

# PROPOSED RULEMAKING

## STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]  
Professional Conduct

The State Board of Veterinary Medicine (Board) proposes to amend § 31.21 (relating to Rules of Professional Conduct for Veterinarians) to read as set forth in Annex A.

The purpose of the proposal is to amend Principle 7 of the Rules of Professional Conduct for Veterinarians pertaining to "Veterinarian/Client Relationships," by modifying the existing requirement that veterinarians may not abandon an animal after a veterinarian/client relationship has been established without giving at least 30 days written notice to the client of the veterinarian's intention to withdraw his services.

The Rules of Professional Conduct for veterinarians were adopted March 19, 1994 (24 Pa.B. 1481). Since that date, the Board has received numerous letters from veterinarians across this Commonwealth objecting to the 30-day notice requirement as being unduly burdensome on veterinarians (especially when faced with an abusive client or a client that demands services which the client is unable to afford). Other veterinarians objected to the 30-day notice requirement on the basis that it does not allow veterinarians to discontinue treatment of a case when the veterinarian is of the professional opinion that the only appropriate treatment is euthanasia.

After having carefully considered the views and comments of these veterinarians, the Board agrees that an amendment is in order. The Board is therefore proposing to amend Principle 7 by allowing veterinarians to withdraw their services after a veterinarian/client relationship has been established by giving notice to the client of the veterinarian's intention to withdraw his services in sufficient time to allow the client to obtain the services of another veterinarian, or after 48 hours of documented oral notice is provided, whichever occurs first. The Board is of the view that the proposal will allow veterinarians more flexibility in terminating a relationship with an abusive or demanding client without jeopardizing the client's ability to obtain the services of another licensed veterinarian.

### *Fiscal Impact*

The proposed amendment will have no negative fiscal impact upon the Commonwealth, its political subdivisions or the general public.

### *Paperwork Requirements*

The proposed amendment will not result in additional paperwork requirements.

### *Statutory Authority*

The amendment is proposed under the dual authority of section 5(1) and (2) of the Veterinary Medicine Practice Act (63 P. S. § 485.5(1) and (2)). Section 5(1) of the act empowers the Board to adopt reasonable rules and regulations governing the practice of veterinary medicine as are necessary to enable it to carry out and make effective the purpose and intent of the act. Section 5(2) of the act empowers the Board to adopt rules and regulations of

professional conduct appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), a copy of this proposal was submitted on September 24, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposal, the Board has provided IRRC and the Committees with a copy of a regulatory analysis form. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Board, the General Assembly and the Governor of objections raised.

### *Public Comment*

Interested parties are invited to submit written comments, suggestions or objections regarding the proposed amendment to Deborah B. Eskin, Counsel, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of the proposed amendment in the *Pennsylvania Bulletin*.

WILLIAM L. SHEPERD, V.M.D.,  
*Chairperson*

**Fiscal Note:** 16A-575. 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**  
**PROFESSIONAL CONDUCT**

### **§ 31.21. Rules of Professional Conduct for Veterinarians.**

#### **Preamble**

The Board is empowered under section 5(2) of the act (63 P. S. § 485.5(2)), to adopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skill and practice in the profession of veterinary medicine. In accordance with this authority, the Board has determined that the following rules are necessary in the public interest to protect the public against unprofessional conduct on the part of veterinarians. The Board therefore adopts this professional conduct code for veterinarians practicing veterinary medicine in this Commonwealth. Some of the rules of conduct are imperatives, cast in the terms, "shall" or "may not." Veterinarians who fail to adhere to these rules will be subject to professional discipline. Other rules, generally cast in the terms "may" or "should," are in-

tended as aspirational goals and define areas under which the veterinarian has professional discretion. No disciplinary action will be taken when a veterinarian acts within the bounds of discretion. References throughout this professional conduct code to imperative conduct on the part of veterinarians shall also apply to applicants for licensure and temporary permit holders [ **where** ] when these persons render services under qualified supervision.

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**Principle 7. Veterinarian/client relationships.**

\* \* \* \* \*

(h) Veterinarians may not abandon an animal after a veterinarian/client relationship has been established [ **without giving at least 30 days written notice to**

**the client of the veterinarian's intention to withdraw his services to allow the client to obtain the services of another veterinarian ]. Veterinarians may withdraw their services after a veterinarian/client relationship has been established, by giving notice to the client of the veterinarian's intention to withdraw his services in sufficient time to allow the client to obtain the services of another veterinarian, or after 48 hours of documented oral notice is provided, whichever occurs first.**

[Pa.B. Doc. No. 96-1671. Filed for public inspection October 4, 1996, 9:00 a.m.]

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