

Comments of the Independent Regulatory Review Commission



State Board of Veterinary Medicine Regulation #16A-5727 (IRRC #3221)

Certified Veterinary Technicians and Veterinary Assistants

January 23, 2019

We submit for your consideration the following comments on the proposed rulemaking published in the November 24, 2018 *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. Section 31.1. Definitions. – Clarity.

The Board is amending the definition of “direct veterinary supervision” by adding an “other licensed professional” to the list of professionals that could be supervised by a veterinarian. The Preamble explains that § 31.21 (relating to rules of professional conduct for veterinarians) allows veterinarians to seek the assistance of other licensed professionals when providing care. Principle 6(b) of that section lists the other licensed professionals that could work under the supervision of a veterinarian. To improve the clarity of this definition, we suggest that the final-form regulation include a reference to § 31.21 Principle 6(b) or specifically list the other licensed professionals.

2. Section 31.34. Qualification for examination. – Clarity.

This section states that an applicant shall be a graduate of an approved school. It is being amended to allow veterinary technician students to sit for the Veterinary Technician National Examination when they are enrolled in the final year of an approved program and have completed at least half the credits required for completion of the program. Section 31.1 (relating to definitions) defines “approved school” as “a school accredited by the American Veterinary Medical Association, including provisionally, probationally and fully accredited programs.” To improve the clarity of the rulemaking, we suggest that the reference to “approved program” be amended to “a program at an approved school.”

3. Section 31.35. Examinations. – Clarity.

Subsection (c)(3) is being amended to add details related to waiver of the exam requirements for individuals licensed in another state. The Preamble indicates that the intent of this amendment, among other things, is to specify that the requirements in the other state must be “at least equal to

those of the Commonwealth.” The proposed amendment deletes the “at least equal to” language, but does not replace it with similar language. To ensure that the proposed changes are consistent with the Board’s intent, we suggest that language be added to the final-form regulation that specifies the requirements of other states be “at least equal to those of the Commonwealth.”

In addition, new Subsection (d) would require applicants applying by reciprocity to submit a copy of their credential from the other state and “proof of current good standing.” We believe the clarity of this subsection would be improved if it used language found in Section 31.32(a)(4), relating to certification, that uses the phrase “a letter of good standing from the licensure board.”