterinarian who did not have an unexpired license in any jurisdiction and did not practice veterinary medicine with a current license in any jurisdiction for a period of more than 5 years.~~

* * * * *

§ 31.15. Continuing education.

[As a condition of licensure renewal under § 31.13 (relating to licensure renewal),
a veterinarian]

(a) Veterinarians shall complete 30 clock hours of continuing education courses approved by the Board during the 24 months preceding the renewal date. [Continuing education credit will not be given for a course in office management or practice building.] VETERINARIANS SHALL CERTIFY COMPLETION OF THE REQUIRED CONTINUING EDUCATION AS A CONDITION OF LICENSURE RENEWAL.

(b) A maximum of 25% of the hours may be earned by taking individual study or written or computer-based correspondence courses for which third-party verification of satisfactory completion is provided. [The courses shall meet the requirements of § 31.16 (relating to continuing education provider approval).]

(c) Veterinarians shall maintain a list of all continuing education courses attended and certificates of attendance for a minimum of 3 5 years.

(d) Courses in office management or practice building may not be used to meet the 30-hour continuing education requirement.

§ 31.16. Continuing education provider approval.

(a) Subject to § 31.15 (relating to continuing education), the Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers so long as the programs increase the skills, knowledge and competency of veterinarians in the practice of the profession:

* * * * *

(9) The Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University.

* * * * *

(c) Organizations approved under subsections (a) and (b) shall provide certificates of attendance to the veterinarian which includes the name of the provider, the name of the licensee, the title of the course, the date of the course, the number of credit hours and the signature of the person authenticating attendance. If a certificate of attendance covers a program with more than one course, organizations approved under subsections (a) and (b) shall require some method by which attendees verify attendance at individual courses. Organizations approved under subsection (b) shall also provide the Pennsylvania approval number.

* * * * *

**CERTIFIED VETERINARY TECHNICIANS AND ~~NONCERTIFIED~~
~~EMPLOYEES~~ VETERINARY ASSISTANTS**

§ 31.40. Continuing education provider approval.

(a) The Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers [as] so long as the programs are specifically designed to increase the skills, knowledge and competency of certified veterinary technicians:

* * * * *

(10) The Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University.

* * * * *

FEES

§ 31.41. Schedule of fees

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

Veterinarians:

* * * * *

[Temporary permit.....\$35]

Duplicate license.....\$5

* * * * *

Veterinary technicians:

* * * * *

Duplicate license.....\$5

* * * * *

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 78]

Oil and Gas Cementing and Casings; Additional Public Hearing

The Environmental Quality Board (Board) has scheduled an additional public hearing for the purpose of accepting comments on the proposed rulemaking to amend Chapter 78 (relating to oil and gas wells) to update cementing and casing standards, published at 40 Pa.B. 3845 (July 10, 2010). The additional public hearing will be held July 26, 2010, at 7 p.m. at the Department of Environmental Protection, Southwest Regional Office, Waterfront Conference Rooms A and B, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

The proposed rulemaking updates existing requirements regarding the drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells, and the protection of water supplies. The proposed rulemaking includes updated material specifications and performance testing and amended design, construction, operational, monitoring, plugging, water supply replacement and gas migration reporting requirements. The additional requirements will minimize gas migration and will provide an increased degree of protection for both public and private water supplies.

The previously-referenced hearing is in addition to four other hearings scheduled by the Board in Tunkhannock on July 19, 2010, Williamsport on July 21, 2010, Meadville on July 22, 2010, and Pittsburgh on July 22, 2010, to receive comments from the public on the proposed rulemaking.

Written Comments

Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board on or before August 9, 2010. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board on or before August 9, 2010. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form rulemaking will be considered.

Electronic Comments

Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board on or before August 9, 2010. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

Public Hearings

Persons wishing to present testimony at the previously-referenced hearing in Pittsburgh are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in

advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can best accommodate their needs.

Copies of the Proposal

The full text of the proposed rulemaking was published at 40 Pa.B. 3345, and is available at <http://www.pabulletin.com> as well as on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (Quick Access: "Public Participation"; then choose "Proposals Open for Comment"). Copies of the proposed rulemaking are also available from the Department of Environmental Protection, Bureau of Oil and Gas, Rachel Carson State Office Building, 5th Floor, 400 Market Street, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2199, ra-epoilandgas@state.pa.us.

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 10-1324. Filed for public inspection July 23, 2010, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

License Renewal; Continuing Education

The State Board of Veterinary Medicine (Board) proposes to amend §§ 31.11, 31.13, 31.15, 31.16, 31.40 and 31.41 and to rescind § 31.12 (relating to temporary permits) to read as set forth in Annex A. The proposed rulemaking updates the Board's regulations with regard to original licensure, temporary permits, license renewal and continuing education.

Effective Date

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

Statutory Authority

Section 8 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.8) authorizes the Board to determine the educational requirements for licensure. Section 18 of the act (63 P. S. § 485.18) authorizes the Board to approve continuing education programs and to promulgate standards to ensure that the programs meet the educational and professional requirements of the profession and are designed to keep the members of the profession abreast of current learning and scholarship. Section 5(2) of the act (63 P. S. § 485.5(2)) authorizes the Board to promulgate regulations to effectuate the act. Section 11 of the act (63 P. S. § 485.11) authorizes the Board to promulgate regulations regarding the practice of veterinary technicians.

Background and Need for Proposed Rulemaking

Prior to this proposed rulemaking, the American Veterinary Medical Association (AVMA) Educational Commission for Foreign Veterinary Graduates (ECFVG) certification program was the only path by which a graduate of a school of veterinary medicine that was not accredited by the AVMA could obtain licensure in this Commonwealth. Over the past decade, the American Association of Veterinary State Boards (AAVSB) developed the Program for the Assessment of Veterinary Education Equivalence (PAVE) certification program. The AAVSB presented information to the Board regarding the program, which has approved over 400 candidates and is now accepted in 29 jurisdictions states, including New York and Virginia. The Board determined that both the PAVE and ECFVG certification programs assess educational equivalency in the public interest. In 2008, the Board voted to accept applications from individuals certified through PAVE. The Board's proposal now conforms the regulations to the Board's practice.

The Board also proposes to delete references to the National Board Examination and Clinical Competency Test, which have not been used for initial licensure in North America for well over 5 years.

The proposed rulemaking also deletes provisions and fees regarding temporary permits because these provisions are outdated. As described in section 10 of the act (53 P. S. § 485.10), temporary permits were designed to permit graduates of approved schools to practice while awaiting the next administration of the licensing examination and the announcement of scores from the licensing examination. For at least 10 years, veterinary students have been taking the licensing examination prior to graduation from veterinary school. Applicants for licensure by reciprocity can have their licensure applications processed as quickly as they can have an application for a temporary permit processed. Therefore, there is no longer a need for temporary permits.

The proposed rulemaking updates the Board's regulations regarding license renewal by more clearly delineating between licensees who continue to practice while their licenses are lapsed, in violation of the act, and individuals who do not practice while their licenses are lapsed.

The proposed rulemaking also updates the Board's continuing education provisions to recognize the Department of Veterinary and Biomedical Sciences (Department), College of Agricultural Sciences, Pennsylvania State University as a preapproved provider of veterinary medical continuing education. The Department requested approval of its courses on an annual basis for many years and the Board always approved the Department. After reviewing the information provided by the Department, the Board determined that the courses are of consistently high educational quality and advance the knowledge of licensees in the practice of veterinary medicine and should, therefore, be granted preapproved status. Finally, the Board proposes additional requirements on preapproved providers of continuing education consistent with National trends.

The proposed rulemaking requires licensees attending veterinary medical conferences at which multiple continuing education courses are offered to use some method to verify their attendance at individual courses. The large National veterinary medical conferences use a system

whereby the attendees register for particular courses online and schedules are printed. In addition, most of the conferences provide a log sheet for the attendees to write in the names of the courses they attended. One conference provides swipe cards that attendees use when they enter and leave individual courses and a computer-generated log is generated documenting the sessions attended.

The proposed rulemaking also adds a new fee for a duplicate license. Veterinarians are required to display an original license issued by the Board at their practice location. Veterinarians who practice in more than one facility shall obtain a duplicate license from the Board. The Boards and commissions within the Bureau of Professional and Occupational Affairs charge \$5 for a duplicate license; however, the Board never put this fee into its regulatory schedule of fees. To inform licensees of the fee, the Board proposes to add the fee. While certified veterinary technicians are not required to display their original license at their practice locations, certified veterinary technicians or veterinarians may need duplicate licenses if their licenses are lost or destroyed. Therefore, the Board proposes to include the duplicate license fee for both veterinarians and certified veterinary technicians.

Description of Proposed Amendments

The Board proposes to amend § 31.11(b)(1) (relating to application for licensure) to permit applicants who graduated from schools not accredited by the AVMA to demonstrate equivalent education through either the AVMA (ECFVG) or AAVSB (PAVE) equivalency evaluation process.

The Board proposes to amend § 31.11(b)(2) to delete references to the National Board Examination and Clinical Competency Test, examinations that have not been administered in well over 5 years.

The Board proposes to rescind § 31.12 because veterinary students currently take the licensure examination prior to completing veterinary school and applicants for licensure by reciprocity do not need temporary permits because the processing time for a license and a permit is the same.

In addition, the Board proposes to amend § 31.13 (relating to licensure renewal) to require licensees to report disciplinary actions by another state veterinary licensing board or other authority that authorizes a veterinarian to practice. This provision is necessary to ensure that the Board is made aware of disciplinary action by state racing commissions or the United States Department of Agriculture. In addition, the Board proposes to require veterinarians to report criminal convictions to the Board. The Board proposes to amend § 31.13(c) and (d) to more clearly distinguish the requirements and penalties associated with license renewal between licensees who practiced on an expired license in violation of the act and those who ceased practicing upon expiration of their licenses.

The Board proposes to amend §§ 31.16(a) and 31.40(a) (relating to continuing education provider approval), which list those continuing education providers who are preapproved by the Board to offer courses to licensed veterinarians and to certified veterinary technicians, by adding a paragraph to include the Department.

The Board proposes to amend § 31.16(c) to require providers of continuing education to provide attendees with some method to verify their attendance at individual continuing education courses. The large National conferences have already developed some method of documenting attendance at individual courses.

Finally, the Board proposes to amend § 31.41 (relating to schedule of fees) to delete the fee for temporary permits and include the fee for duplicate licenses.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking should not have financial impact on licensees, the Board or any other Commonwealth entity. The proposed rulemaking will not have fiscal impact on the public. The proposed rulemaking will permanently relieve the Department from having to apply to the Board for approval of a continuing education course to be offered by them.

The proposed amendment requiring providers of continuing education offering multiple courses to provide a mechanism for tracking individual's attendance at particular courses may cause the providers to incur additional expenses and paperwork. However, the large, National meetings already provide either an online, written or electronic tracking sheet to attendees. Therefore, there should not be fiscal impact or additional paperwork requirements.

Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 14, 2010, the Board 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 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 comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Michelle Roberts, Board Administrator, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us/vet within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

ROBIN J. BERNSTEIN, Esq.,
Chairperson

Fiscal Note: 16A-5724. 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 31. STATE BOARD OF VETERINARY MEDICINE LICENSURE

§ 31.11. Application for licensure.

* * * * *

(b) *Original licensure.* As a prerequisite to original licensure as a veterinarian, an applicant shall submit the following documentation to the Board:

(1) Evidence of graduation from an approved school or college of veterinary medicine [. The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the] or certification of equivalence sent directly from the American Veterinary Medical Association, Educational Commission for Foreign Veterinary Graduates or [another program which may subsequently be approved by the American Veterinary Medical Association as proof of graduation from an approved school or college of veterinary medicine] the American Association of Veterinary State Boards, Program for the Assessment of Veterinary Education Equivalence.

(2) North American Veterinary Licensing Examination (NAVLE) results as furnished through a National examination grade reporting service. [The Board will accept an applicant's grades from the National Board Examination (NBE) and Clinical Competency Test (CCT) examinations if taken within the last 5 years as furnished through a National examination grade reporting service in lieu of the NAVLE, if the applicant passed these examinations with a score equivalent to or higher than the passing score then prevailing in this Commonwealth.]

* * * * *

§ 31.12. [Temporary permits] (Reserved).

[(a) *Original licensure.* An applicant for original licensure who desires a temporary permit under section 10 of the act (63 P. S. § 485.10) may be granted a temporary permit to practice veterinary medicine upon graduation from an approved school or college of veterinary medicine, completion of an application form prescribed by the Board and payment of the fee required by § 31.41 (relating to schedule of fees). The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved school or college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the American Veterinary Medical Association, Educational Commission

for Foreign Veterinary Graduates or another program which may subsequently be approved by the American Veterinary Medical Association, as proof of graduation from an approved school or college of veterinary medicine.

(b) *Reciprocal licensure.* An applicant for reciprocal licensure who desires a temporary permit under section 10 of the act may be granted a temporary permit to practice veterinary medicine in this Commonwealth if the applicant completes an application form prescribed by the Board, pays the fee required by § 31.41, and otherwise meets the requirements of subsections (a) and (c) and section 10 of the act.

(c) *Temporary permit holder limitations.* A temporary permit holder shall be associated with a licensed doctor of veterinary medicine, shall limit his work to the practice of the licensed doctor of veterinary medicine and may not participate in any practice or operation of a branch office, clinic or allied establishment. The associating veterinarian shall be responsible for all veterinary activities of the temporary permit holder and shall be accessible to the temporary permit holder either by telephone or personal contact. When contact by telephone or personal contact is not possible as, for example, in the case of vacations or other travel, the associating veterinarian shall delegate the supervisory responsibilities to another licensed veterinarian. The associating veterinarian will continue to assume responsibility for the veterinary activities of the temporary permit holder in his absence. A temporary permit holder shall report to the next scheduled examination of the Board following the issuance of the temporary permit. The temporary permit shall expire on the day following the announcement of the grades of the first examination given after the temporary permit is issued.]

§ 31.13. Licensure renewal.

(a) Licenses expire on November 30 of each even-numbered year, regardless of the date of issuance. Licenses are renewable for a 2-year period beginning December 1 of each even-numbered year. The fee for biennial renewal is as set forth in § 31.41 (relating to schedule of fees). [Late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501) will be added to the renewal fees of licensees who do not submit their renewal applications by December 1 of the year of expiration of their licenses.] Upon renewing their licenses, licensees will receive a blue 5 x 7 wall certificate and wallet-size license card which show the next expiration date of the license. [These documents are the only evidence of valid, current licensure.]

(b) A licensee who is also licensed to practice veterinary medicine in another state, territory or country shall report this information on the biennial registration form. Disciplinary action taken by the veterinary licensing authority or other authority that authorizes a licensee to the practice of veterinary medicine or that is related to veterinary medicine in [other states, territories or countries] another state, territory, country, or by a Federal authority in the United States, shall be reported to the Board on the biennial registration application or within 90 days of final disposi-

tion, whichever is sooner. Criminal convictions shall be reported to the Board on the biennial registration application or within 90 days of sentencing, including acceptance into an Accelerated Rehabilitative Disposition program, whichever is sooner.

(c) Licensed veterinarians who fail to renew their license shall cease from the practice of veterinary medicine in this Commonwealth on the last day of November of the renewal year. [Failure to do so] A licensee who continues to practice on an expired license will [result in] be subject to disciplinary action by the Board [under section 9(a) of the act (63 P.S. § 485.9(a))]. Late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501) will be added to the renewal fee of a licensee who practiced on an expired license. The licensee will be required to pay the current biennial renewal fee as set forth in § 31.41 (relating to fees) and the fees that would have been paid had the license been maintained in good standing. The licensee will be required to submit continuing education certificates of attendance for the current and any past biennial renewal periods during which the licensee practiced on an expired license.

(d) A holder of an expired license to practice veterinary medicine who did not practice veterinary medicine in this Commonwealth while the licensee's license was expired may reactivate and renew the license [within 5 years from the date of its expiration,] upon application to and approval of the Board and upon payment of the current biennial renewal fee as set forth in § 31.41 [and the payment of the fees that would have been paid if the license had been maintained in good standing] and documentation that the licensee has complied with § 31.15 (related to continuing education). The application for renewal shall also be accompanied by [certificates of attendance at continuing education courses as required by § 31.15 (relating to continuing education) for the current and preceding biennial renewal periods in which the license was expired, and] an Affidavit of Non-Practice, verifying the period of time in which the licensee abstained from the practice of veterinary medicine in this Commonwealth. A licensee will not be assessed a late renewal fee under the Bureau of Professional and Occupational Affairs Fee Act for the preceding biennial periods in which the licensee abstained from the practice of veterinary medicine in this Commonwealth.

(e) [A licensee will not be assessed a late renewal fee for the preceding biennial periods in which the licensee abstained from the practice of veterinary medicine in this Commonwealth.] The following individuals will be required to apply for a license in accordance with section 9 of the act (63 P.S. § 485.9) if the licensee desires to resume practicing veterinary medicine in this Commonwealth:

(1) A licensee who practiced veterinary medicine in this Commonwealth on an expired Pennsylvania license for more than 5 years.

(2) A veterinarian who practiced veterinary medicine in another jurisdiction on a license issued by that jurisdiction that was expired for more than 5 years.

(3) A veterinarian who did not have an unexpired license in any jurisdiction and did not practice veterinary medicine with a current license in any jurisdiction for more than 5 years.

§ 31.15. Continuing education.

[As a condition of licensure renewal under § 31.13 (relating to licensure renewal), a veterinarian]

(a) Veterinarians shall complete 30 clock hours of continuing education courses approved by the Board during the 24 months preceding the renewal date. [Continuing education credit will not be given for a course in office management or practice building.]

(b) A maximum of 25% of the hours may be earned by taking individual study or written or computer-based correspondence courses for which third-party verification of satisfactory completion is provided. [The courses shall meet the requirements of § 31.16 (relating to continuing education provider approval).]

(c) Veterinarians shall maintain a list of all continuing education courses attended and certificates of attendance for a minimum of 3 years.

(d) Courses in office management or practice building may not be used to meet the 30-hour continuing education requirement.

§ 31.16. Continuing education provider approval.

(a) Subject to § 31.15 (relating to continuing education), the Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers so long as the programs increase the skills, knowledge and competency of veterinarians in the practice of the profession:

* * * * *

(9) The Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University.

* * * * *

(c) Organizations approved under subsections (a) and (b) shall provide certificates of attendance to the veterinarian which includes the name of the provider, the name

of the licensee, the title of the course, the date of the course, the number of credit hours and the signature of the person authenticating attendance. If a certificate of attendance covers a program with more than one course, organizations approved under subsections (a) and (b) shall require some method by which attendees verify attendance at individual courses. Organizations approved under subsection (b) shall also provide the Pennsylvania approval number.

* * * * *

VETERINARY TECHNICIANS AND NONCERTIFIED EMPLOYEES

§ 31.40. Continuing education provider approval.

(a) The Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers [as] so long as the programs are specifically designed to increase the skills, knowledge and competency of certified veterinary technicians:

* * * * *

(10) The Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University.

* * * * *

FEEES

§ 31.41. Schedule of fees.

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

Veterinarians:

* * * * *

[Temporary permit.....\$35]

Duplicate license \$5

* * * * *

Veterinary technicians:

* * * * *

Duplicate license \$5

[Pa.B. Doc. No. 10-1325. Filed for public inspection July 23, 2010, 9:00 a.m.]

State Board of Veterinary Medicine

16A-5724

Licensure, Continuing Education

There were no public comments received relating to this rulemaking, which was published as proposed on July 24, 2010, at 40 Pa.B. 4154.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7134

September 12, 2011

The Honorable Silvan B. Lutkewitte, III, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Veterinary Medicine
16A-5724: LICENSE RENEWAL, CONTINUING EDUCATION

Dear Chairman Lutkewitte:

Enclosed is a copy of a final rulemaking package of the State Board of Veterinary Medicine pertaining to license renewal and continuing education.

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

Sincerely,

Robin J. Bernstein, Esquire, Chairperson
State Board of Veterinary Medicine

RJB/TL:klh

Enclosure

cc: Katie True, Commissioner
Bureau of Professional and Occupational Affairs
Rebecca Oyler, Director of Policy
Department of State
Steven V. Turner, Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
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-5724
 SUBJECT: LICENSURE RENEWAL, CONTINUING EDUCATION
 AGENCY: DEPARTMENT OF STATE
 STATE BOARD OF VETERINARY MEDICINE

TYPE OF REGULATION

- Proposed Regulation
- X 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

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FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
<u>9/12/11</u>	<u>Angie Kelly</u>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Julie Harhart</u>
<u>9-12-11</u>	<u>[Signature]</u>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Robert Tomlinson</u>
<u>9/12/11</u>	<u>K Cooper</u>	INDEPENDENT REGULATORY REVIEW COMMISSION ATTORNEY GENERAL (for Final Omitted only) LEGISLATIVE REFERENCE BUREAU (for Proposed only)