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INDEPENDENT REGULATORY REVIEW COMMISSION

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

October 27, 2010

Robin J. Bernstein, Esq., Chair
State Board of Veterinary Medicine
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-5718 (IRRC #2863)
State Board of Veterinary Medicine
Dental Procedures

Dear Ms. Bernstein:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

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

Comments of the Independent Regulatory Review Commission



State Board of Veterinary Medicine Regulation #16A-5718 (IRRC #2863)

Dental Procedures

October 27, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the August 28, 2010 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Veterinary Medicine (Board) to respond to all comments received from us or any other source.

1. Scope of Practice - Protection of the public health, safety and welfare.

This rulemaking would allow certified veterinary technicians, veterinary technician specialists and veterinary assistants (collectively referred to as licensees), under the direct supervision of a veterinarian, to perform specific dental procedures on companion animals. Commentators have questioned if the licensees are properly trained to perform some of the procedures. For example, the Pennsylvania Veterinary Medical Association (PVMA) has stated that veterinary technician specialists are not properly trained to perform “surgical extractions.” They have also questioned if the performance of “dental charting” by certified veterinary technicians and veterinary assistants crosses into the realm of diagnosis. In addition, the Vet Tech Institute has questioned if veterinary assistants are properly trained to perform all of the listed procedures.

We understand that all of the enumerated procedures for all of the licensees must be performed under the direct supervision of a veterinarian. However, for the examples listed above, we ask the Board for a further explanation of why those procedures can be safely performed by the licensees. In addition, we ask the Board to explain if there are any other safeguards in place to ensure the safety of the companion animals on which the dental procedures are performed.

2. Companion animal - Clarity.

The title of § 31.31a includes the term “companion animal” and the term is referenced in other sections of the rulemaking. PVMA has questioned what is meant by this term. We agree that it is unclear and suggest that it be defined in the final-form rulemaking.

Facsimile Cover Sheet



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

To: Tom Blackburn
Cynthia Montgomery
Agency: Department of State
Licensing Boards and Commissions
Phone: 3-7200
3-3394 (Cynthia Montgomery)
Fax: 7-0251
Date: October 27, 2010
Pages: 4

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Veterinary Medicine regulation #16A-5718 (IRRC #2863). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Christine P. Gerety **Date:** 10-27-10
Receptionist