

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
[25 PA. CODE CH. 86]

Corrective Amendment to 25 Pa. Code § 86.174(a)

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 86.174(a) (relating to standards for release of bonds) as deposited with the Legislative Reference Bureau and the official text as published at 28 Pa.B. 2227 (May 9, 1998) and as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 284) (July 1998), and as currently appearing in the *Pennsylvania Code*. In the first sentence of subsection (a), the words "backfilled and regraded" were inadvertently replaced with "backfilled or regraded."

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 86.174(a). The corrective amendment to 25 Pa. Code § 86.174(a) is effective as of May 9, 1998, the date the defective text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 86.174(a) appears in Annex A, with ellipses referring to the existing text of the regulation.

### Annex A

#### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE I. LAND RESOURCES

#### CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL

#### Subchapter F. BONDING AND INSURANCE REQUIREMENTS

#### RELEASE OF BONDS

#### § 86.174. Standards for release of bonds.

(a) When the entire permit area or a portion of a permit area has been backfilled and regraded to the approximate original contour or approved alternative, and when drainage controls have been installed in accordance with the approved reclamation plan, Stage 1 reclamation standards have been met.

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[Pa.B. Doc. No. 04-89. Filed for public inspection January 16, 2004, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

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

### Continuing Education Provider Approval

The State Board of Veterinary Medicine (Board) amends §§ 31.15, 31.16, 31.36 and 31.40 to read as set forth in Annex A. The final-form rulemaking adds providers of continuing education approved by the American Association of Veterinary State Boards and included on the Registry of Approved Continuing Education (RACE) to the list of continuing education providers who are preapproved to offer courses for credit toward the biennial continuing education requirements for veterinarians and veterinary technicians. The final-form rulemaking also updates the continuing education regulations by referencing the new statutory credit hour requirements for veterinarians and technicians and refers to animal health technicians by their new designation, veterinary technicians, in accordance with comments made in the regulatory review process.

Notice of proposed rulemaking was published at 33 Pa.B. 1359 (March 15, 2003). Publication was followed by a 30-day public comment period during which the Board did not receive any comments. On May 8, 2003, the House Professional Licensure Committee (HPLC) submitted two comments to the proposed rulemaking. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) made no comments. The Independent Regulatory Review Commission (IRRC) submitted two comments to the proposed rulemaking on May 14, 2003.

#### *Summary of Comments and Responses to Proposed Rulemaking*

After the proposed rulemaking was submitted for publication, the act of December 9, 2002 (P. L. 1370, No. 167) (Act 167) was enacted and became effective February 9, 2003. Act 167 increased the amount of continuing education required for biennial license renewal. Under Act 167, veterinarians must complete 30 hours and technicians must complete 16 hours of biennial continuing education. Act 167 also renamed certified animal health technicians; these licensees are now known as certified veterinary technicians. The HPLC recommended that the rulemaking be amended to reflect these statutory changes. IRRC echoed the HPLC recommendations. The Board concurs and the final-form rulemaking reflects these amendments.

Section 31.15 (relating to continuing education) was amended in the final-form rulemaking to reflect the new statutory requirement of 30 hours of biennial continuing education for veterinarians and 16 hours of biennial continuing education for veterinary technicians. Section 31.36 (relating to renewal of certification, inactive status and reactivation of certification) was amended in the final-form rulemaking to reflect the new statutory nomenclature veterinary technician instead of animal health technician.

*Statutory Authority*

Section 18 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.18) authorizes the Board to approve all continuing education programs and to promulgate standards to ensure that the programs meet the educational and professional requirements of the profession and are designed to keep the members of the profession abreast of current learning and scholarship.

Section 5(2) of the act (63 P. S. § 485.5(2)) authorizes the Board to promulgate regulations to effectuate the act. Section 11 of the act (63 P. S. § 485.11) authorizes the Board to promulgate regulations related to the practice of veterinary technicians.

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will relieve providers who are listed on the RACE from having to apply to the Board for approval of a continuing education course to be offered by the provider. This will save the providers \$35 per course, the fee assessed for approval of a continuing education program in § 31.41 (relating to schedule of fees). The final-form rulemaking will also relieve the Board of the work involved in reviewing and approving the continuing education courses.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 5, 2003 the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 1359, 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 November 18, 2003, the final-form rulemaking was approved by the HPLC and deemed approved on December 3, 2004, by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 4, 2003, and approved the final-form rulemaking.

*Additional Information*

Individuals who need information about the final-form rulemaking should contact Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

*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 final-form rulemaking is necessary and appropriate for the administration of the act.
- (4) The final-form rulemaking does not enlarge the original purpose of the proposed rulemaking.

*Order*

The Board therefore orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending §§ 31.15, 31.16, 31.36 and 31.40 to read as set forth in Annex A.

*(Editor's Note:* The amendments to §§ 31.15 and 31.36 were not included in the proposal at 33 Pa.B. 1359.)

(b) The Board shall submit the order and a copy of 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 shall deposit them with the Legislative Reference Bureau as required by law.

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

BRIAN V. HARPSTER, V.M.D.,  
*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 6376 (December 20, 2003).)

**Fiscal Note:** Fiscal Note 16A-5714 remains valid for the final adoption of the subject regulations.

**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**  
**LICENSURE**

**§ 31.15. Continuing education.**

As a condition of licensure renewal under § 31.13 (relating to licensure renewal), a veterinarian shall complete 30 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. A maximum of 25% of the hours may be earned by taking individual study or correspondence courses for which third-party verification of satisfactory completion is provided. The courses shall meet the requirements of § 31.16 (relating to continuing education provider approval).

**§ 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.

(8) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB).

(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).

#### VETERINARY TECHNICIANS AND NONCERTIFIED EMPLOYEES

##### § 31.36. Renewal of certification, inactive status and reactivation of certification.

(a) *Renewal of certification.* Renewal of certification shall be biennially. A renewal application shall be returned by the renewal deadline and shall be accompanied by an affidavit of attendance at continuing education programs for 16 hours every 2 years, and by a fee as specified in § 31.41 (relating to schedule of fees). A certified veterinary technician who fails to biennially renew certification, but who continues to practice as a certified veterinary technician in this Commonwealth shall be subject to disciplinary action by the Board, and will be required to pay a late fee of \$5 for each month or part of a month beyond the date specified for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225), in addition to the prescribed biennial renewal fee.

(b) *Inactive status.* Certified veterinary technicians who are not practicing in this Commonwealth may request that their certification be placed on inactive status, during which time renewal fees will not be assessed.

(c) *Reactivation of certification.* Certified veterinary technicians who desire to reactivate certification may do so by complying with the continuing education requirements in effect at the time of reactivation, paying the current renewal fee and submitting a notarized affidavit to the Board setting forth the period of time in which the certificateholder did not practice in this Commonwealth. Certified veterinary technicians who seek to reactivate certification will not be assessed a late renewal fee for the preceding biennial renewal periods in which the certificateholder did not engage in practice in this Commonwealth.

##### § 31.40. Continuing education provider approval.

(a) 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 as long as the programs are specifically designed to increase the skills, knowledge and competency of certified veterinary technicians:

(1) The American Veterinary Medical Association (AVMA).

(2) Approved schools.

(3) Allied organizations of the AVMA.

(4) Major regional veterinary organizations approved by the AVMA.

(5) The Pennsylvania Veterinary Medical Association and its constituent associations.

(6) Other states' veterinary medical associations.

(7) The Veterinary Technicians and Assistants Association of Pennsylvania (VTAAP).

(8) Specialty boards of the AVMA.

(9) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB) to offer courses for certified veterinary technicians.

(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, Post Office Box 2649, Harrisburg, Pennsylvania 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 certification of attendance to the certified animal health technician which includes the name of the sponsor, 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.

(2) Licensed doctors of veterinary medicine in this Commonwealth or in another state who are not faculty members of those schools covered under paragraph (1) 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 subjects of pertinent value to animal health technicians.

(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)(3)

shall be included with the application for approval of continuing education programs. This subsection does not apply to providers enumerated under subsection (a).

[Pa.B. Doc. No. 04-90. Filed for public inspection January 16, 2004, 9:00 a.m.]

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