

Regulatory Analysis Form

(Completed by Promulgating Agency)



IRRC

Independent Regulatory Review Commission

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-5718

IRRC Number: *2863*

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(3) Short Title:

Dental Procedures

(4) PA Code Cite:

49 Pa. Code §§ 31.31, 31.31a

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

Primary Contact: **Teresa Lazo, Assistant Counsel, Department of State;**

Phone: (717)783-7200; P.O. Box 2649, Harrisburg, PA 17105-2649; Fax: (717)787-0251; tlazo@state.pa.us

Secondary Contact: **Joyce McKeever, Deputy Chief Counsel, Department of State**

Phone: (717)783-7200; P.O. Box 2649, Harrisburg, PA 17105-2649; Fax: (717)787-0251; jmckeever@state.pa.us

(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

P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-7769; st-veterinary@state.pa.us

(All Comments will appear on IRRC'S website)

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

Proposed Regulation

Regulatory Analysis Form

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

The rulemaking clarifies the dental prophylactic procedures that may be performed by unlicensed veterinary assistants, certified veterinary technicians (CVTs) and veterinary technician specialists (VTSs).

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

A. The date by which the agency must receive public comments: **30 days after publication as proposed rulemaking**

B. The date or dates on which public meetings or hearings will be held: **March 19, May 6, July 9, August 16, October 15 and December 10**

C. The expected date of promulgation of the proposed regulation as a final-form regulation: **Within 18 months of publication of the proposed rulemaking**

D. The expected effective date of the final-form regulation: **Upon publication. Anticipated spring of 2011**

E. The date by which compliance with the final-form regulation will be required: **Upon publication. Anticipated spring of 2011**

F. The date by which required permits, licenses or other approvals must be obtained: **No permits, licenses or other approvals need be obtained for the regulation to be implemented.**

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

The Board continuously reviews its regulations at its meetings. The Board meets approximately every other month. During 2010, the Board is scheduled to meet on March 19, May 6, July 9, August 16, October 15 and December 10.

Regulatory Analysis Form

SECTION II: STATEMENT OF NEED

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

Section 3(14) of the Veterinary Medicine Practice Act (act) (63 P.S. § 485.3(14)) defines veterinary assistant as an individual employed by a veterinarian who does not hold certification as a veterinary technician whom the veterinarian deems competent to perform tasks involved in the care and treatment of animals as defined in Board regulation. Section 11 of the act (63 P.S. § 485.11) requires the Board to promulgate regulations to regulate certified veterinary technicians. Section 21(22) of the act (63 P.S. § 485.21(22)) authorizes the Board to discipline a licensee who has in the licensee's employment any unlicensed person to practice veterinary medicine contrary to the act or the Board's regulations.

(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.

The regulation is not mandated by any federal or state law or court order or federal regulation. There are no known relevant Pennsylvania court decisions.

(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 is needed to inform CVTs, VTSs and veterinary assistants which dental prophylactic procedures they may lawfully perform on animals and to inform veterinarians which dental prophylactic procedures they may permit CVTs, VTSs and veterinary assistants to perform. The Board's licensees will benefit from knowing which dental prophylactic procedures they may lawfully perform or allow others to perform. The public will benefit from the assurance that only qualified persons will perform dental prophylactic procedures on animals.

The Board licenses approximately 1,690 CVTs. The Board licenses VTSs only as CVTs; the board does not track the number of VTSs in the Commonwealth.

Regulatory Analysis Form

(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 are used to justify this regulation.

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

The Board is unaware of anyone who 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.

All veterinarians, certified veterinary technicians and unlicensed veterinary assistants will be required to comply with the regulation.

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 Board is unaware of any costs to the regulated community associated with complying with the regulations. Those veterinarians who previously performed all dental prophylactic procedures themselves because they were unsure whether CVTs, VTSs or veterinary assistants were permitted to perform certain procedures may realize some savings by being able to permit CVTs, VTSs or veterinary assistants to perform some procedures under their direct supervision. However, the Board believes any savings are negligible and impossible to calculate.

(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.

The Board is unaware of any costs to local governments associated with complying with the regulations.

(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 is unaware of any costs to state government associated with complying with the regulations.

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:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	NA	NA	NA	NA	NA	NA
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	NA	NA	NA	NA	NA	NA
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	NA	NA	NA	NA	NA	NA

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

Program	FY 2006-2007	FY 2007-2008	FY 2008- 2009(est)	FY 2009-2010 (est)
State Board of Veterinary Medicine	\$635,628	\$534,629	\$706,000	\$775,000

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

There are no costs or adverse effects. The regulated community and the public will benefit from having clearly delineated scope of practice for CVTs, VTSs and veterinary assistants.

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 solicited input from the Pennsylvania Veterinary Medical Association, veterinarians who specialize in dentistry, the Pennsylvania veterinary technicians association and all schools of veterinary technology in the Commonwealth in drafting this proposed rulemaking. The Board held a public hearing and heard testimony on the appropriate regulation of the performance of dental prophylactic procedures by CVTs, VTs and veterinary assistants.

(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 considered various drafts of this rulemaking, most notably, drafts which prohibited CVTs, VTs and veterinary assistants from using any instruments in the performance of dental prophylactic procedures. The Board determined, after hearing extensive testimony, that the use of instrumentation was not a "bright line" test of whether performance of a procedure constituted the non-delegable practice of surgery.

(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.

There are no federal standards applicable to this rulemaking.

Regulatory Analysis Form

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

Delaware's regulatory scheme is more restrictive than that being proposed by the Board. Regulations of the Delaware Board of Veterinary Medicine permit a technician or assistant to perform an extraction that does not require periosteal elevation, tooth sectioning or bone resection only under immediate veterinary supervision. Similar to the Board's proposal, technicians and assistants in Delaware may remove calculus, soft deposits, plaque and stains under direct veterinary supervision. Delaware also requires direct supervision for smoothing, filing and polishing by a technician or assistant.

In Maryland, a person who scales animal teeth is not practicing veterinary medicine. Maryland permits a licensed veterinary technician to perform extractions under direct veterinary supervision. The term "extraction" is not further defined; however, surgery is prohibited.

In Ohio, a registered veterinary technician may perform dental prophylaxis, periodontal care and extraction that does not include sectioning teeth or bone resection under direct veterinary supervision.

West Virginia's statute defines "dental operations" to include the application or use of any instrument or device to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury, disease or other condition of an animal's tooth, gum or related tissue. The statute defines "preventative dental procedures" to include the removal of calculus, soft deposits, plaque and stains and the smoothing, filing and polishing of tooth surfaces. A veterinarian or a veterinary assistant who is under direct veterinary supervision may carry out dental operations. West Virginia does not distinguish between certified technicians and assistants. The statute allows any person to clean an animal's teeth using cotton swabs, gauze, dental floss, dentifrice and toothbrushes.

New York and New Jersey all prohibit technicians from performing surgery, but do not further specify dental procedures.

The Board's proposal should have no adverse effect Pennsylvania's ability to attract veterinarians, CVTs or veterinary assistants.

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

The regulation will not affect any other regulations of the Board or other state agencies.

Regulatory Analysis Form

(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.

There are no known legal, accounting or consulting procedures or additional reporting, recordkeeping or other paperwork required for implementation of the regulation.

(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.

The Board is not aware of any particularly affected groups or persons.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

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IRRC

(Pursuant to Commonwealth Documents Law)

2010 AUG 17 A 10:30

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 of Independent Agencies

BY: Angela Elliott
(DEPUTY ATTORNEY GENERAL)

State Board of Veterinary Medicine
(AGENCY)

Andrew C. Clark
BY: Andrew C. Clark

JUL 26 2010

DOCUMENT/FISCAL NOTE NO. 16A-5718

DATE OF APPROVAL

DATE OF ADOPTION: _____

JUN - 4 2010
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.

PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE
49 PA. CODE, § 31.41

DENTAL PROCEDURES

The State Board of Veterinary Medicine (Board) proposes to amend § 31.31 (relating to scope of practice of veterinary technicians and veterinary assistants) and to add a new § 31.31a (related to performance of dental procedures on companion animals, excluding equines, by certified veterinary technicians, veterinary technician specialists and veterinary assistants) to read as set forth in Annex A. The proposed regulation would provide needed guidance regarding the dental procedures that may lawfully be performed by licensees and unlicensed assistants.

Effective Date

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

Statutory Authority

Section 11 of the Veterinary Medicine Practice Act (act) (63 P.S. § 485.11) requires the Board to promulgate by regulation the requirements for the regulation of veterinary technicians. Section 3(14) of the act (63 P.S. § 485.3(14)), defines a veterinary assistant as an individual who is not certified as a veterinary technician and who performs limited tasks involved in the care and treatment of animals as defined by Board regulation if requested to do so by the assistant's employing veterinarian. Section 21(22) of the act (63 P.S. § 485.21(22)), authorizes the Board to discipline a licensee who has in the licensee's employment any unlicensed person to practice veterinary medicine contrary to the act or the Board's regulations.

Background and Purpose

The practice of veterinary technology includes, by definition in section 3 of the act (63 P.S. § 485.3), performing dental prophylaxis. This rulemaking intends to clarify the procedures that constitute dental prophylaxis for certified veterinary technicians, veterinary technician specialists and veterinary assistants. The Board began developing this proposal in 2005. A public hearing was held on October 27, 2005, at which the Board sought the input of veterinarians and CVTs involved in dentistry. Six veterinarians and two CVTs participated; one dental technician who practices on humans also participated.

Description of Proposed Amendments

To conform the regulations to amendments to the act made by the act of December 9, 2002 (P.L. 1370, No. 167) (Act 167), the Board proposes to replace the term "noncertified employee" with the term "veterinary assistant."

Section 31.31(a)(1)(ii) and (b)(1)(ii) (related to scope of practice) allow both CVTs and veterinary assistants to "perform dental prophylaxis" under direct veterinary supervision. The term "dental prophylaxis" does not have a commonly accepted definition within the veterinary profession. The Board proposes to provide needed clarity through a new regulatory section that specifically describes the dental prophylactic procedures that may be performed by individuals. The proposed new § 31.31a would address the performance of dental procedures by CVTs, VTSs

and veterinary assistants. The Board considered the education and training of CVTs and VTSs in developing the list of procedures that each group would be authorized to perform. The licensed veterinarian employing the CVT, VTS or veterinary assistant would remain responsible for ensuring that these individuals are competent to perform the assigned tasks. The Board also proposes to amend § 31.31(c) to prohibit both CVTs and veterinary assistants from performing any dental procedure that invades hard or soft oral tissue or that alters the shape, structure or position of teeth including malocclusions, except those procedures specifically authorized in § 31.31a.

In § 31.31a, the Board proposes to provide detailed description of the dental procedures that may be performed by CVTs, VTSs and veterinary assistants. Subsection (a) applies to CVTs, subsection (b) applies to veterinary assistants and subsection (c) applies to VTSs.

The proposal would be the most restrictive for veterinary assistants because these individuals do not have any formal training. Under § 31.31a(b)(1), a veterinary assistant whom the supervising veterinarian has determined is competent in providing dental care may perform supra- or subgingival tooth (root) scaling using manual, ultrasonic or high speed dental cleaning equipment, manual plaque removal, polishing, and application of fluoride or other recognized topical agents to teeth that are to be retained. In addition, § 31.31a(b)(2) authorizes veterinary assistants to perform dental charting and dental radiographs. Finally, § 31.31a(b)(3) authorizes veterinary assistants to perform dental extractions of a single-rooted tooth that is loose, mobile or diseased using a gauze sponge. If instruments are needed to free the tooth, a veterinary assistant may only use an elevator or dental forceps after consulting with the supervising veterinarian and after the supervising veterinarian has examined the animal and instructed the veterinary assistant to proceed.

The proposal would permit CVTs, who have completed a 2 or 4 year educational program accredited by the American Veterinary Medical Association, taken a National examination and been certified by the Board, to perform all of the procedures permitted for a veterinary assistant. In addition, the proposal would permit CVTs to perform dental extractions of a single-rooted tooth that is loose, mobile or diseased using a gauze sponge and, if instruments are needed to free the tooth, use an elevator or dental forceps after consulting with the supervising veterinarian. The Board further proposes, in § 31.31a(4), to authorize CVTs to perform appropriate skin gingival closure after consultation with the supervising veterinarian.

The proposal would allow VTSs who hold current certification in dentistry to perform additional advanced procedures. Section 31.31a(c) authorizes a VTS to perform single or multiple-rooted tooth extractions that require dental instrumentation or sectioning; prepare dental impressions and models; assist with dental nerve blocks; identify normal dentition and eruption schedules; identify abnormal oral pathology; perform sub-gingival scaling, root planing and curettage; prepare instruments in sequence; prepare dental stone laboratory models; position for intra-oral radiology; maintain hand instruments, equipment and dental delivery systems; and assess and manage pain in consultation with the treating veterinarian.

Fiscal Impact

The proposed regulation should not have any fiscal impact on the Commonwealth, the Board's licensees, the general public or political subdivisions.

Paperwork Requirements

The proposed regulations do not create additional paperwork for the Board, the Board's licensees or the general public.

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 August 17, 2010, the Board submitted a copy of this proposed regulation 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. Comments, recommendations or objections shall 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, suggestions or objections regarding this proposed rulemaking to Michelle Roberts, Administrative Assistant, State Board of Veterinary Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16A-5718, Dental Procedures, when submitting comments.

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

VETERINARY TECHNICIANS AND [NONCERTIFIED EMPLOYEES]

VETERINARY ASSISTANTS

§ 31.1. Definitions.

* * * * *

[*Noncertified employee*—An employee of a veterinarian who does not hold certification as a veterinary technician and whom the veterinarian deems competent to administer medication or render auxiliary or supporting assistance under direct veterinary supervision or immediate veterinary supervision.]

* * * * *

Veterinary assistant—An employee of a veterinarian who does not hold certification as a veterinary technician to whom the employing veterinarian assigns tasks in accordance with § 31.31.

* * * * *

§ 31.31. Scope of practice.

- (a) *Certified veterinary technicians.* A certified veterinary technician may perform the duties enumerated in this subsection under direct veterinary supervision or indirect

veterinary supervision as indicated. While some of the enumerated duties may be applicable primarily to small animal practices, the intended scope of this subsection is both large and small animal practices. This subsection does not prohibit the performance by a certified veterinary technician of a service which is not listed in this subsection if the service is within the certified veterinary technician's skills, forms a usual component of the veterinarian's scope of practice, and is requested by the supervising veterinarian. The veterinarian bears ultimate responsibility for assuring that the certified veterinary technician to whom a duty is assigned is competent to perform it.

(1) A certified veterinary technician may do the following only under direct veterinary supervision:

(i) Administer anesthesia [-] ordered by the veterinarian, including induction, intubation, maintenance, extubation and recovery and intravenous sedation.

(ii) Perform dental [prophylaxis] procedures as set forth in § 31.31a(a) (relating to performing dental procedures on companion animals, excluding equines, by certified veterinary technicians, veterinary technician specialists and veterinary assistants.)

* * * * *

(b) [Noncertified employees] Veterinary assistants. [Noncertified employees] Veterinary assistants may perform the duties enumerated in this subsection under direct veterinary supervision or immediate veterinary supervision, as indicated. While some of the enumerated duties may be applicable primarily to small animal practices, the intended scope of this subsection is both large and small animal practices. This subsection does

not prohibit a [noncertified employee] veterinary assistant from administering medication or rendering auxiliary or other supporting assistance which is not listed in this subsection if the service is within the [noncertified employee's] veterinary assistant's skills and is requested by the supervising veterinarian. The veterinarian bears ultimate responsibility for assuring that the [noncertified employee] veterinary assistant to whom a duty is assigned is competent to perform it.

- (1) A [noncertified employee] veterinary assistant may do the following under direct veterinary supervision:

* * * * *

- (ii) Perform dental [prophylaxis] procedures as set forth in § 31.31a(b).

* * * * *

- (2) A [noncertified employee] veterinary assistant may do the following only under immediate veterinary supervision:

* * * * *

- (3) Emergency treatment by [noncertified employees] veterinary assistants is permitted without veterinary supervision when an animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain the animal's life. The [noncertified employee] veterinary assistant shall immediately take steps to secure the direct supervision of a veterinarian. Emergency treatment may only consist of those duties enumerated under paragraphs (1) and (2)(i) – (iv).

(c) Prohibited acts. Neither certified veterinary technicians nor [noncertified employees] veterinary assistants may do the following:

* * * * *

(6) Perform any dental procedure that invades hard or soft oral tissue or that alters the shape, structure or position of teeth including malocclusions, except procedures authorized in § 31.31a.

§ 31.31a. Performance of dental procedures on companion animals, excluding equines, by certified veterinary technicians, veterinary technician specialists and veterinary assistants.

(a) Certified veterinary technician. In addition to the procedures set forth in § 31.31 (relating to scope of practice), a certified veterinary technician may, under the direct supervision of a veterinarian perform the following procedures on companion animals, excluding equines:

(1) Supragingival or subgingival tooth (root) scaling using manual, ultrasonic or high speed dental cleaning equipment; manual plaque removal; polishing; and application of fluoride or other recognized topical agents to teeth that are to be retained.

(2) Dental charting and dental radiographs.

(3) Dental extractions of any single-rooted tooth that is loose, mobile or diseased using a gauze sponge. If instrumentation is needed to free the tooth from gingival attachments, a certified veterinary technician may use an elevator or dental forceps only after consulting with the supervising veterinarian.

(4) Appropriate skin gingival closure if authorized after consultation with the supervising veterinarian.

(b) Veterinary assistant. A veterinary assistant whom the supervising veterinarian has determined is competent in providing dental care may, under the direct supervision of a veterinarian, perform the following procedures on companion animals, excluding equines:

(1) Supragingival or subgingival tooth (root) scaling using manual, ultrasonic or high speed dental cleaning equipment; manual plaque removal; polishing; and application of fluoride or other recognized topical agents to teeth that are to be retained.

(2) Dental charting and dental radiographs.

(3) Dental extractions of any single-rooted tooth that is loose, mobile or diseased using a gauze sponge. If instrumentation is needed to free the tooth from gingival attachments, a veterinary assistant may use an elevator or dental forceps only after consulting with the supervising veterinarian and after the supervising veterinarian has examined the animal and instructed the veterinary assistant to proceed.

(c) Veterinary technician specialist. A certified veterinary technician who holds current certification as a veterinary technician specialist in dentistry may, under direct veterinary supervision, perform additional ancillary dental services or procedures on companion animals, excluding equines. Advanced procedures may include:

- (1) Performing single-rooted tooth extractions.
- (2) Performing multiple-rooted tooth extractions after consultation with and under the immediate supervision of a veterinarian.
- (2) Preparing dental impressions or models, including whole-mouth alginate impressions.
- (3) Assisting the supervising veterinarian with dental nerve blocks.
- (4) Identifying normal dentition and eruption schedules.
- (5) Identifying abnormal oral pathology.
- (6) Performing subgingival scaling, root planing and curettage.
- (7) Preparing instruments in sequence for use in pulpotomy, pulpectomy, surgical and non-surgical extractions, periodontal surgery and oral surgery.
- (8) Preparing dental stone laboratory models.
- (9) Positioning for intra-oral radiology.
- (10) Maintaining hand instruments, equipment and dental delivery systems.

- (11) Assessing and managing pain in consultation with the treating veterinarian.

§31.39 Grounds for disciplinary proceedings.

(b) Certified veterinary technicians, veterinary technician specialists and [noncertified employees] veterinary assistants who deviate from the permitted scope of practice as set forth in § 31.31 (relating to scope of practice) or § 31.31a (relating to performance of dental procedures on companion animals, excluding equines, by certified veterinary technicians, veterinary technician specialists and veterinary assistants) will be subject to prosecution and the levying of a civil penalty by the Board under section 28(c) of the act (63 P.S. § 485.28(c)). Veterinarians who permit, order or direct certified veterinary technicians, veterinary technician specialists or [noncertified employees] veterinary assistants to perform duties which are not authorized by § 31.31 or § 31.31a will be subject to disciplinary action by the Board under section 21 of the act (63 P. S. § 485.21).

COMMENTATOR LIST

for
16A-5718

dcrouthamel@quakertownvet.com



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

August 17, 2010

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

Re: Proposed Regulation
State Board of Veterinary Medicine
16A-5718: DENTAL PROCEDURES

Dear Chairman Coccodrilli:

Enclosed is a copy of a proposed rulemaking package of the State Board of Veterinary Medicine pertaining to Dental Procedures.

The Board 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 black ink, appearing to read "Robin J. Bernstein".

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

RJB/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

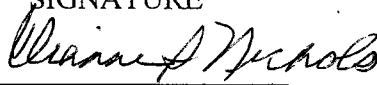
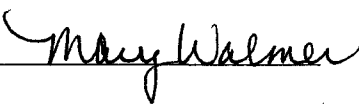
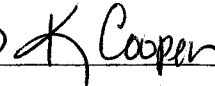

I.D. NUMBER: 16A-5718
SUBJECT: DENTAL PROCEDURES
AGENCY: DEPARTMENT OF STATE
STATE BOARD OF VETERINARY MEDICINE

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

RECEIVED
IRRC
2010 AUG 17 A 10:30

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
8/17/10		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Michael P. McGeehan</u>
8/17/10		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Robert M. Tomlinson</u>
8/17/10		INDEPENDENT REGULATORY REVIEW COMMISSION ATTORNEY GENERAL (for Final Omitted only)
3/17/10		LEGISLATIVE REFERENCE BUREAU (for Proposed only)