

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

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

Professional Conduct; Notice of Animal Supervision

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

Effective Date

The amendment will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 5(1) and (2) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.5(1) and (2)) authorizes the Board to adopt reasonable 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.

Summary of Comments to Proposed Rulemaking and the Board's Response

The Board published notice of proposed rulemaking at 41 Pa.B. 4982 (September 17, 2011) and requested public comments. The Board received one comment from the public. The Pennsylvania Veterinary Medical Association (PVMA) wrote that it was very supportive of the goal of ensuring that clients are aware of any time during which their pets are unattended. Nevertheless, PVMA noted that a significant proportion of its membership was uncomfortable with the requirement that veterinarians provide notice to clients of the level of supervision that will be provided at all times. By way of example, PVMA stated that if a client were to drop a pet off at 7 a.m. and the doctor was not scheduled to arrive until 9 a.m., it would be necessary to provide notification to the client to that effect. PVMA suggested that if the pet is never left alone, there should not be a requirement to inform the client what type of employee would supervise the client's pet.

The Board amended the proposed rulemaking to apply only to periods of time when the veterinarian's office is closed. The Board believes that there are very few practices that close in the middle of the day (rather than overnight) so notification will generally be limited to overnights and weekends. For practices that close in the middle of the day, a simple oral notification to the client when he drops off the animal would be sufficient, for example, the practice is closed during the lunch hour at which time the animal will be secured in a kennel but without supervision. The Board does not view this as an unreasonable hardship on its licensees, particularly when balanced against the benefit to clients knowing whether a hospitalized animal will be monitored overnight or over a weekend.

The House Professional Licensure Committee (HPLC) reviewed the proposed rulemaking at a meeting on October 26, 2011, and did not submit comments to the Board. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. The Independent Regulatory Review Commission (IRRC) informed the Board on November 16, 2011, that it did not have objections, comments or recommendations to offer on the proposed rulemaking.

Description of Amendments to the Final-Form Rulemaking

Section 31.21 requires a veterinarian who keeps a client's animal while the practice is closed (including evenings and weekends) to inform the animal's owner whether a veterinarian, certified veterinary technician or unlicensed veterinary assistant will be on the premises with the animal and what level of monitoring will be provided to the animal.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking may have a small fiscal and paperwork impact on licensees who choose to provide written notice to their clients. The Board believes that the final-form rulemaking will not have other fiscal or paperwork impact on licensees, the Board or another Commonwealth entities.

Sunset Date

The Board continuously monitors its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 6, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 4982, 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 Board 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 September 19, 2012, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 20, 2012, and approved the final-form rulemaking.

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) The amendments to the final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 41 Pa.B. 4982.

(4) 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 § 31.21 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

ROBIN J. BERNSTEIN, Esq.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 6352 (October 6, 2012).)

Fiscal Note: Fiscal Note 16A-5725 remains valid for the final adoption of the subject regulation.

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.

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Principle 7. Responsibility to clients and patients.

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(h) If a client requests referral to another veterinarian or veterinary hospital, the attending veterinarian shall honor the request and facilitate the necessary arrangements, which includes forwarding copies of the veterinary medical records of the animal in a reasonable period of time to the other veterinarian or veterinary hospital.

(i) A veterinarian who keeps a client's animal while the practice is closed (including evenings and weekends) shall inform the client, either orally or in writing, whether a veterinarian, certified veterinary technician or veterinary assistant will be on the premises and what level of monitoring the animal will receive during that time.

Principle 8. Drugs.

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