

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 104]

Sheep and Lamb Marketing Program

The Department of Agriculture (Department) adopts amendments to §§ 104.21, 104.22, 104.24—104.26 and 104.28—104.30. These amendments are adopted under sections 3 and 11 of the Pennsylvania Agricultural Commodities Act of 1968 (act) (3 P. S. §§ 1003 and 1011) which, respectively, require the Department to administer commodity marketing programs and delegate to the Department the power to adopt regulations necessary to implement the act.

Chapter 104, Subchapter C (relating to sheep and lamb marketing program) was adopted in 1993, and addresses the Pennsylvania Sheep and Lamb Marketing Program (Program). The primary purpose of Subchapter C was to involve sheep and lamb sales agents in the process of collecting the 25¢-per-head producer charge owed the Program by sheep and lamb producers. As a result of the Program Board's experience in administrating the Program under Subchapter C, though, it has determined it can better enlist the cooperation of sales agents in the producer charge collection process by minimizing the responsibilities and paperwork and recordkeeping requirements imposed upon sheep and lamb producers and sales agents. The amendments will streamline Subchapter C to establish a less-intrusive method of collecting and verifying the payment of producer charges due the Program.

Comments

Notice of proposed rulemaking was published at 25 Pa.B. 3345 (August 19, 1995), and provided for a 30-day public comment period.

Only two comment letters were received with respect to the notice of proposed rulemaking: one from a member of the Program Board and the other from the Independent Regulatory Review Commission (IRRC).

The Program Board member offered general comments in support of these amendments, noting that the amendments were long overdue and that it would save time and effort on the part of those involved in the producer charge collection process.

IRRC noted that §§ 104.25(a), 104.26(a) and 104.28(b) (relating to accounting and payment by sales agents; accounting and payment by producers; and exemptions) of the proposed amendments would require producers and sales agents to retain certain records for 5 years. IRRC recommended this required record retention period be shortened to 2 or 3 years. For the reasons which follow, the Department accepts IRRC's comment in part, and has shortened the 5-year record retention period to 4 years.

The Department does not view the record retention requirements at §§ 104.25(a), 104.26(a) and 104.28(b) as placing some new burden on sheep and lamb producers and sales agents. The records required under these sections are the type of records that would be kept in the ordinary course of business.

In addition, the records required under these sections are not so voluminous as to constitute a burden upon those who are required to keep them. The Department

views the fact that no producer or sales agent offered any comment against the proposed 5-year record retention period as some evidence that this is the case.

The Department reviewed record retention requirements imposed under other commodity marketing programs. The Pennsylvania Apple Marketing Program requires (at § 104.6(a)) apple sales agents to retain records of certain transactions "... for at least 3 marketing seasons beyond the marketing season within which the transaction occurred." In effect, this record retention period is more than 3 years and less than 4 years.

The Pennsylvania Vegetable Marketing and Research Program requires (at §§ 104.55 and 104.56(b)) vegetable producers and sales agents to retain records for at least 2 growing seasons beyond the growing season within which particular events occur. In effect, this record retention period is more than 2 years and less than 3 years.

Based on the foregoing, the Department and the Program Board believe it reasonable to accommodate IRRC's concerns and decrease the required record retention period from the 5-year period originally proposed. To this end, §§ 104.25(a), 104.26(a) and 104.28(b) now require that the specific records referenced in those sections be retained for 4 years. The Program Board voted its approval of this 4-year record retention period on November 30, 1995.

Fiscal Impact

Commonwealth

The amendments will impose no costs and have no fiscal impact upon the Commonwealth.

Political Subdivisions

The amendments will impose no costs and have no fiscal impact upon political subdivisions.

Private Sector

The amendments will decrease the costs of compliance which were imposed upon the private sector by the current regulations. The recordkeeping and paperwork requirements of Subchapter C would be decreased and, presumably, this would result in some tangible savings among sheep and lamb producers and sales agents.

General Public

The amendments will impose no costs and have no fiscal impact upon the general public.

Paperwork Requirements

The amendments are not expected to result in an appreciable increase in paperwork.

Contact Person

Further information is available by contacting the Department of Agriculture, Attention: Michael Varner, Bureau of Market Development, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)) on August 9, 1995, the Department submitted a copy of the notice of proposed rulemaking published at 25 Pa.B. 3345 (August 19, 1995) to IRRC and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided

IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing these final-form regulations, the Department has considered all comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the House Committee on May 6, 1996, was deemed approved by the Senate Committee and were approved by IRRC on May 16, 1996, in accordance with section 5(c) of the Regulatory Review Act.

Findings

The Department finds that:

(1) Public notice of intention to adopt the amendments encompassed by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and that all comments received were considered.

(3) The modifications that were made to these amendments in response to comments received do not enlarge the purpose of the proposed amendments published at 25 Pa.B. 3345.

(4) The adoption of the amendments in the manner provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 7 Pa. Code Chapter 104, are amended by amending §§ 104.21, 104.22, 104.24, 104.29 and 104.30 to read as set forth at 25 Pa.B. 3345 (August 19, 1995) and by amending §§ 104.25, 104.26 and 104.28 to read as set forth in Annex A.

(b) The Secretary of Agriculture shall submit this order, 25 Pa.B. 3345 and Annex A to the Office of General Counsel and to the Office of Attorney General for approval as required by law.

(c) The Secretary of Agriculture shall certify this order, 25 Pa.B. 3345 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

CHARLES C. BROSIUS,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 2669 (June 1, 1996).)

Fiscal Note: 2-96. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART IV. MARKETS

CHAPTER 104. ENFORCEMENT OF MARKETING PROGRAMS

Subchapter C. SHEEP AND LAMB MARKETING PROGRAM

§ 104.25. Accounting and payment by sales agents.

(a) *Required records.* A sales agent whose business is located within this Commonwealth shall maintain, for 4

years, a record of the following information with respect to each producer from whom the sales agent purchases sheep or lambs, or on whose behalf he sells sheep or lambs:

(1) The name and address of the producer.

(2) The number of head of sheep or lambs subject to the producer charge.

(3) The number of head of sheep or lambs exempt from the producer charge.

(4) The amount of money collected or deducted as producer charges owed the Program.

(b) *Inspection of records.* The records described in subsection (a) shall be made available for inspection, during reasonable business hours or at some mutually agreeable time, upon the written request of the Program.

(c) *Accounting by collecting sales agents.* If a collecting sales agent whose business is located within this Commonwealth purchases sheep or lambs from a producer or sells sheep or lambs on behalf of a producer within a particular calendar month, the collecting sales agent shall submit a monthly report and remittance form with respect to that calendar month, together with payment of the producer charges owed the Program as reflected on that form, to the Program no later than the 15th day of the subsequent calendar month. Monthly report and remittance forms shall be provided by the Program upon request of the collecting sales agent. The monthly report and remittance form shall reflect the time period to which it is applicable, the total number of sheep or lambs marketed, the total number of sheep or lambs exempt from producer charges under § 104.28 (relating to exemptions), the total number of sheep or lambs subject to producer charges and the total producer charges due the Program. The collecting sales agent shall sign a verification that the contents of the monthly report and remittance form are true and accurate. The monthly report and remittance form and the payment of producer charges owed the Program shall be submitted by mail or delivery to:

Commonwealth of Pennsylvania
Department of Agriculture
Bureau of Market Development
Attn: PA Sheep and Lamb Marketing Program
2301 North Cameron Street
Harrisburg, PA 17110-9408

§ 104.26. Accounting and payment by producers.

(a) *Required records.* A producer shall maintain, for 4 years, a record of the following information with respect to sheep or lambs which the producer sells, whether the sale is through the producer or a sales agent:

(1) The name and address of the person to whom the sheep or lambs were sold.

(2) The date of the sale.

(3) The number of head of sheep or lambs sold.

(4) Whether the producer charge owed the Program with respect to the sale was deducted or collected by a collecting sales agent or whether it is being submitted by the producer contemporaneously with its producer record form.

(b) *Inspection of records.* The information required in subsection (a) shall be made available for inspection, during business hours or at some mutually agreeable time, upon the written request of the Program.

(c) *Accounting.* A producer shall submit its producer record form for a particular calendar year, together with payment of the producer charges owed the Program as reflected on that form, to the Program by January 20 of the subsequent calendar year. The producer record form shall be provided by the Program upon request of the producer. The form shall clearly identify the producer, the time period to which it is applicable, the total number of sheep or lambs marketed, the total number of sheep or lambs exempt from producer charges under § 104.28 (relating to exemptions), the total number of sheep or lambs subject to producer charges and the total production charges due the Program. A producer may submit two producer record forms with respect to a particular calendar year, the first of which shall cover sales from January 1 through June 30 and be submitted by July 20, and the second of which shall cover sales from July 1 through December 31 and be submitted by January 20 of the subsequent calendar year. The producer shall sign a verification that the contents of the producer record form are true and accurate. The producer record form and the payment of producer charges owed the Program shall be submitted by mail or delivery to the address in § 104.25(c) (relating to accounting and payment by sales agents).

§ 104.28. Exemptions.

(a) *Generally.* A person who produces sheep or lambs or causes sheep or lambs to be produced within this Commonwealth is exempt from the requirement that he pay producer charges with respect to the following:

(1) Sheep or lambs which have not been within this Commonwealth for 30 consecutive days immediately prior to sale or slaughter.

(2) Sheep or lambs that were sold, transferred or slaughtered for other than business purposes. Purposes that are "other than business purposes" include the sale or transfer of sheep or lambs, without profit, for use as pets or as zoo or exhibition animals or the donation of sheep or lambs for charitable purposes such as feeding needy individuals.

(b) *Records supporting exemptions.* To claim an exemption, the producer shall retain, for 4 years, records to demonstrate that a particular sheep or lamb met one of the requirements of subsection (a). These records shall be made available for inspection, during business hours or at some mutually agreeable time, upon the written request of the Program.

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guidance to applicants for examinations for licensure on issues relating to the required examinations for licensure in this Commonwealth, the qualifications for licensure and the limitations imposed on temporary permit holders. The amendments also provide greater guidance to licensees of the Board on issues relating to licensure renewal, continuing education and approved providers of continuing education courses.

Notice of proposed rulemaking was published at 24 Pa.B. 4482 (September 3, 1994). Publication was followed by a 30-day public comment period during which the Board received written comments from Clifford G. Cummings, D.V.M., on behalf of the Pennsylvania Veterinary Medical Association (PVMA). Comments were also received from the Honorable Clarence D. Bell, Chairperson, Senate Consumer Protection and Professional Licensure Committee, the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC).

The amendments reflected in Annex A are responsive to the comments and suggestions received from these commentators. For ease of reference, the Board will address the comments in the order in which the amendments appear.

§ 31.11. Application for licensure.

Editorial changes have been made by the Board to § 31.11(b) (relating to application for licensure) to clarify that, as a prerequisite to original licensure as a veterinarian, applicants must submit specified documentation to the Board to verify their qualifications.

The Board also added language to § 31.11(b)(1) to recognize as evidence of graduation from graduates of schools or colleges outside of the United States and Canada, certification from other programs which may be subsequently approved by the American Veterinary Medical Association (AVMA). The Board recently received information that discussions are anticipated to begin between the National Board Examining Committee (NBEC) and the AVMA to transfer the Educational Commission for Foreign Veterinary Graduates (ECFVG) to the NBEC.

Commenting on § 31.11(b), IRRC questioned why the requirements of section 9(b)(4) of the Veterinary Medicine Practice Act (63 P. S. § 485.9(b)(4)) (act) (which requires an applicant to submit satisfactory evidence that he has not been convicted of a felonious act prohibited by The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144)) has not been included under § 31.11(b). IRRC opined that this statutory requirement should not be omitted from the regulatory requirements, and recommended that the Board add a paragraph to § 31.11(b) to incorporate this language. The Board has complied with this request.

§ 31.13. Licensure renewal.

IRRC expressed a similar concern regarding proposed § 31.13(b) (relating to licensure renewal). IRRC noted that the language, as proposed, does not include the statutory requirement of section 9(d) of the act that a licensee of this Commonwealth, who is also licensed to practice veterinary medicine elsewhere, report any disciplinary action taken in another state, territory or country to the Board at the time of biennial renewal or within 90 days of disposition, whichever is sooner. In response to this comment, subsection (b) has been amended by adding language to track the statutory reporting requirement. Subsections (b)—(d) as originally proposed have been relettered as subsections (c)—(e), respectively.

**Title 49—PROFESSIONAL
AND VOCATIONAL
STANDARDS**

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

General Information

The State Board of Veterinary Medicine (Board) adopts amendments to Chapter 31, to read as set forth in Annex A.

The purpose of the amendments is to expand and consolidate existing language, and to provide greater

The HPLC and IRRC each expressed concern that subsection (b) as originally proposed states that failure of a veterinarian to cease practice if the veterinarian does not renew his license may result in disciplinary action. Both commentators recommended that the Board retain the language from the original regulation which provides that failure of a veterinarian to cease practice if the veterinarian does not renew his license will result in disciplinary action. The commentators opined that use of the word "may" as opposed to "will" could imply that the Board is now more willing to overlook unlicensed practice than it was in the past. In light of these concerns, the Board has amended the language of subsection (b) (now subsection (c)), accordingly.

IRRC's final concern respecting § 31.13 was the Board's deletion of language under proposed subsection (c) which required that a holder of an expired license who wishes to reactivate and renew the license be required to pay fees as would have been paid had the holder maintained his license in good standing. The Board originally proposed to delete this language because the general practice of the Bureau of Professional and Occupational Affairs is to require a licensee who wishes to renew an expired license to sign an affidavit of nonpractice (verifying the period of time in which the licensee abstained from practice in this Commonwealth) and to pay only the current biennial renewal fee. Notwithstanding this practice, the Board acknowledges that section 19(a)(2) of the act (63 P. S. § 485.19(a)(2)) specifically states that one of the requirements for reinstatement of an expired license to practice veterinary medicine is "[p]ayment of all fees that would have been paid if [the veterinarian] had maintained his or her license in good standing . . ." This being so, the Board has added language under new subsection (d) to incorporate this statutory language.

§ 31.15. Continuing education.

Language has been added to § 31.15 (relating to continuing education), at the suggestion of IRRC, to clarify that the period of time for meeting the continuing education requirement is the 24 months preceding the renewal date. The language added by the Board tracks the statutory language of section 18 of the act (63 P. S. § 485.18).

§ 31.16. Continuing education provider approval.

In response to concerns raised by the HPLC and IRRC to the language of proposed § 31.16(a) (relating to continuing education provider approval), the Board has deleted the phrase, "as long as the programs are specifically designed to increase the skills, knowledge and competency of veterinarians," where that language appeared in subsection (a). Upon reconsideration, the Board is of the view that this language, as originally proposed, was out of place.

Commenting on proposed subsection (d), the HPLC and IRRC questioned why members of the faculties of approved schools of veterinary medicine are exempt from the requirement under subsection (e) to submit to the Board a resumé of their qualifications to teach a continuing education course. The Board has exempted these individuals from the resumé requirement because the qualifications of faculty members of approved schools of veterinary medicine are closely scrutinized by qualified academicians associated with these schools. Further review by Board members of the qualifications of these instructors to teach a continuing education course is unnecessary.

Commenting on behalf of the PVMA, Dr. Cummings urged the Board to amend subsection (a) to include,

among the list of providers that do not require prior Board approval, constituent associations of the PVMA. Dr. Cummings explained that local constituent association programs are an important means of continuing education for many practitioners in this Commonwealth, and that programs offered by PVMA's constituent associations utilize university staff members and other specialists to provide meaningful continuing education to licensed practitioners. The Board agrees with this suggestion and has amended subsection (a) accordingly.

IRRC's final comment regarding subsection (d) pertains to the Board's word choice in paragraphs (2) and (3). IRRC noted that in paragraph (2), the Board states that licensed veterinarians who are not faculty members of approved schools of veterinary medicine may be instructors of a continuing education program if, by virtue of their professional activities and achievements in a particular field, the doctors are recognized by the Board as qualified to speak on a particular subject. In paragraph (3), the Board states that instructors of continuing education programs may include other lecturers or instructors who are not licensed veterinarians, if the Board determines that they are qualified to speak on a particular subject. At the suggestion of IRRC, and for consistency, the Board has amended paragraph (2) to read "determined" as opposed to "recognized."

IRRC also questioned how a continuing education provider is advised that he has been determined by the Board as qualified to speak on a particular subject. In response, the Board carefully reviews the resumé submitted by the individual to evaluate the individual's education and experience background to speak on a particular subject, and communicates its decision to the individual in writing, stating the reason, if any, for disapproval.

Statutory Authority

These amendments are adopted under the authority of section 5(1) of the act (63 P. S. § 485.5(1)), which empowers the Board to adopt reasonable rules and regulations governing the practice of veterinary medicine as are necessary to enable the Board to carry out and make effective the purpose and intent of its enabling statute.

Fiscal Impact and Paperwork Requirements

The amendments should have no fiscal impact and should require no additional paperwork by the Commonwealth, its political subdivisions or the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 24 Pa.B. 4482, to IRRC and to the Chairpersons of the HPLC and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

In preparing these final-form regulations the Board has considered all comments received from IRRC, the Committees and the public.

These final-form regulations were approved by the HPLC on May 13, 1996, and approved by the Senate Committee on May 14, 1996. IRRC met on May 16, 1996, and approved the regulations in accordance with section 5(c) of the Regulatory Review Act.

Further Information

Persons who wish further information about the amendments may communicate with Deborah Orwan, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389.

Findings

The Board finds that:

(1) Public notice of the Board's intention to adopt the amendments herein was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The regulations adopted herein are necessary and appropriate for the administration of the act.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by adding §§ 31.3, 31.15 and 31.16 and by amending §§ 31.11—31.13 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval 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 upon publication in the *Pennsylvania Bulletin*.

JOY LOUISE ELLWANGER, C.A.H.T.,
Chairperson

Fiscal Note: Fiscal Note 16A-572 remains valid for the final adoption of the subject regulations.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 2669 (June 1, 1996).)

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

GENERAL INFORMATION

§ 31.3. Examinations.

(a) The examinations required as a prerequisite to original licensure as a veterinarian are the National Board Examination (NBE), the Clinical Competency Test (CCT) and the Pennsylvania Veterinary Legal Practice Examination. The examinations will be given at least annually and at other times deemed appropriate by the Board, in consultation with the professional testing organization providing these examinations to applicants of the Board.

(b) Applications to take the licensing examinations, together with instructions for applicants, including deadlines for filing and paying fees, may be obtained from the Administrative Office of the Board by writing or telephon-

ing the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389.

(c) Examination applications and the fee required by § 31.41 (relating to schedule of fees) shall be submitted directly to the professional testing organization designated by the Board at least 60 days prior to the examination date.

LICENSURE

§ 31.11. Application for licensure.

(a) *Application forms.* Application forms for original or reciprocal licensure may be obtained from the Administrative Office of the Board by writing or telephoning the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389.

(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 American Veterinary Medicine 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.

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

(3) A letter of good standing from the licensure board of each state where the applicant has held a license to practice veterinary medicine, reporting the outcome of disciplinary actions taken against the applicant, if any, in that state.

(4) A statement from the applicant that the applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country unless the following apply:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction so that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations.

(iii) The applicant otherwise satisfies the qualifications contained in the act.

(c) *Reciprocal licensure.* An applicant for licensure by reciprocity who has held a valid license from another state and has been actively engaged in clinical practice in that state for 5 years immediately preceding application for licensure in this Commonwealth, may be granted a license to practice veterinary medicine in this Commonwealth after having passed the Pennsylvania Veterinary Legal Practice Examination, paid the fee required by § 31.41 (relating to schedule of fees), and submitted the following documentation to the Board:

- (1) An application form under subsection (a).
- (2) A verification of clinical practice, completed by the applicant, describing in detail the applicant's clinical practice during the immediately preceding 5 years.
- (3) A letter from the licensure board of the state wherein the applicant has been actively engaged in clinical practice during the immediately preceding 5 years, certifying 5 years of continued licensure in that state.
- (4) Two certificates of recommendation from licensed veterinarians regarding the applicant's character and competence and attesting to the fact that the applicant has been in active clinical practice during the immediately preceding 5 years.
- (5) A letter of good standing from each board office in which the applicant has held a license to practice veterinary medicine, reporting the outcome of disciplinary actions taken against the applicant, if any, in that state.

§ 31.12. Temporary permits.

(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 pending passage of the Pennsylvania Veterinary Legal Practice Examination 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 are 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 × 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 in other states, territories or countries shall be reported to the Board on the biennial registration application or within 90 days of final disposition, 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 will result in disciplinary action by the Board under section 9(a) of the act (63 P. S. § 485.9(a)).

(d) A holder of an expired license to practice veterinary medicine 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. 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.

(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.

§ 31.15 Continuing education.

As a condition of licensure renewal under § 31.13 (relating to licensure renewal), a veterinarian shall attend eight 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.

§ 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:

- (1) The American Veterinary Medical Association (AVMA).
- (2) Approved schools.
- (3) Allied organizations of the AVMA.
- (4) AVMA-approved major regional veterinary organizations.
- (5) Specialty boards of the AVMA.
- (6) The Pennsylvania Veterinary Medical Association and its constituent associations.
- (7) Other states' veterinary medical associations.

(b) Continuing education courses which are offered by providers not covered under subsection (a) shall receive prior approval of the Board. An application for approval of continuing education programs may be obtained from the Administrative Office of the Board by writing or telephoning the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389. A request for approval shall be filed with the Board at least 60 days prior to the date of the proposed program, and shall be accompanied by the fee required by § 31.41.

(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. Organizations approved under subsection (b) shall also provide the Pennsylvania approval number.

(d) Instructors of continuing education programs may include:

- (1) Members of the faculties of approved schools of veterinary medicine.
- (2) Licensed doctors of veterinary medicine in this Commonwealth or in another state who are not faculty members of the schools covered under paragraph (1) if, by virtue of their professional activities and achievements in a particular field, the doctors are determined by the Board to be qualified to speak on subjects of pertinent value to the profession.

(3) Other lecturers or instructors who are not licensed to practice veterinary medicine, if the Board determines that they are qualified to speak upon a subject which will be of value to the profession.

(e) A resume of the qualifications of instructors of continuing education programs under subsection (d)(2) and (3) shall be included with the application for approval of continuing education programs. This subsection does not apply to providers enumerated under subsection (a).

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