

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF VETERINARY MEDICINE [49 PA. CODE CH. 31] Biennial Renewal Fees

The State Board of Veterinary Medicine (Board) amends § 31.41 (relating to schedule of fees). This final-form rulemaking increases the biennial license renewal fee for veterinarians from \$225 to \$300 and increases the biennial license renewal fee for certified veterinary technicians from \$60 to \$75.

Statutory Authority

Section 13(a) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.13(a)) requires the Board to fix the fees for renewal of licenses and certificates by regulation. Section 13(b) of the act requires the Board to increase fees when revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures. The fee increase will apply to the biennial renewal period beginning December 1, 2006.

Response to Comments

The House Professional Licensure Committee (HPLC) requested information regarding the notice to the Board's licensees of the proposed fee increase and assurances that the final-form rulemaking would be in place prior to the December 1, 2006, effective date. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and Independent Regulatory Review Commission (IRRC) did not submit comments or suggestions.

Notice of the proposed fee increase was published in the Board's Winter 2005/2006, newsletter that was mailed to licensees in January 2006, and also appeared on the Board's website. The Board has not received any correspondence regarding the fee increase. Representatives of the Pennsylvania Veterinary Medical Association (PVMA) were present at the Board's March 17, 2005, meeting during the presentation of the annual budget report by the Bureau of Finance and Operations and the Board's ensuing discussions regarding the required increase to the biennial renewal fee. The Board believes that the PVMA provided notice to its members regarding the proposed fee increase through its newsletter. The Board did not receive any correspondence from the PVMA or its members regarding the proposed increases.

The proposed rulemaking was published at 36 Pa.B. 578 (February 4, 2006). The Board did not receive comments during the public comment period through the date the final-form rulemaking was drafted.

Regarding the timing of publication of the final-form rulemaking, the Board planned to deliver the final-form rulemaking package to the House and Senate Committees and IRRC by May 25, 2006, thus ensuring that the rulemaking will be final by its intended implementation date. Notices for biennial license renewal are sent to licensees approximately 90 days prior to the beginning of the biennial period.

Fiscal Impact

The final-form rulemaking will increase the biennial renewal fee for veterinarians and veterinary technicians. A veterinarian will pay an additional \$75 for biennial renewal. A veterinary technician will pay an additional \$15 for biennial renewal. The final-form rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The final-form rulemaking will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, it should not create additional paperwork for the private sector.

Sunset Date

The act requires the Board to monitor its revenue and costs on a fiscal year and biennial basis. 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 January 26, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 578, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 13, 2006, the final-form rulemaking was approved by the HPLC. On July 5, 2006, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC, effective July 5, 2006.

Additional Information

Further information may be obtained by contacting J. Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending § 31.41 to read as set forth at 36 Pa.B. 578.

(b) The Board shall submit this order and 36 Pa.B. 578 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and 36 Pa.B. 578 and deposit them with the Legislative Reference Bureau as required by law.

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

THOMAS J. MCGRATH, D.V.M.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 3919 (July 22, 2006).)

Fiscal Note: Fiscal Note 16A-5717 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 06-1607. Filed for public inspection August 18, 2006, 9:00 a.m.]