

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0; font-size: small;">(All Comments submitted on this regulation will appear on IRRC's website)</p>	<p style="margin: 0; font-weight: bold; font-size: small;">INDEPENDENT REGULATORY REVIEW COMMISSION</p> <h1 style="margin: 0;">RECEIVED</h1>
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Veterinary Medicine</p>	<p>MAR 10 2022</p> <p>Independent Regulatory Review Commission</p> <p>IRRC Number: 3336</p>
<p>(2) Agency Number: 16A Identification Number: 5726</p>	
<p>(3) PA Code Cite: 49 Pa Code §§ 31.101—31.115 and 31.121—31.130.</p>	
<p>(4) Short Title: Euthanasia</p>	
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Thomas M. Davis, Board Counsel, State Board of Veterinary Medicine; P.O. Box 69523, Harrisburg, PA 17106-5923; 717-783-7200; tmdavis@pa.gov</p> <p>Secondary Contact: Jacqueline A. Wolfgang, Acting Senior Regulatory Counsel; P.O. Box 69523, Harrisburg, PA 17106-5923; 717-783-7200; jawolfgang@pa.gov</p>	
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> PROPOSED REGULATION</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>	<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>The Animal Destruction Method Authorization Law (ADMAL) (3 P.S. §§ 328.101—328.1101) was amended in 2012 to prohibit euthanasia of animals by carbon monoxide. (See the act of October 24, 2012 (P.L. 1452, No. 182)). The amendments further authorized the State Board of Veterinary Medicine (Board) to register animal protection organizations that purchase, possess and administer drugs used for euthanasia of small domestic animals as defined in the amendment, and to license euthanasia technicians who would be authorized to administer drugs used for euthanasia within a registered organization's facility/shelter.</p>	
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>Act 182, which amended the ADMAL, requires the Board to promulgate by regulation the requirements for licensure and regulation of animal protection organizations to purchase and possess drugs for euthanasia and of euthanasia technicians to administer drugs for euthanasia. 3 P.S. § 328.304. Section 5(1) of the Veterinary Medicine Practice Act (act) (63 P.S. § 485.5(1)) authorizes the Board to adopt 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 13 of the act (63 P.S. § 485.13(a)) authorizes the Board to fix the fees required for examination, licensure, certification, registration, renewal of licenses and registrations, renewal of certificates and temporary permits.</p>	

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The regulation is mandated by the ADMAL.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to effectuate the amendments to the ADMAL that relate to the registration of animal protection organizations and the licensure of euthanasia technicians. The Board anticipates that approximately 50 organizations will seek registration, and that approximately 50 individuals will seek licensure as a euthanasia technician. Animal protection organizations will benefit because they will now have the means to euthanize animals without having to arrange for a veterinarian's services.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No. In fact, applicable Federal standards have been incorporated in the proposed rulemaking by reference.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation does not affect Pennsylvania's ability to compete. Most states allow non-veterinarians to perform euthanasia on small domestic animals. In most cases, these non-veterinarians are required to undergo a certain number of hours of training before being allowed to perform euthanasia on animals. However, in a few states even non-certified employees of animal shelters are allowed to perform the procedure with minimal training. Animal shelters, animal control agencies, and humane societies in several states may obtain a permit to possess the chemicals used for the euthanasia of small domestic animals, in addition to veterinary clinics. Often times a state has established procedures for the storage of the chemicals, and in some cases, a state requires a licensed veterinarian or certified euthanasia technician to be on staff to receive a permit.

While nearly every other state in the Northeast region allows certified euthanasia technicians to administer drugs for euthanasia at animal shelters, few have comprehensive laws and regulatory schemes controlling the licensure (or certification) of euthanasia technicians and few have comprehensive laws and regulatory schemes controlling the licensure (or certification) of animal protection organizations (shelters, pounds, etc.), to allow them to purchase and possess drugs for euthanasia. The proposed fees are slightly lower than the fees of West Virginia, which is the only other state in the Northeast region with a euthanasia licensing and certification system similar to that of the Commonwealth.

Connecticut allows veterinarians, persons supervised by veterinarians, and agents or officers of the Connecticut Humane Society to perform euthanasia on small domestic animals. Drugs for euthanasia may

be possessed by veterinary clinics, pet shops, and the Connecticut Humane Society. No comparable fees for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. The Connecticut State Department of Health licenses veterinarians; not veterinary technicians, or euthanasia technicians. The Department of Agriculture has promulgated regulations regarding "dog pounds," but the regulations do not discuss animal euthanasia.

Delaware allows veterinarians, nationally certified euthanasia technicians, certified euthanasia technicians (certified by a licensed veterinarian and the Office of Animal Welfare), licensed veterinary technicians, and persons certified by a licensed veterinarian (after passing a written and practical exam) to perform euthanasia on small domestic animals. Certified euthanasia technicians must be employed by a Delaware animal shelter, complete an approved euthanasia training course (minimum of 12 hours of instruction), pass a written examination given by or approved by the Office of Animal Welfare, and demonstrate proficiency in euthanasia procedure under the direct supervision of the shelter's staff veterinarian or consulting veterinarian. Recertification will be required every three years, and the certified euthanasia technician must submit a letter signed by their Delaware animal shelter employer attesting that they still meet the criteria listed in the initial certification section of the regulations and have remained proficient in giving intravenous and intraperitoneal injections, as well as making a positive determination of death. Drugs for euthanasia may be possessed by veterinary clinics and private or public animal shelters or agencies. No comparable fees for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. The Delaware Veterinary Board website lists fees for veterinarian, and veterinary technician licensure; not euthanasia technicians. The Delaware Office of Animal Welfare fails to discuss certification of euthanasia technicians; accordingly, no fees are listed.

Maine allows veterinarians and certified euthanasia technicians to perform euthanasia on small domestic animals. A licensed animal shelter having both a consulting veterinarian and a certified euthanasia technician may purchase, store and administer euthanasia solution for the euthanasia of cats, dogs and ferrets that are vested to the shelter, provided the purchase, storage and administration is in accordance with federal requirements. The director of the licensed animal shelter, as a veterinarian, a certified euthanasia technician or an agent of the certified euthanasia technician, is the only person with the authority to purchase euthanasia solution. No comparable fees for licensure as a certified euthanasia technician have been found, however an animal shelter license costs \$100 per year. The Maine Veterinary Board website lists fees for veterinarian, and veterinary technician licensure, and fails to discuss certification of euthanasia technicians. The Maine Department of Agriculture, Conservation and Forestry fails to discuss certification of euthanasia technicians.

Maryland allows veterinarians and designated employees of animal control facilities to perform euthanasia on small domestic animals. The owner, or the board of directors, of an animal control facility must designate a "responsible individual" to be the person who purchases and maintains the required controlled dangerous substances for use at the animal control facility and designates the employees who are authorized to administer controlled dangerous substances in the course of the activities of the animal control facility. The responsible individual must complete a two-day euthanasia training course approved by the Board of Veterinary Medical Examiners (Board). Drugs for euthanasia may be possessed by veterinary clinics and animal control facilities licensed by the Board. No comparable fees for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. The Maryland Veterinary Board website (found on the Department of Agriculture website) lists fees for veterinarian, and veterinary technician

licensure, and fails to discuss certification of euthanasia technicians. However, a person operating an animal control facility must pay an annual license fee of \$100.

Massachusetts allows veterinarians and animal control officers (following American Veterinary Medical Association guidelines) to perform euthanasia on small domestic animals. Drugs for euthanasia may be possessed by veterinary clinics and animal control entities. No comparable fees for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. The Massachusetts Veterinary Board website discusses licensure of veterinarians, veterinarians (Limited Practitioner), and veterinarians (Tufts Practitioner), not veterinary technicians and not euthanasia technicians.

New Hampshire allows veterinarians and animal caretakers to perform euthanasia on small domestic animals. "Animal caretakers" are similar to the Commonwealth's "veterinary assistants," in that they require no formal training. However, in New Hampshire they may perform euthanasia under the supervision and assistance of a veterinarian. Drugs for euthanasia may be possessed by veterinary clinics. No comparable fees for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. The New Hampshire Veterinary Board website lists fees for veterinarian, and veterinary technician; not euthanasia technicians.

New Jersey allows veterinarians, persons under the direct supervision of a veterinarian, and individuals certified by a veterinarian (this "certification" is either informal or does not exist) to perform euthanasia on small domestic animals. Drugs for euthanasia may be possessed by veterinary clinics and animal shelters. No comparable fees for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. Animal shelters must annually apply for a license through the local municipality. Accordingly, annual licensure fees vary. The New Jersey State Board of Veterinary Medical Examiners licenses veterinarians; not veterinary technicians, and not euthanasia technicians.

New York allows veterinarians, certified euthanasia technicians, licensed veterinary technicians, dog control officers, police officers and authorized agents of an incorporated society for the prevention of cruelty to animals (SPCA) to perform euthanasia on small domestic animals. To be certified as a euthanasia technician, an applicant must hold a bachelor or associate degree in animal health sciences or related field and obtain written certification from two licensed veterinarians (or one licensed veterinarian and one licensed technician) that they have observed the proficient use, by the applicant, of injections for the euthanasia of animals. Drugs for euthanasia may be possessed by veterinary clinics, authorized agents of an incorporated SPCA, municipal animal control facilities, and "pounds" maintained by or under contract with any city town or village. No fee is required for an animal protection organization to apply for registration to purchase and possess drugs for euthanasia, nor must a fee be paid to apply for certification as a euthanasia technician. The New York State Board of Veterinary Medical Examiners licenses veterinarians and veterinary technicians; not euthanasia technicians.

Ohio allows veterinarians, certified euthanasia technicians and veterinary technicians to perform euthanasia on small domestic animals. Certified euthanasia technicians must complete an approved euthanasia training course (minimum of 16 hours of instruction). Drugs for euthanasia may be possessed by veterinary clinics and animal shelters who hold a license issued by the State of Ohio Board of Pharmacy (terminal distributors of dangerous drugs (TDDD)). The application fee for a TDDD license (with controlled substances) is \$220, and the annual renewal fee is \$220. The Ohio Veterinary Medical Licensing Board licenses veterinarians and veterinary technicians; not euthanasia technicians.

Rhode Island allows veterinarians and agents of a veterinarian to perform euthanasia on small domestic animals. Drugs for euthanasia may be possessed by veterinary clinics, animal shelters, municipal "pounds," humane societies, pet shops, breeders, kennels and other licensed entities. No application fee nor annual registration fee is required for licensure as an animal rescue or shelter. Rhode Island statutes and regulations make no mention of certified euthanasia technicians. The Rhode Island Veterinary Medical Licensing Board (Department of Health) licenses veterinarians; not veterinary technicians and not euthanasia technicians.

Vermont allows veterinarians and certified euthanasia technicians to perform euthanasia on small domestic animals. Additionally, individuals training to become a certified euthanasia technician may perform euthanasia on small domestic animals, under the direct supervision of a certified euthanasia technician or veterinarian. Certified euthanasia technicians are trained and evaluated by the Euthanasia Board for Animals, certified by the Commissioner of Agriculture, Food and Markets, and employed by a registered animal shelter. Certified euthanasia technicians must complete a "refresher course" at least every three years and must recertify annually. Drugs for euthanasia may be possessed by veterinary clinics and registered animal shelters. Vermont regulations do not set forth a fee for licensure, certification or registration. The Vermont Veterinary Medical Licensing Board licenses veterinarians; not veterinary technicians and not euthanasia technicians.

West Virginia allows veterinarians and certified euthanasia technicians (under the supervision of a humane officer or veterinarian) to perform euthanasia on small domestic animals. Drugs for euthanasia may be possessed by veterinary clinics and municipal or county run animal control facilities, or humane societies or animal shelters incorporated and organized under the laws of the state (with one or more duly authorized agents). The West Virginia Board of Veterinary Medicine licenses veterinarians, veterinary technicians, euthanasia technicians and animal euthanasia facilities. Initial certification as an Animal Euthanasia Technician costs \$335 (\$110 for certification, and \$225 for the required training program) and annual renewal fees are \$50. Initial registration of an animal euthanasia facility is \$300 (\$250 for initial inspection and \$50 for registration) and annual renewal fees are \$50.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No. The statute allows the Board to enter into a Memorandum of Understanding with the Pennsylvania Department of Agriculture (PDA), whose Bureau of Dog Law Enforcement inspects kennels in the Commonwealth. The Board intends to work with PDA regarding areas of mutual interest and co-enforcement efforts when the final rulemaking is delivered for publication.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Shortly after the ADMAL was enacted, stakeholders were identified by obtaining from the Department of Agriculture a list of all licensed nonprofit kennels. Additional stakeholders included the Shelter Medicine department of the University of Pennsylvania School of Veterinary Medicine, veterinarians identified by the Pennsylvania Veterinary Medicine Association, and other individuals known to be involved in shelter activities and advocacy.

A draft rulemaking was prepared and sent to interested parties, requesting pre-draft comment and participation in an open meeting of the Board to discuss the rulemaking. Twenty stakeholders attended the meeting. The Board made numerous additions and amendments to the draft based on feedback from the stakeholders.

Another public meeting to discuss the proposed rulemaking was held and nine stakeholders attended the meeting. Written comments were also received from several stakeholders.

The amendments apply primarily to nonprofit entities, which are excluded from the definition of a business or small business under 13 CFR § 121.205. The Board is aware of only one for-profit entity in Pennsylvania engaged in the business of euthanizing small animals that has been affected by the changes in the law.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Euthanasia technicians will be required to obtain and maintain a license issued by the Board. Because these individuals have not been previously licensed, the Board does not know how many individuals might seek this license. However, based on the number of nonprofit kennels licensed by the PA Department of Agriculture (PDA), the Board estimates there will be about 50 individuals seeking licensure. Accordingly, the typical applicant for licensure as a euthanasia technician will have to complete a euthanasia technician certification course (estimated at \$225) and apply to the Board for licensure (\$87). Biennial renewal will cost \$25.

Animal protection organizations subject to the statute and this rulemaking are, by definition, nonprofit societies or associations. Pursuant to 13 CFR § 121.105, a business or a small business is one that is organized for profit. The Board is aware of only one for-profit entity in Pennsylvania engaged in the business of euthanizing small animals.

There are approximately 346 nonprofit kennels licensed by PDA; however, PDA does not track how many of these licensed kennels perform euthanasia. Accordingly, the Board estimates that as many as 346 organizations could be affected by the regulation, but after numerous discussions with the regulated community while drafting this regulation, the Board estimates that only 50 will seek registration in the regulation's first year. Most are organizations are expected to continue their current practice, which is to contact a veterinarian when euthanasia is required.

The typical animal protection organization applying for a certificate of registration will pay an application fee of \$244, which includes an initial inspection. If the applicant fails the initial inspection, it will pay \$216 for reinspection. Biennial renewal will cost \$50.

According to the Small Business Administration (SBA), as of 2018, there were approximately one million businesses in Pennsylvania of which 99.6% are small businesses. Most businesses in Pennsylvania are therefore considered small businesses. According to the Pennsylvania Department of Labor and Industry, in 2019, most veterinarians worked in veterinary services (76%), self-employed (14%), government (3%), educational services (1%) and in social advocacy organizations (1%). Most veterinary technologists worked in veterinary services (90%), junior colleges, colleges, universities and professional schools (4%), and social advocacy organizations (2%). Additionally, most veterinary assistants worked in veterinary services (87%), junior colleges, colleges, universities and professional schools (5%), and in research and

development in the physical, engineering, and life sciences (3%). No such statistics are available via the Pennsylvania Department of Labor and Industry for euthanasia technicians.

For the business entities listed above, small businesses are defined in Section 3 of the Regulatory Review Act (71 P.S. §745.3), which provides that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards, a small business classified under NAICS code 541940 (veterinary services) is one with \$8.0 million or less in average annual receipts. Junior colleges (NAICS code 611210) are considered small businesses if they have \$22.0 million or less in average annual receipts. Colleges, universities and professional schools (NAICS code 611310) are considered small businesses if they have \$30.0 million or less in average annual receipts. A small business classified under research and development in the physical, engineering, and life sciences is one with less than 1,000 employees. Based upon the above information, it is unlikely that individuals seeking licensure would work in a small business and the organization that provides euthanasia services in Pennsylvania would not be categorized as a small business.

(16) List the persons, groups or entities, including small businesses that will be required to comply with the regulation. Approximate the number that will be required to comply.

See response to (15).

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The proposed rulemaking will have minimal financial impact on individuals seeking licensure as euthanasia technicians because the application fee and biennial renewal fee will be small. The Board is proposing an \$87 application fee and a \$25 biennial renewal fee. It is anticipated that those individuals who are currently employed by animal protection organizations to provide euthanasia services will have their application fee and biennial renewal fee paid by their employer. Employers may also choose to reimburse individuals who are subsequently hired.

Animal protection organizations will be impacted by the need to pay a \$244 initial registration fee and a biennial renewal fee of \$50.

Individuals or animal protection organizations may also be impacted by a late renewal fee which is statutorily required under 63 P.S. § 1401-225 (\$5/mo.), a re-inspection fee (\$216), a verification fee (\$15), or approval of employment change fee (\$81), but the ultimate cost to the regulated community is expected to be nominal. Additionally, it is important to remember that at issue are new, optional, licensure/certification categories, which means no organizations are being forced to pay the proposed fees. After undergoing a cost/benefit analysis, animal protection organizations will have to decide whether it makes fiscal sense to seek certification through the Board to purchase and possess drugs for euthanasia and employ licensed euthanasia technicians. The cost of licensure/certification will have to be compared to the cost of enlisting a veterinarian each time an animal is to be euthanized.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The ADMAL explicitly prohibits numerous methods of animal destruction (decompression devices, drowning, chloroform, carbon monoxide gas, etc.) and states that only commercially available, approved injectable euthanasia solution shall be the exclusive method for euthanasia of small domestic animals (with very few exceptions). Additionally, the ADMAL suggests that only properly licensed individuals and organizations may obtain and administer drugs for euthanasia. All this was done with the intent of ensuring that, should an animal be euthanized, that animal will be handled by properly trained individuals, and the method of euthanasia used will be as humane as possible.

For euthanasia technicians, the Board is proposing an \$87 application fee and a \$25 biennial renewal fee. It is anticipated that those individuals who are currently employed by animal protection organizations to provide euthanasia services will have their application fee and biennial renewal fee paid by their employer. Employers may also choose to reimburse individuals who are subsequently hired. Animal protection organizations will be impacted by the need to pay a \$244 initial registration fee and a biennial renewal fee of \$50. Individuals or animal protection organizations may also be impacted by a late renewal fee which is statutorily required under 63 P.S. § 1401-225 (\$5/mo.), a re-inspection fee (\$216), a verification fee (\$15), or approval of employment change fee (\$81), but the ultimate cost to the regulated community is expected to be nominal. Although there is some fiscal impact as a result of this regulation, ensuring that animals are euthanized by properly trained individuals using only the most humane methods available far outweighs the proposed fees and/or the any adverse effects of the law and its attendant regulations. Additionally, it is important to remember that at issue are new, optional, licensure/certification categories, which means no organizations are being forced to pay the proposed fees. After undergoing a cost/benefit analysis, animal protection organizations will have to decide whether it makes fiscal sense to seek certification through the Board to purchase and possess drugs for euthanasia and employ licensed euthanasia technicians. The cost of licensure/certification will have to be compared to the cost of enlisting a veterinarian each time an animal is to be euthanized.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board's current regulated community (veterinarians and certified veterinary technicians) will be unaffected by the proposed regulation.

The newly regulated community (licensed euthanasia technicians and animal protection organizations who desire to purchase and possess drugs for euthanasia) will be subject to registration and licensure fees as well as an initial inspection fee. The initial application fee for animal protection organizations seeking a certificate of registration will be \$244. If an organization fails to pass the pre-registration inspection, the re-inspection fee will be \$216. The same re-inspection fee would be due should a facility fail to be in compliance with the regulations and need another inspection prior to commencing operations. The biennial renewal fee for organizations will be \$50. For individual euthanasia technicians, the initial application fee will be \$87, and the biennial renewal fee will be \$25.

The Board anticipates that approximately 50 organizations will seek registration, and that approximately 50 individuals will seek licensure as a euthanasia technician. Accordingly, the initial cost for the organizations collectively will be approximately \$12,200. The initial cost to euthanasia technicians will be approximately \$4,350. Biennially, organizations will collectively remit approximately \$2,500 in

biennial renewal fees. Euthanasia technicians will collectively remit approximately \$1,250 in biennial renewal fees. Totaling the two new groups of licensees/registrants, the initial cost will be approximately \$16,550 and the biennial cost to the initial/registrants will be approximately \$3,750.

Additionally, the Board anticipates that approximately five additional animal protection organizations will apply for initial registration each biennium (\$1,220), and it is anticipated that an additional 25 individuals will seek licensure as a euthanasia technician (\$2,175), which will have a fiscal impact of approximately \$1,697.50 on an annual basis. It is worth noting that this licensure category was created to allow individuals to euthanize animals, and it is likely that euthanizing animals on any regular basis may emotionally drain these licensees, leading to a relatively high rate of turnover.

It would be speculative to estimate and attempt to quantify how many animal protection organizations and euthanasia technicians may ultimately pay the late renewal fee (\$5/mo.), verification fee (\$15), a re-inspection fee (\$175) or approval of employment change fees (\$81), but the ultimate cost to the regulated community is expected to be minimal. The late renewal fee (\$5) is statutorily required (63 P.S. § 1401-225).

There may also be equipment/supply costs to animal protection organizations should they not have all of the equipment and supplies set forth in the rulemaking, however most animal protection organizations already possess nearly all of the equipment listed in § 31.109 (relating to the required equipment and supplies).

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no known costs or savings to local governments.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board will recoup the cost of the initial inspection of the organizations' facilities by charging an inspection fee. The Board will recoup the cost of reviewing and processing applications for licensure, and for issuing the paper licenses, from the initial license application fees. The Board will recoup the ongoing cost of administering the law and regulations relevant to these licensee/registrant groups from the biennial fees paid by the licensees/registrants.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The Board is unaware of any legal, accounting or consulting procedures to organizations or individuals. Organizations will be required to make reports to the Board detailing their purchase and administration of controlled substances; however, making and keeping these reports is already required under Federal law.

(22a) Are forms required for implementation of the regulation?

Yes, but the forms are electronic forms. The Board no longer accepts paper application. Applicants must utilize the Pennsylvania Licensing System (PALS)(www.pals.pa.gov), to apply for certification and licensure.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

All forms required for implementation are attached. Forms reflect what will be incorporated into the electronic applications that will be available to applicants on PALS. See Attachment "A"

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 21-22	FY +1 22-23	FY +2 23-24	FY +3 24-25	FY +4 25-26	FY +5 26-27
SAVINGS:						
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	\$0	\$16,550	\$1,697.50	\$5,447.50	\$1697.50	\$5,447.50
Local Government						
State Government						
Total Costs		\$16,500	\$1,697.50	\$5447.50	\$1697.50	\$5,447.50
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 18-19	FY -2 19-20	FY -1 20-21 (budget)	Current FY 21-22 (budget)

State Board of Veterinary Medicine	\$1,345,557.59	\$1,390,023.15	\$1,267,000.00	1,432,000.00
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(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The ADMAL authorizes only not-for-profit entities to be registered as animal protection organizations. Only one small (for profit) business was known to be affected by the statutory amendments, as only one for-profit entity was involved in the business of euthanizing small domestic animals in Pennsylvania at the time the statute was enacted. That business utilized carbon monoxide – a method that is expressly prohibited by the ADMAL. In addition, as a for-profit business, that entity would not qualify for registration as an “animal protection organization” (which by definition must be a non-profit entity) in order to lawfully purchase, possess and administer euthanasia drugs to small domestic animals. Finally, the individual operating the business would not qualify for a license as a euthanasia technician because he is not employed by an animal protection organization. Therefore, unless the business were to employ a veterinarian and use the authorized method for euthanizing small domestic animals set forth in the ADMAL, that business could not lawfully continue to operate in this Commonwealth. This is a result of a statutory requirement for which the Board does not have discretion. The Board does not anticipate that these regulations will have any adverse impact on small businesses as the regulations pertain only to non-profit animal protection organizations and their employees. The reporting costs associated with the rulemaking are already required by Federal law and regulations. The Board could discern no less costly manner of achieving the purpose of the proposed regulation.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

Because the regulations relate to non-profit animal protection organizations and their employed euthanasia technicians and do not adversely affect small businesses, the Board did not develop any special provisions related to small businesses. No other group has been identified that need any special provisions or accommodations.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

When the Department of State Revenue Office drafted the Fee Report Forms, it set the initial application fee for euthanasia technicians at \$87. In an effort to ease the financial burden of initial licensure, the Board inquired whether a lower initial licensure fee would be possible. Generally, the Revenue Office sets

application fees based on actual costs of processing applications. The \$87 fee represented the cost of processing the application; therefore, the Board determined that the \$87 fee was appropriate. The Board believes the regulation represents the least burdensome acceptable alternative.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

As noted in the response to (24)-(25), only one small business was affected by the enactment of the amendments to the ADMAL, and the statutory provisions prohibit that business from continuing its former operations, as set forth in item (24).

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No "data" was used; however, the Board relied on fee report forms developed by the Bureau of Finance and Operations in adopting the new fees. (See Attachment "B.")

(29) Include a schedule for review of the regulation including:

- A. The length of the public comment period: **30 days**
- B. The date or dates on which any public meetings or hearings will be held: **The Board meets in public session 6 times each year.**
- C. The expected date of delivery of the final-form regulation: **Fall 2021**
- D. The expected effective date of the final-form regulation: **Fall 2021**
- E. The expected date by which compliance with the final-form regulation will be required: **Upon publication**
- F. The expected date by which required permits, licenses or other

approvals must be obtained:

Upon publication

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continuously evaluates the effectiveness of the Board's regulations and implementation of regulations. The Board discusses all regulatory proposals at its regularly scheduled public meetings, generally 6 meetings a year. The Board is scheduled to meet on the following dates in 2021: September 17, and November 12. Board meeting dates for 2022 have not yet been determined, but will be discussed at the September 17, 2021 meeting.

Attachment A

STATE BOARD OF VETERINARY MEDICINE

P. O. BOX 2649
HARRISBURG, PA 17105-2649
(717) 783-7134
www.dos.pa.gov/vet

**APPLICATION for CERTIFICATE OF REGISTRATION FOR AUTHORIZATION TO
PURCHASE AND POSSESS EUTHANASIA DRUGS**

Please read and complete pages 1-2 of the application in their entirety. Incomplete applications will cause delay in the issuance of your certification. Instructions are as follows:

ALL APPLICANTS-

- Complete pages 1 and 2.
- Attach a \$244.00 check or money order made payable to the **"Commonwealth of PA"**. **DO NOT SEND CASH**. The application fee is non-refundable. Note: A \$20.00 processing fee will be assessed for any payment returned by your bank, regardless of the reason for non-payment.
- Submit proof of your status as a nonprofit society or association incorporated in Pennsylvania for the purpose of prevention of cruelty to animals or your status as a municipality which operates an animal shelter.
- Submit the certificate of attendance evidencing completion of the didactic portion of a State Board of Veterinary Medicine approved Euthanasia Technician Certification course by the Supervisor of Animal Care Services.
- Supervisor of animal care services must submit an official Criminal History Record Check (CHRC) from the state agency for every state in which the supervisor has resided for the past 5 years. The report(s) must be dated within 90 days of the date of the application for licensure. This report can be sent to the animal care supervisor and forwarded to the Board with the application. CHRC for Pennsylvania can be done online at <http://epatch.state.pa.us>. For states that do not provide CHRC for employment or licensing purposes (CA & AZ), we will accept an FBI background check. Please go to <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and obtain your Federal Bureau of Investigation (FBI) Identity History Summary Check.

The Practice Act and Rules/Regulations of the State Board are available from the Board office or online at www.dos.pa.gov/vet.

STATE BOARD OF VETERINARY MEDICINE

P. O. BOX 2649
HARRISBURG, PA 17105-2649
(717) 783-7134
www.dos.pa.gov/vet

APPLICATION for CERTIFICATE OF REGISTRATION FOR AUTHORIZATION TO
PURCHASE AND POSSESS EUTHANASIA DRUGS

APPLICATION FEE - \$244.00 Personal Check or Money Order payable to "Commonwealth of Pennsylvania." Fees are not refundable. NOTE: A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment. If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Board shall require the applicant to submit a new application including the required fee. In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance.

DAYTIME PHONE # (_____)_____

NAME OF ORGANIZATION_____

ADDRESS _____

NAME OF SUPERVISOR OF ANIMAL CARE SERVICES_____

ADDRESS WHERE CONTROLLED SUBSTANCES WILL BE STORED OR EUTHANASIA SERVICES WILL BE PROVIDED IF DIFFERENT.

NAME AND LICENSE NUMBER OF LICENSED VETERINARIAN, IF ANY, ASSOCIATED WITH ORGANIZATION

(PRINT Name) (LICENSE NUMBER)

On a separate 8 1/2 X 11 sheet of paper, describe the details of the association with the licensed veterinarian including frequency of in-person visits by the pet to the shelter/facility, and a copy of the contract between the organization and the veterinarian if a contract exists.

CERTIFICATE OF COMPLETION

Applicant: Complete top section and send form to school or organization where the animal care supervisor completed at least the didactic portion of a Board approved euthanasia technician certification course.

NAME _____
Last First M I Maiden

ADDRESS _____
Street

City State Zip Code

SOCIAL SECURITY # _____ DATE OF BIRTH _____

This section to be completed by the proper official of the school or organization administering the Pennsylvania State Board approved Euthanasia Technician Certification Course.

DO NOT complete this form in anticipation of certification.

I certify that _____ has successfully completed at least the didactic
(Name of Applicant)

portion of a Euthanasia Technician Certification Course on _____ from
(Date of Completion)

(Name of School or Organization)

This course is approved by the Pennsylvania State Board of Veterinary Medicine

(Signature of Chairperson of Program)

(Date)

SCHOOL or ORGANIZATION SHALL RETURN AN ORIGINAL COMPLETED FORM DIRECTLY TO THE BOARD OFFICE IN AN OFFICIAL ENVELOPE.

(DO NOT send a copy of this form or use envelope if provided by applicant)

State Board of Veterinary Medicine

RENEWAL APPLICATION - Certificate of Registration for Authorization to Purchase and Possess Euthanasia Drugs

Printed Name of Organization (certificate holder)

RETURN TO:

Street Address

State Board of Veterinary Medicine
P.O. BOX 2649
HARRISBURG, PA 17105-2649

City State Zip Code

Certificate Number

Printed Name of Supervisor of Animal Care Services

Address where controlled substances will be stored or euthanasia services will be provided, if different:

Street Address

City State Zip Code

Name and license number of licensed veterinarian, if any, associated with the certificate holder:

Name License No.

Name and license number of licensed euthanasia technicians employed by or under contract with the certificate holder:

Name License No.

Name License No.

Name License No.

Check if applicable:

- ADDRESS CHANGE – The certificate holder's address or address at which controlled substances will be stored or euthanasia services will be provided (above) is a new address and not on file with the Board.
- SUPERVISOR CHANGE – The supervisor of animal care services named above is not the current name on the Board's records. (If the certificate holder has listed a new Supervisor of Animal Care Services on this form, the Board will require proof that the supervisor of animal care services has completed the didactic portion of a Board-approved euthanasia technician certification course, and a criminal history record check must be submitted. (see § 31.106(a)(2-3) of the Board's regulations).
- VETERINARIAN OR EUTHANASIA TECHNICIAN CHANGE – The veterinarian or euthanasia technician(s) provided (above) is not the veterinarian or euthanasia technician(s) currently on file with the Board.

The certificate holder will not purchase or possess euthanasia drugs in Pennsylvania after [date to be inserted], and therefore requests INACTIVE STATUS. No fee is required, however the questions below must be answered and the form signed / dated.

CHECK "YES" OR "NO" FOR EACH OF THE FOLLOWING QUESTIONS:

YES	NO	If "YES" to question(s) 1-3, provide details AND attach certified copies of all related legal documents.
		1. Since the certificate holder's initial application or its last renewal, whichever is later, has <u>any euthanasia technician, the supervisor of animal care services, or the executive director of the certificate holder</u> withdrawn an application for a professional or occupational license, certificate, permit, or registration, had an application for a license denied or refused, or agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		2. Does <u>any euthanasia technician, the supervisor of animal care services, or the executive director of the certificate holder</u> currently have any disciplinary charges pending against a professional or occupational license, certificate, permit, or registration in any state or jurisdiction?
		3. Since the certificate holder's initial application or last renewal, whichever is later has <u>any euthanasia technician, the supervisor of animal care services, or the executive director of the certificate holder</u> engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?

I hereby acknowledge that in addition to any existing reporting requirement required by a specific board or commission, the certificate holder is **REQUIRED** pursuant to Act 6 of 2018 to **NOTIFY** the Bureau of Professional and Occupational Affairs **WITHIN 30 DAYS** of the occurrence of any of the following: (1) A disciplinary action taken against any euthanasia technician, the supervisor of animal care services or the executive director of the certificate holder by a licensing board or agency in another jurisdiction; (2) A finding or verdict of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition (ARD) of any felony or misdemeanor offense in a criminal proceeding against any euthanasia technician, the supervisor of animal care services or the executive director of the certificate holder. I further acknowledge that failure to comply with these mandatory reporting requirements may subject the certificate holder to disciplinary action by the Board. I acknowledge my understanding that to self-report a disciplinary action or criminal matter as set forth above, I may log in to the Pennsylvania Licensing System (PALS) as www.pals.pa.gov and select "Mandatory Reporting by Licensee" under the heading "Your Licenses."

Signature of Certificate Holder's Executive Director (or designee): _____ Date: _____

Signatory's title (print): _____

I verify that this form is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 PA C.S. § 4911 and that any false statement made is subject to the penalties of 18 PA C.S. § 4904 relating to unsworn falsification to authorities and may result in discipline. I also verify that I have read and am familiar with the provisions of the Pennsylvania Veterinary Medicine Practice Act and regulations of the State Board of Veterinary Medicine (see www.dos.pa.gov/vet).

Signature of Certificate Holder's Executive Director (or designee): _____ Date: _____

Signatory's title (print): _____

EXPIRATION DATE of current license: [date to be inserted*]	EXPIRATION DATE of renewed license: [date to be inserted*]
RENEWAL FEE: \$60.00 PAYABLE TO: "COMMONWEALTH OF PENNSYLVANIA" Write your license number on your payment. DO NOT STAPLE.	To ensure that your license is renewed by [date to be inserted*], RETURN this application by [date to be inserted*].
LATE FEE: \$5.00 per month or part of a month. A late renewal fee will be assessed if application is postmarked after [date to be inserted*]. A \$20.00 fee is charged for a check returned unpaid by your bank.	PRACTICING ON AN EXPIRED LICENSE MAY RESULT IN DISCIPLINARY ACTION & ADDITIONAL MONETARY PENALTY.

STATE BOARD OF VETERINARY MEDICINE

P. O. BOX 2649
HARRISBURG, PA 17105-2649
(717) 783-7134
www.dos.pa.gov/vet

APPLICATION for LICENSURE as a *EUTHANASIA TECHNICIAN*

NOTE: Practice as a euthanasia technician in Pennsylvania may not begin until your license has been issued.

Please read and complete pages 1-2 of the application in their entirety. Incomplete applications will cause delay in the issuance of your license. Instructions are as follows:

ALL APPLICANTS-

- Complete pages 1 and 2.
- Attach a \$87.00 check or money order made payable to the **"Commonwealth of PA"**. **DO NOT SEND CASH**. The application fee is non-refundable. Note: A \$20.00 processing fee will be assessed for any payment returned by your bank, regardless of the reason for non-payment.
- Submit a copy of your high school diploma or its equivalent.
- If you have not completed a high school education or its equivalent, submit three (3) letters of recommendation attesting to your ability to perform the functions of a euthanasia technician. At least one of the letters must be written by a veterinarian licensed in this Commonwealth or another US state.
- Submit an official Criminal History Record Check (CHRC) from the state agency for every state in which you have resided for the past 5 years. The report(s) must be dated within 90 days of the date of your application for licensure. This report can be sent to you and forwarded to the Board with your application. CHRC for Pennsylvania can be done online at <http://epatch.state.pa.us>. For states that do not provide CHRC for employment or licensing purposes (CA & AZ), we will accept an FBI background check. Please go to <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and obtain your Federal Bureau of Investigation (FBI) Identity History Summary Check.

LICENSURE BY CERTIFICATION (Completion of a Board Approved Euthanasia Technician Certification Course)

- Page 3 of the application must be completed by the organization or school where you completed a euthanasia technician certification course approved by the Board. The form must be signed by the proper official and be submitted directly to the Pennsylvania State Board of Veterinary Medicine in a sealed official envelope.

LICENSURE BY ENDORSEMENT (Holds current license as a euthanasia technician in another state or territory of the United States for at least 1 year out of the last 5 years)

- Request verification of current license, registration, or certification to practice as a euthanasia technician be forwarded directly to the Pennsylvania State Board of Veterinary Medicine.
- Provide a copy of the law and regulations relating to initial licensure currently in effect in the state in which you hold a license, certification, or registration to practice as a euthanasia technician.

NOTE: If any of your documentation arrives in another name such as maiden or previous married name, include a copy of the legal document that changed your name (marriage certificate, divorce decree, court order)

The Practice Act and Rules/Regulations of the State Board are available from the Board office or online at www.dos.pa.gov/vet.

STATE BOARD OF VETERINARY MEDICINE

P. O. BOX 2649
 HARRISBURG, PA 17105-2649
 (717) 783-7134
 www.dos.pa.gov/vet

APPLICATION for LICENSURE as a EUTHANASIA TECHNICIAN

APPLICATION IS FOR (check one)

Check one: License by **EDUCATION** _____ License by **RECIPROCITY** _____

APPLICATION FEE - \$87.00 Personal Check or Money Order payable to "Commonwealth of Pennsylvania." Fees are **not** refundable. NOTE: A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment. If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Board shall require the applicant to submit a new application including the required fee. In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance.

PART ONE

DAYTIME PHONE # (_____) _____

NAME _____
Last First Middle Maiden

ADDRESS _____
Street City State Zip Code

SOCIAL SECURITY # _____ *BIRTH DATE _____ EMAIL _____

PART TWO

ANSWER THE FOLLOWING: If you answer "YES" to question(s) 3-7, give details on a separate sheet AND provide a certified copy of all related official documentation.	YES	NO
1. Do you hold or have you ever held a license, certificate, permit, registration or other authorization to practice a profession or occupation in any state or jurisdiction?		
2. If you answered yes to the above question, please provide the profession and state or jurisdiction.		
3. Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?		
4. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit, or registration in any state or jurisdiction?		
5. Have you withdrawn an application for a professional or occupational license, certificate, permit, or registration, had an application for a license denied or refused, or agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
6. Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?		

PART THREE:

1. List all states in which you hold or have held a license/certification to practice as a euthanasia technician. You must request that a Letter of Good Standing be sent from each State Board Office directly to the Pennsylvania Board Office.

2. Name and address of the facility in which you will practice in Pennsylvania.

3. Certificate of Registration number of the Animal Protection Organization _____

4. Name and signature of the Supervisor of Animal Care Services at the Animal Protection Organization where you will be employed _____
(PRINT Name) (Signature)

PART FOUR

VERIFICATION

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 PA C.S. Section 4904 relating to unsworn falsification to authorities and may result in the suspension or revocation of my licensure or registration. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 Pa. C.S. § 4911 and that any false statement made is subject to the penalties of 18 PA C.S. § 4904 relating to unsworn falsification to authorities and may result in discipline. I verify that I have read and am familiar with the provisions of the Pennsylvania Veterinary Medicine Practice Act and regulations of the State Board of Veterinary Medicine (see www.dos.pa.gov/vet). I also verify that this form is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way.

Printed Name of Applicant

Signature of Applicant

Date

Note that disclosing your social security number on this application is mandatory in order for the State Board of Veterinary Medicine to comply with the requirements of the federal Social Security Act pertaining to child support enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa. C.S. § 4304.1(a). In order to enforce domestic child support orders, the Commonwealth's licensing boards must provide to the Department of Human Services information prescribed by DHS about the licensee, including the social security number.

VERIFICATION OF COMPLETION

Applicant: Complete top section and send form to school or organization where you completed the euthanasia technician certification course.

NAME _____
Last First M.I. Maiden

ADDRESS _____
Street

City State Zip Code

SOCIAL SECURITY # _____ DATE OF BIRTH _____

This section to be completed by the proper official of the school or organization administering the Pennsylvania State Board approved Euthanasia Technician Certification Course.

DO NOT complete this form in anticipation of certification.

I certify that _____ has successfully completed at least 14 hours of
(Name of Applicant)

instruction on _____ from _____
(Date of Completion) (Name of School or Organization)

This course is approved by the Pennsylvania State Board of Veterinary Medicine

(Signature of Chairperson of Program)

(Date)

SCHOOL or ORGANIZATION SHALL RETURN AN ORIGINAL COMPLETED FORM DIRECTLY TO THE BOARD OFFICE IN AN OFFICIAL ENVELOPE.

(DO NOT send a copy of this form or use envelope if provided by applicant)

State Board of Veterinary Medicine

RENEWAL APPLICATION - Euthanasia Technician

Printed Full Name _____

RETURN TO:

Street Address _____

State Board of Veterinary Medicine
P.O. BOX 2649
HARRISBURG, PA 17105-2649

City _____ State _____ Zip Code _____ License Number _____

Check if applicable:

- ADDRESS CHANGE – The address above is a new address and not on file with the Board
- NAME CHANGE – The name above is not the current name on the licensure records (You must submit a photocopy of a legal document verifying name change (i.e., marriage certificate, divorce decree or legal document indicating retaking of a maiden name, etc.)

- I will not be practicing as a euthanasia technician in Pennsylvania after [date to be inserted], and therefore request **INACTIVE STATUS**. No fee is required, however the questions below must be answered and the form signed / dated.

CHECK "YES" OR "NO" FOR EACH OF THE FOLLOWING QUESTIONS:

YES	NO	If "YES" to question(s) 3-7, provide details AND attach certified copies of all related legal documents.
		1. Do you hold a license (active, inactive or expired) to practice as a euthanasia technician in another state or jurisdiction?
		2. If you answered yes to the above question, please provide the profession and state or jurisdiction.
		3. Since your initial application or your last renewal, whichever is later, have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?
		4. Since your initial application or your last renewal, whichever is later, have you withdrawn an application for a professional or occupational license, certificate, permit, or registration, had an application for a license denied or refused, or agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		5. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit, or registration in any state or jurisdiction?
		6. Since your initial application or last renewal, whichever is later, in or have you engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?

I, _____, hereby acknowledge that in addition to any existing reporting requirement required by a specific board or commission, I am REQUIRED pursuant to Act 6 of 2018 to NOTIFY the Bureau of Professional and Occupational Affairs WITHIN 30 DAYS of the occurrence of any of the following: (1) A disciplinary action taken against me by a licensing board or agency in another jurisdiction, (2) A finding or verdict of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition (ARD) of any felony or misdemeanor offense in a criminal proceeding. I further acknowledge that failure to comply with these mandatory reporting requirements may subject me to disciplinary action by the Board. I acknowledge my understanding that to self-report a disciplinary action or criminal matter as set forth above, I may log in to the Pennsylvania Licensing System (PALS) as www.pals.pa.gov and select "Mandatory Reporting by Licensee" under the heading "Your Licenses."

Signature of Licensee: _____ Date: _____

I verify that this form is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 PA C.S. § 4911 and that any false statement made is subject to the penalties of 18 PA C.S. § 4904 relating to unsworn falsification to authorities and may result in my license being disciplined. I also verify that I have read and am familiar with the provisions of the Pennsylvania Veterinary Medicine Practice Act and regulations of the State Board of Veterinary Medicine (see www.dos.pa.gov/vet).

Signature of Licensee: _____ Date: _____

EXPIRATION DATE of current license: [date to be inserted]	EXPIRATION DATE of renewed license: [date to be inserted]
RENEWAL FEE: \$25.00 PAYABLE TO: "COMMONWEALTH OF PENNSYLVANIA" Write your license number on your payment. DO NOT STAPLE.	To ensure that your license is renewed by [date to be inserted], RETURN this application by [date to be inserted].
LATE FEE: \$5.00 per month or part of a month. A late renewal fee will be assessed if application is postmarked after [date to be inserted]. A \$20.00 fee is charged for a check returned unpaid by your bank.	PRACTICING ON AN EXPIRED LICENSE MAY RESULT IN DISCIPLINARY ACTION & ADDITIONAL MONETARY PENALTY.

Attachment B

FEE REPORT FORM

Agency: State - BPOA

Date: March 1, 2021

Contact: K. Kalonji Johnson, Commissioner
Bureau of Professional & Occupational Affairs

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Initial application for Animal Protection Organization: \$244.00

Estimated initial application revenue: \$12,200 (50 applications x \$244.00)

Fee Description:

The fee will be charged to every Animal Protection Organization that applies for a permit to purchase and possess controlled substances.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Veterinary Medicine to process an application and (2) conduct the initial inspection of the organization's facility and (3) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Clerical staff review	(1hr)	\$51.48
Inspector	(2.5hrs)	\$137.55
Legal Staff review	(.5hr)	\$44.43
Transaction Fee		\$5.94
Administrative Overhead:		\$4.50
	Total Estimated Cost:	\$243.94
	Proposed Fee:	\$244.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$244.00 be established for processing the application and providing the initial inspection for an Animal Protection Organization license.

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Board staff forwards application to the Bureau of Enforcement and Investigation for scheduling of an inspection. Upon satisfactory inspection, Board staff issues license through computer.

FEE REPORT FORM

Agency: State - BPOA

Date: March 1, 2021

Contact: K. Kalonji Johnson, Commissioner
Bureau of Professional & Occupational Affairs

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Re-inspection Fee for Animal Protection Organization: \$216.00
Estimated initial application revenue: \$2,160 (10 applications x \$216.00)

Fee Description:

The fee will be charged to every Animal Protection Organization that requires a re-inspection.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Veterinary Medicine to process an application and (2) conduct the re-inspection of the organization's facility and (3) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Clerical staff time-process application	(1hr)	\$51.48
Inspector	(2hrs)	\$110.04
Legal Staff review	(.5hr)	\$44.42
Transaction Fee		\$5.26
Administrative Overhead:		\$4.50
	Total Estimated Cost:	\$215.70
	Proposed Fee:	\$216.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$216.00 be established for the re-inspection of an Animal Protection Organization facility.

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Board staff forwards application to the Bureau of Enforcement and Investigation for scheduling of the reinspection. Upon satisfactory inspection, Board staff issues license through computer.

FEE REPORT FORM

Agency: State - BPOA

Date: March 1, 2021

Contact: K. Kalonji Johnson, Commissioner
Bureau of Professional & Occupational Affairs

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Initial application for Euthanasia Technician:	\$87.00
Estimated initial application revenue: \$6,525	(75 applications x \$87.00)

Fee Description:

The fee will be charged to every applicant for a Euthanasia Technician.

Fee Objective:

The fee should offset the identifiable costs incurred by the State Board of Veterinary Medicine to process an application. Although application fees are generally set so as to defray a portion of the Board's administrative overhead, the Board determined that the Administrative overhead related to Euthanasia Technicians should be absorbed by the Board as a whole because these individuals provide a service that benefits all of the Boards licensees.

Fee-Related Activities and Costs:

Clerical staff review	(1hr)	\$51.48
Legal Staff review	(.5hr)	\$27.47
Transaction Fee		\$2.09
Administrative Overhead		\$5.00
	Total Estimated Cost:	\$86.04
	Proposed Fee:	\$87.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$87.00 be established for processing an application for a Euthanasia Technician license.

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, and contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Upon satisfactory inspection, Board staff issues license through licensing database.

FEE REPORT FORM

Agency: State - BPOA

Date: March 1, 2021

Contact: K. Kalonji Johnson, Commissioner
Bureau of Professional & Occupational Affairs

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Animal Protection Organization:
Initial application for approval of new employment: \$81.00
Estimated initial application revenue: \$2,025 (25 applications x \$81.00)

Fee Description:

The fee will be charged to every applicant for approval of new employment for an Animal Protection Organization.

Fee Objective:

The fee should offset the identifiable costs incurred by the State Board of Veterinary Medicine to process an application.

Fee-Related Activities and Costs:

Clerical staff time-process application	(1hr)	\$51.48
Board Counsel review	(.25hr)	\$22.21
Transaction Fee		\$1.95
Administrative Overhead		\$4.50
	Total Estimated Cost:	\$80.15
	Proposed Fee:	\$81.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$81.00 be established for processing an application for new employment for an Animal Protection Organization.

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Upon satisfactory inspection, Board staff issues license through licensing database.

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED

MAR 10 2022

Independent Regulatory
Review Commission

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General

Amy M.
BY: Elliott
(DEPUTY ATTORNEY GENERAL)

Digitally signed by Amy M. Elliott
DN: cn=Amy M. Elliott, o=Commonwealth
Office of Attorney General, ou=Chief
Registry Attorney General,
email=amy.elliott@attorneygeneral.gov, c=US
Date: 2022.03.01 17:09:05 -0500

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated by:

State Board of Veterinary Medicine
(AGENCY)

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DATE OF ADOPTION:

BY: 
Thomas Garg, VMD

September 20, 2021
DATE OF APPROVAL

(Executive Deputy General Counsel
Strike inapplicable title)

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

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Objections attached.

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NOTICE OF PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

§§ 31.101—31.115 and 31.121—31.130

EUTHANASIA

The State Board of Veterinary Medicine (Board) proposes to add a new subchapter B (relating to animal protection organizations and euthanasia technicians) at §§ 31.101—31.115 and 31.121—31.130 to read as set forth in Annex A. The proposed regulation would implement the act of October 24, 2012 (P.L. 1452, No. 182) (Act 182) by providing for the licensure and regulation of animal protection organizations to purchase and possess drugs for euthanasia, and of euthanasia technicians to administer drugs for euthanasia.

Effective Date

The amendments will be effective upon publication of the final-form rulemaking in the Pennsylvania Bulletin.

Statutory Authority

Act 182, which amended the Animal Destruction Method Authorization Law (ADMAL) (3 P.S. §§ 328.101-328.1101), requires the Board to promulgate by regulation the requirements for licensure and regulation of animal protection organizations to purchase and possess drugs for euthanasia and euthanasia technicians to administer drugs for euthanasia. 3 P.S. § 328.304. Section 5(1) of the Veterinary Medicine Practice Act (act) (63 P.S. § 485.5(1)) authorizes the Board to adopt 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 13 of the act (63 P.S. § 485.13(a)) authorizes the Board to fix the fees required for examination, licensure, certification, registration, renewal of licenses and registrations, renewal of certificates and temporary permits.

Background and Purpose

Act 182 prohibited the use of carbon monoxide chambers for euthanasia of small domestic animals in the Commonwealth. Act 182 also provided a legal means for animal protection organizations that operate shelters in which sick, injured or unwanted animals are euthanized to purchase and possess drugs for euthanasia. Act 182 also created a new class of licensee, to be regulated by the Board, who are individuals who have completed a training program qualifying them to humanely perform euthanasia of small domestic animals. Prior to enactment, licensure was not required, and training was not uniform for these individuals. Act 182 gives the Board broad authority to develop criteria for licensure, regulation of the performance of euthanasia consistent with the ADMAL and the act and for institution of discipline against these new classes of licensees regulated by the Board.

The Board consulted with the Department of Agriculture to obtain a list of all non-profit kennels licensed in the Commonwealth, and sent draft rulemaking to these parties, as well as numerous animal protection organizations and veterinarians practicing in the field of shelter medicine. The Board met with interested parties on no less than three separate occasions, and after allowing all interested parties to provide input, a draft was completed. Thereafter, the Board voted to adopt the proposed rulemaking.

Description of Proposed Amendments

Sections 31.101—31.104 set forth general provisions applicable to animal protection organizations and euthanasia technicians. Section 31.101 (relating to applicability of subchapter) sets forth the applicability of the subchapter.

Section 31.102 (relating to definitions) would include definitions for the following key terms used in the regulation: ADMAL (The Animal Destruction Method Authorization Law), animal protection organization, certificate holder, chemical restraint, DEA (The United States Drug Enforcement Administration), drug for euthanasia, euthanasia technician, OSHA (The Occupational Safety and Health Administration within the United States Department of Labor), PDA (The Pennsylvania Department of Agriculture), restraint, shelter, small domestic animals, and supervisor of animal care services.

Section 31.103 (relating to applicability of other laws and rules) would note the applicability of other laws relevant to the purchase, possession and administration of drugs for euthanasia. The act regulates the practice of veterinary medicine, which includes the administration of drugs to animals, including drugs used for humane euthanasia. The ADMAL is the foundational statute for these proposed regulations. The Controlled Substance, Drug, Device and Cosmetic Act (Drug Act) (35 P.S. §§ 780-101—780-144) includes provisions related to controlled substances and other drugs that animal protection organizations would be authorized to purchase and possess under Act 182. The Dog Law (3 P.S. §§ 459-101—459-1206) provides for licensure and regulation of kennels, including nonprofit kennels that are operated as animal shelters by animal protection organizations. This section also provides that individuals and certificate holders subject to the provisions of the proposal may also be subject to State or local/municipal laws or ordinances relevant to the subject matter addressed by the proposal. Finally, § 31.103(b) provides notice that activities and proceedings before the Board are subject to the Administrative Agency Law (2 Pa. C.S. §§ 501—508 and 701—704) and the General Rules of Administrative Practice and Procedure (1 Pa. Code §§ 31.1—35.251).

Section 31.104 (relating to schedule of fees) would provide the schedule of fees for animal protection organizations, to include a fee for application for certificate of registration (includes initial inspection), re-inspections, biennial renewal fee of the certificate of registration, and a late renewal fee. For euthanasia technicians, this section would provide a fee for application for initial licensure, application for approval of employment change, verification of licensure, biennial renewal and a late renewal fee. The initial certification and licensure fees are considered “fees for services” performed by the Board staff, and thus are calculated by the Bureau’s Revenue Office by estimating the cost to provide the specific service, to include reviewing the application and accompanying documents to determine compliance with Act 182 and the regulations. The fee for processing the application for certificate of registration (for animal protection organizations), as compared to the application for initial license (of euthanasia technicians), is considerably higher because the fee for processing the application for certificate of registration includes the cost of an initial inspection of the shelter premises. The late renewal fee is set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225) and is incorporated here for ease of reference.

Sections 31.105—31.115 would set forth provisions related to animal protection organizations. Section 31.105 (relating to application for certificate of registration) would address the application for certificate of registration, which would be the organization's authorization from the Commonwealth to purchase and possess drugs for euthanasia within the shelter facility. Section 31.106 (relating to qualifications for a certificate of registration; duty to update certification information) would provide details on the qualifications that an animal protection organization must meet to be granted a certificate of registration.

These organizations have not previously been able to purchase and possess drugs, including controlled substances. However, once an organization has obtained a certificate of registration from the Board, it will be able to purchase drugs; and once the organization also obtains a Certificate of Registration from the United States Drug Enforcement Administration (DEA), it will be able to purchase certain controlled substances. The Board believes it is important to proceed cautiously to ensure that no fraudulent organization will be able to obtain a certificate of registration that would allow them to purchase drugs. To provide this protection, the Board determined that an inspection of the shelter facility was required. Section 31.106(d) sets forth the inspection requirement and provides that an organization may not commence operations until the organization has been inspected and found compliant.

Section 31.107 (relating to authority of certificate holders to purchase, possess and administer controlled substances; limitations on authority) would set forth the authority of certificate holders to purchase, possess and administer controlled substances and limitations on that authority. Subsection (a) will provide that a certificate holder who holds a current unrestricted DEA Certificate of Registration may purchase, possess and administer drugs for euthanasia and may transfer drugs for euthanasia to a currently licensed euthanasia technician or veterinarian employed by or under contract with the certificate holder to provide euthanasia services. Subsection (b) provides limitations, including that a certificate holder may not purchase, possess or administer any controlled substance or other legend drug under the authority of the certificate of registration that is not for euthanasia. This provision would not prohibit a certificate holder that has a staff veterinarian to possess drugs used for other purposes acquired under the authority of the staff veterinarian's license and DEA registration. Subsection (b) would also prohibit a certificate holder from transferring a drug for euthanasia to anyone other than a euthanasia technician or veterinarian; and would prohibit the certificate holder from allowing any drug for euthanasia to leave the shelter premises. Subsection (b) would also prohibit the disposal of drugs in any manner other than that required by Federal regulation and would prohibit the certificate holder from allowing any other organization or individual to use the certificate holder's certificate of registration from the Board or the DEA to purchase, possess, administer or transfer a drug for euthanasia or any other controlled substance or legend drug.

Section 31.108 (relating to duties of certificate holders) would set forth duties of certificate holders, which include ensuring that euthanasia technicians are competent to humanely administer euthanasia, to provide a suitable area for activities related to euthanasia, and to obtain a DEA certificate of registration. This section would also provide details of paperwork required to be submitted to the Board. Certificate holders will be required to obtain separate certificates of registration from the Board and DEA for each address where euthanasia drugs are stored or

administered, and certificate holders will be required to submit a copy of the DEA Certificate of Registration to the Board within five business days of receiving each initial Certificate of Registration and within five business days of the renewal of each Certificate of Registration. The Board proposes to require certificate holders to provide a hard copy of the controlled substance log for drugs for euthanasia to the Board every 60 days, along with a summary report showing the total number of animals euthanized by species and amount of drugs administered, and the invoices for each drug ordered. These summary reports would also inform the Board of physical facility and personnel changes relevant to the provision of euthanasia as well as any criminal convictions or disciplinary actions taken against any euthanasia technician, the supervisor of animal care services or the executive director of the certificate holder by a licensing agency of another jurisdiction.

Section 31.109 (relating to area used for animal euthanasia; required equipment and supplies) would set forth requirements for the area, equipment and supplies needed to humanely perform euthanasia. This proposal is intended to provide for minimum acceptable standards.

Section 31.110 (relating to approved drugs for euthanasia) would provide that the Board will publish the list of approved drugs for euthanasia that certificate holders may purchase, possess and administer in the Pennsylvania Bulletin and on the Board's website. The Board anticipates that the list will include sodium pentobarbital and drugs that are used to sedate animals prior to administration of the sodium pentobarbital agents. This section would also provide that a certificate holder may petition the Board for the addition or deletion of drugs from the approved list. This section would limit certificate holders to using drugs for euthanasia only to provide humane euthanasia of small domestic animals at the shelter. Finally, the section would provide that certificate holders shall use drugs for euthanasia that are within their expiration date.

The provisions in §§ 31.111 and 31.112 are essentially standard across all types of organizations, including both shelters and veterinary hospitals, for the storage and record keeping related to controlled substances and other drugs.

Section 31.111 (relating to storage and security of drugs for euthanasia, certificates of registration and drug order forms) would direct certificate holders to the regulations of the DEA, which sets rules for the storage, security and disposal of controlled substances; would make the certificate holder the party responsible for ensuring proper storage, security and disposal of drugs for euthanasia at the shelter; would provide minimum security measures for storage of drugs for euthanasia; and would provide rules for handling paperwork associated with ordering controlled substances.

Section 31.112 (relating to maintenance of records and inventories of drugs for euthanasia) would require that certificate holders comply with applicable State and Federal laws related to registration, ordering and receiving, security, record keeping and disposal of drugs for euthanasia. Furthermore, subsection (b) would require the certificate holder to maintain all drugs for euthanasia in their original container, clearly marked as to contents, until the drugs are ready to be used or reconstituted for use. Subsection (c) would require the certificate holder to maintain current and accurate records of the purchase, administration, transfer and disposal of drugs for euthanasia, to include a master log book, drug administration records and a weekly physical inventory.

Subsection (d) states the master log shall be created and maintained as required by the DEA, and subsection (e) would require a certificate holder to provide the required records to the Board or its agents upon demand, and to keep the required records as a separate form for each container of a drug for euthanasia. Furthermore, subsection (e) provides a list of information that is required to be recorded on the forms and requires records to be maintained at the shelter facility in a readily retrievable file. Subsection (f) sets forth requirements for weekly physical inventory of drugs for euthanasia. Subsection (g) requires the supervisor of animal care services or his or her designee to report suspected or documented theft and or diversion of drugs for euthanasia to the Board and DEA immediately, and subsection (h) states a certificate holder shall maintain original copies of the records at the shelter for not less than 2 years. If a certificate holder surrenders its Board or DEA Certificate of Registration, subsections (i) and (j) state the original copies of the records required by § 31.112 shall be retained at the shelter facility if the shelter is a subsequent certificate holder, or with a custodian of records if there is no subsequent certificate holder, and the certificate holder shall dispose of drugs for euthanasia in accordance with DEA regulations and shall send a copy of the disposal documentation to the Board.

Section 31.113 (relating to renewal of certificate of registration) would provide for the biennial renewal of certificates, as is the case with all of the authorizations/licenses issued by the 29 licensing boards and commissions within the Bureau of Professional and Occupational Affairs. Certificates of registration would be renewed biennially before December 1 of each even-numbered year, by filing a biennial renewal application provided by the Board and paying the biennial renewal fee in § 31.104 (relating to schedule of fees). An initial certification of registration issued at any time after June 1 of an even-numbered year would not be subject to renewal until the next even-numbered year. A certificate holder would renew the certificate prior to the expiration date of the certificate. Applications for renewal would be submitted in accordance with Board regulations and in the manner and format prescribed by the Board, and a renewed certificate of registration would be valid for a period of two years.

Section 31.114 (relating to grounds for refusal, suspension, revocation or imposition of other disciplinary sanction) would provide that certificate holders are subject to all applicable disciplinary provisions and penalty provisions in the act, the ADMAL, and other laws applicable to licensees of the Board. Subsection (c) would prohibit a certificate holder or other animal protection organization from providing euthanasia to small domestic animals unless a current certificate of registration is held by the licensee or organization. Subsection (d) would provide that a certificate holder is subject to discipline for failing to admit agents of the Pennsylvania Department of Agriculture (PDA) to conduct investigations or inspections that agency is authorized to conduct, for having the organization's DEA Certificate of Registration disciplined, for any enforcement action by PDA, for failing to ensure that euthanasia technicians employed by the organization hold current licenses, and for conduct of a euthanasia technician who performs duties in an unsafe or inhumane manner, or in a manner that violates applicable law.

Section 31.115 (relating to disciplinary sanctions) would explain the disciplinary sanctions the Board may impose when it finds that a certificate holder has violated the act or the ADMAL, and the legal process by which the Board may take action against a certificate holder. Subsection (c) would give notice that the Board may summarily revoke the certificate of a certificate holder if PDA revokes the organization's kennel license.

Sections 31.121—31.130 would govern euthanasia technicians. Section 31.121 (relating to application for licensure) would set forth the application process for an individual seeking licensure as a euthanasia technician, to include filing an application, paying the required fee, and demonstrating the applicant meets the requirements of ADMAL and the applicable Board regulations. Subsections (d) and (e) would explain what may be done should the Board deny the application.

Section 31.122 (relating to qualifications for licensure) would set forth the qualifications an applicant would be required to meet in order to be granted a license. The qualifications would include being over 18 years of age. In addition, the proposal would require an applicant to have either a high school diploma or its equivalent, or, if the applicant had neither, three letters of recommendation including one letter from a licensed veterinarian. The reason for this requirement is that the duties of a euthanasia technician will include calculating the correct dosage of drugs to administer to animals based on the strength of the drug, the animal's weight and condition, and the desired effect.

Section 31.122 would also provide two pathways for an applicant to demonstrate the requisite knowledge to practice as a euthanasia technician. First, as provided in the ADMAL, the applicant could show completion of a euthanasia technician certification course. The Board approved a course submitted by the Humane Society of the United States and the course has been offered in several locations in the Commonwealth. The Board would also provide, by regulation, a second pathway to licensure for individuals who have been licensed under the laws of another state or territory of the United States that had similar requirements and who has been engaged in the practice for at least 1 year out of the last 5 years.

Section 31.122 would also preclude licensure for an applicant who has been convicted of a drug trafficking offense as defined in 63 Pa. C.S. § 3113(i), a crime that directly relates to the profession as defined in 63 Pa. C.S. § 3102, or a crime of violence as defined in 42 Pa. C.S. § 9714 (relating to sentences for second and subsequent offenses). ADMAL does not prohibit the licensure of individuals with criminal convictions, however ADMAL does suggest that applicants must meet other requirements established by the Board (3 P.S. § 328.304(c)(1)(ii)(C)). Section 9(b)(4) of the act (63 P.S. § 485.9(b)(4)) prohibits the licensure of individuals convicted of a felony under act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act" (The Drug Act). However, the Act of July 1, 2020 (P.L. 575, No. 53) states "provisions of the respective practice acts relating to felony drug convictions under" The Drug Act, or similar statute if convicted in another jurisdiction, "shall only apply to an individual who has been convicted of a drug trafficking offense" as defined in 63 Pa. C.S. § 3113(i). It is for this reason § 31.122(a)(4) specifies that applicants for licensure as a euthanasia technician may not have been convicted of a drug trafficking offense as defined in 63 Pa. C.S. § 3113(i). Furthermore, section 3113(b)(1) states there is a "rebuttable presumption that licensure of the individual with a criminal conviction that directly relates to the occupation, trade or profession would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions" (63 Pa. C.S. § 3113(b)(1)), which is why § 31.122(a)(4) precludes the licensure of individuals convicted of a crime that directly relates to the profession as defined in 63 Pa. C.S. § 3102. Finally, section 3113(e) empowers the Board to license

applicants convicted of a crime of violence only if the applicant meets certain enumerated criteria (63 Pa. C.S. § 3113(e)), which is why § 31.122(a)(4) precludes the licensure of individuals convicted of a crime of violence as defined in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses). The Board recognizes that under certain conditions, individuals convicted of the offenses listed in § 31.122(a)(4) may still be issued a license. For this reason, the Board added language clarifying that, should an applicant be able to demonstrate, at a hearing before the Board or its designee, the required mitigating or rehabilitative criteria as enumerated in the Act and 63 Pa. C.S. § 3113(b)(1), as applicable, the underlying conviction need not present a barrier to licensure.

Subsection (b) would notify applicants that the Board will not consider an incomplete application. An application is not complete until all supporting documents, such as the criminal history record check or verification of licensure in other states, has been received. Subsection (c) would notify applicants that applications will be thoroughly investigated to determine the accuracy of information submitted. Subsection (d) would notify applicants that the Board may require the submission of additional information or may require an applicant to appear before the Board to provide additional information. Finally, subsection (e) would notify applicants that an application will be active for 12 months.

Section 31.123 (relating to educational programs and examinations for euthanasia technicians) would address educational programs and examinations. The proposed provisions track the language of Act 182. In addition, the proposed provisions provide direction to organizations that might wish to submit a euthanasia technician training course to the Board for approval, by listing the material that must be submitted, including a copy of the evaluative tool used to measure competence of students who have completed the certification course. An examinee may be provided no more than three attempts at demonstrating competence through utilization of the administrator's evaluative tool without a requirement that the student retake the training course prior to being reevaluated. The section also notifies the public that the list of approved courses will be posted on the Board's website.

Section 31.124 (relating to reports to be filed with the Board) would notify licensees of the reports they will be required to file with the Board, within 30 days of an occurrence, including the licensee's conviction of any felony or misdemeanor offense, imposition of disciplinary or corrective action on any license from this Commonwealth or any other state, a change in employment or a change in name or mailing address.

Section 31.125 (relating to employment required; services to be provided at shelter only) would notify licensees that their license authorizes them to administer drugs for euthanasia only on the shelter premises at which the licensee is employed, or with which the euthanasia technician has a contract for the provision of humane euthanasia services.

Section 31.126 (relating to renewal of license, inactive status and reactivation of license) would set the biennial renewal period to match that of the other licenses issued by the Board. A euthanasia technician license would be renewed biennially before December 1 of each even-numbered year, by filing a biennial renewal application provided by the Board and paying the biennial renewal fee in § 31.104 (relating to schedule of fees). An initial euthanasia technician

license issued at any time after June 1 of an even-numbered year would not be subject to renewal until the next even-numbered year. A euthanasia technician would renew the euthanasia technician's license prior to the expiration date of the license by submitting a renewal form provided by the Board and paying the biennial renewal fee. Applications for renewal must be submitted in accordance with Board regulations and in the manner and format prescribed by the Board. A renewed license would be valid for a period of two years.

Section 31.127 (relating to duties of euthanasia technicians) would set forth the duties of these licensees. The overarching guide to conduct, set forth in subsection (a), is to perform all euthanasia services humanely. Humane euthanasia is further defined in § 31.128 (relating to standards for euthanasia of small domestic animals). Subsection (b) provides a list of nine specific duties for licensees, including maintaining security of drugs for euthanasia, accurately recording drug administration information, and making reports as appropriate to the Board or other agency.

Section 31.128 would set forth the minimum standards that must be followed in providing euthanasia services. "Humane" euthanasia would be elucidated to include language referencing the character of the services provided and the purposeful outcome of the services. Subsection (f) would provide a list of licensees authorized to administer drugs for euthanasia.

Section 31.129 (relating to standards for administration of drugs for euthanasia) would provide direction to individuals administering drugs, including the requirement that an animal be held or restrained, as defined in § 31.102, unless restraining the animal would either increase the anxiety or fear of the animal or would place the person holding or restraining the animal in physical danger. In such cases, the animal must be placed alone in an enclosure appropriate for its species and size, except for dogs or cats under the age of 16 weeks or other animals that have not been weaned, which may be placed together in an enclosure with their littermates or dam. Paragraph (3) would require that an animal handler be available to assist the individual administering drugs for euthanasia.

Paragraph (4) would require chemical restraint to be used consistent with accepted standards in order to minimize distress to the animal or danger to the staff. This provision represents the Board's judgment, based on current available information, that the provision of chemical restraint prior to euthanasia is the prevailing and acceptable standard of practice that must be followed unless to do so would be likely to cause more distress to the animal. The objective is to minimize distress and maximize safety.

Paragraph (5) echoes the statutory mandate that intravenous injection be the standard method of euthanasia for dogs and cats, unless the age, physical condition, size or behavior of the animal presents a danger to the individual performing the injection or the animal handler, or if the physical restraint necessary for intravenous injection would cause unnecessary fear or anxiety in the animal. Paragraph (6) addresses the limited circumstances under which intraperitoneal injection may be used, and it sets forth what must be done after an intraperitoneal injection.

Paragraph (7) requires the gauge and length of the needle or catheter used to be appropriate to minimize pain and distress for the size and species of the animal and the method of injection. Paragraph (8) requires a new, unused disposable needle or catheter of medical quality to be used

for the administration of drugs for euthanasia for each animal, with each needle or catheter being disposed of in a commercial sharps container immediately after a single use.

Section 31.130 (relating to grounds for refusal, suspension, revocation or imposition of other disciplinary sanction) provides notice that licensed euthanasia technicians are subject to all of the disciplinary and penalty provisions in the act, the ADMAL, this chapter and other applicable law. Furthermore, this section prohibits an individual who is not licensed by the Board or otherwise authorized by law to perform euthanasia from providing euthanasia to animals subject to the ADMAL. Violations may be prosecuted before the Board and may be referred for criminal prosecution.

Fiscal Impact

The proposed regulation should not have any fiscal impact on the general public. Animal protection organizations that seek a certificate of registration and individuals who seek a license as a euthanasia technician will be required to pay fees set forth in the proposal. There may be costs associated with compliance with the facility and equipment requirements for existing facilities that do not currently comply. An estimate of the cost of compliance with the proposed rulemaking is set forth in the "Regulatory Analysis Form" required by the Independent Regulatory Review Commission, which is available on request.

Paperwork Requirements

The proposed regulations do not create additional paperwork for the Board, the Board's licensees or the general public. Certificate holders and licensed euthanasia technicians will be required to complete required paperwork relating to the purchase, dispensing and disposal of drugs used for euthanasia, but these requirements are set by Federal regulations and are included in the proposal for ease of reference. Certificate holders and licensed euthanasia technicians will be required to complete biennial renewal applications and to submit updated information to the Board as set forth in the proposal.

Sunset Date

The Board continuously monitors its regulations as required by Executive Order 1996-1. 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 March 10, 2022, the Board submitted a copy of this proposed regulation and a copy of the Regulatory Analysis form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the

public comment period. Comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly, and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Board Counsel, State Board of Veterinary Medicine, at P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail at RA-STRegulatoryCounsel@pa.gov, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-5726, Euthanasia, when submitting comments.

Thomas N. Garg, VMD
Board Chairman

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

* * * * *

**Subchapter B. ANIMAL PROTECTION ORGANIZATIONS AND EUTHANASIA
TECHNICIANS.**

GENERAL PROVISIONS

§ 31.101. Applicability of subchapter.

Subchapter B shall apply to all animal protection organizations operating in the Commonwealth and all individuals, except those exempted by statute, that provide, either personally or through contract or other arrangement, euthanasia for small domestic animals, whether or not the animal protection organization orders drugs for euthanasia under the certificate granted by the Board.

§ 31.102. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

ADMAL—The Animal Destruction Method Authorization Law (3 P.S. §§ 328.101—328.1101).

Animal protection organization—A nonprofit society or association incorporated under 15 Pa.C.S. Ch. 53, Subch. A (relating to incorporation generally) for the purpose of the prevention of cruelty to animals or a municipality which operates an animal shelter.

Certificate holder—An animal protection organization that holds a current certificate of registration issued by the Board.

Chemical restraint—The use, through administration by routes recommended by the manufacturer, of drugs for euthanasia to sedate or tranquilize an animal prior to the provision of euthanasia.

DEA—The United States Drug Enforcement Administration.

Drug for euthanasia—A commercially available injectable drug or combination of drugs approved by the Federal Food and Drug Administration and the Board for the purpose of euthanasia of small domestic animals and chemical restraint approved by the Board for use in conjunction with the euthanasia of small domestic animals.

Euthanasia technician—An individual who holds a current euthanasia technician license issued by the Board.

OSHA—The Occupational Safety and Health Administration within the United States Department of Labor.

PDA—The Pennsylvania Department of Agriculture.

Restraint—A safe and humane method of restricting an animal's movement, including holding the animal or placing the animal in an appropriately-sized enclosure.

Shelter—The physical facility at which a certificate holder provides humane euthanasia in accordance with the ADMAL.

Small domestic animals—All cats and dogs, and any of the following animals whose general intended purpose is to be kept and cared for as household pets: rabbits, mice, rats, hamsters, guinea pigs, ferrets, birds, reptiles and amphibians.

Supervisor of animal care services—The individual who is generally on-site at the shelter facility of a certificate holder and who is responsible to the animal protection organization for animal care services including euthanasia and supervision of euthanasia technicians.

§ 31.103. Applicability of other laws and rules.

(a) Individuals and certificate holders are subject to the act, the ADMAL, this chapter and all other applicable law. For purposes of this section, applicable law includes:

(1) The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(2) The Dog Law (3 P.S. §§ 459-101—459-1206).

(3) Regulations of the PDA, the DEA and OSHA.

(4) Any other or subsequent statute, rule or regulation of any government entity, whether Federal, State or local, relevant to the purchase, possession and administration of drugs for euthanasia of animals covered by the ADMAL, the handling of animals, or the disposal of animal remains.

(b) Except as set forth in the ADMAL, activities and proceedings before the Board are subject to the Administrative Agency Law (2 Pa.C.S. §§ 501—508 and 701—704) and the General Rules of Administrative Practice and Procedure (1 Pa. Code §§ 31.1—35.251).

§ 31.104. Schedule of fees.

The Board will charge the following fees for the administration of this subchapter:

Animal protection organizations:

<u>Application for certificate of registration (includes initial inspection).....</u>	<u>\$244</u>
<u>Re-inspection fee.....</u>	<u>\$216</u>
<u>Biennial renewal of certificate of registration</u>	<u>\$50</u>
<u>Late renewal fee - per month or part of month.....</u>	<u>\$5</u>

Euthanasia technicians:

<u>Application for initial license.....</u>	<u>\$87</u>
<u>Application for approval of employment change.....</u>	<u>\$81</u>
<u>Verification of licensure.....</u>	<u>\$15</u>
<u>Biennial renewal.....</u>	<u>\$25</u>
<u>Late renewal fee - per month or part of month.....</u>	<u>\$5</u>

CERTIFICATE OF REGISTRATION FOR ANIMAL PROTECTION

ORGANIZATIONS

§ 31.105. Application for certificate of registration.

(a) An applicant for a certificate of registration from the Board shall file an application in accordance with this chapter and in the manner and format prescribed by the Board.

(b) An applicant for a certificate of registration with the Board shall pay the fee set forth in § 31.104 (relating to schedule of fees) upon submission of the application.

(c) An applicant for a certificate of registration with the Board shall demonstrate that it meets the requirements of the ADMAL and this chapter.

§ 31.106. Qualifications for a certificate of registration; duty to update certification information.

(a) The Board may issue a certificate of registration to an animal protection organization that:

(1) Demonstrates that it is a nonprofit society or association incorporated in Pennsylvania for the purpose of the prevention of cruelty to animals or is a municipality which operates an animal shelter.

(2) Demonstrates that the supervisor of animal care services has completed the didactic portion of a Board-approved euthanasia technician certification course.

- (3) Demonstrates, by submission of a criminal history record check, that the supervisor of animal care services has not been convicted of a drug trafficking offense as defined in 63 Pa. C.S. §3113(i), a crime that directly relates to the profession as defined in 63 Pa. C.S. §3102, or a crime of violence as defined in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses), unless the supervisor of animal care services demonstrates, at a hearing before the Board or its designee, the required mitigating or rehabilitative criteria as enumerated in the act and 63 Pa. C.S. § 3113(b)(1), as applicable.
- (4) Demonstrates, through a pre-certification inspection by agents of the Board, that the animal protection organization has adequate shelter facilities to safely and humanely purchase, possess and administer drugs for euthanasia.
- (5) Submits the names of all euthanasia technicians employed by or under contract with the animal protection organization to administer euthanasia drugs to animals.
- (6) Submits the names of any licensed veterinarian associated with the animal protection organization, along with a description of the association.
- (b) No application will be considered until the application is complete and is accompanied by the required fee set forth in § 31.104 (relating to schedule of fees).
- (c) An application for certificate of registration will be thoroughly investigated.
- (d) An animal protection organization applying for a certificate of registration will be inspected by agents of the Board to determine if the equipment and facilities of the organization meet the requirements of this subchapter. An animal protection organization that does not meet the requirements of this subchapter may not commence or continue operations until the organization has been inspected again and found to be compliant. An animal protection organization shall pay the re-inspection fee set forth in § 31.104 prior to re-inspection.

(e) The Board reserves the authority to require an applicant to provide additional information or evidence to support the application for certificate of registration. The Board may require an applicant to appear before the Board to provide the Board such additional information or evidence.

(f) An application submitted to the Board will be active for a period of 12 months from the date the application is signed and verified by the applicant. If an application is dormant for a period of more than 12 months, it will be deemed withdrawn and a new application, including payment of the application fee, will be required should the applicant later seek registration.

(g) An applicant shall update the application if any information on the application changes prior to issuance of the certificate of registration.

§ 31.107. Authority of certificate holders to purchase, possess and administer controlled substances; limitations on authority.

(a) A certificate holder that holds a current, unrestricted DEA Certificate of Registration may:
(1) Purchase, possess and administer, through its authorized agents, drugs for euthanasia.

(2) Transfer drugs for euthanasia to a currently licensed euthanasia technician or veterinarian who is employed by or under contract with the certificate holder to provide euthanasia to animals for the purpose of administration to animals; provided, however, that the drugs for euthanasia may only be used to provide euthanasia at the shelter.

(3) Dispose of drugs for euthanasia in accordance with law.

(b) A certificate holder may not:

(1) Purchase, possess or administer any controlled substance or any other legend drug which is not a drug for euthanasia.

- (2) Transfer a drug for euthanasia to anyone other than a currently licensed euthanasia technician or veterinarian employed by or under contract with the animal protection organization to provide euthanasia on the premises of the certificate holder.
- (3) Authorize, permit or allow any drug for euthanasia purchased or possessed by the certificate holder under the authority of the ADMAL to leave the premises of the shelter.
- (4) Authorize, permit, or allow the disposal of drugs for euthanasia in any manner other than that required by law.
- (5) Authorize, permit, or allow any other individual or animal protection organization to use the certificate holder's certificate of registration issued by the Board or DEA Certificate of Registration to purchase, possess, administer or transfer a drug for euthanasia or any other controlled substance or legend drug.

§ 31.108. Duties of certificate holders.

- (a) Certificate holders shall ensure that any euthanasia technician providing euthanasia at the shelter is clinically competent to humanely administer euthanasia.
- (b) Certificate holders shall provide an area suitable for storage of drugs and equipment for euthanasia, and for the provision of euthanasia, in accordance with § 31.109 (relating to area used for animal euthanasia; required equipment and supplies).
- (c) Certificate holders shall register with and receive a Certificate of Registration from the DEA prior to the purchase, possession or administration of any drugs for euthanasia.
- (d) Certificate holders shall obtain separate certificates of registration from the Board and DEA for each address where euthanasia drugs are stored or administered.

(e) Certificate holders shall submit a copy of the DEA Certificate of Registration to the Board within 5 business days of receiving each initial Certificate of Registration and within 5 business days of the renewal of each Certificate of Registration.

(f) Certificate holders shall provide a hard copy of the controlled substance log for drugs for euthanasia to the Board every 60 days, along with a summary report which shall show, for the prior 60-day period, the total number of animals euthanized by species and copies of any invoices for each drug ordered showing the potency and quantity of each drug ordered.

(g) Certificate holders shall cooperate with the Board and its agents in the inspection of the euthanasia facility, inspection of licenses and registrations, and investigation of complaints filed with the Board.

(h) In addition to the information required under subsection (f), the 60-day summary report shall include notification of the following, as applicable:

(1) Change of supervisor of animal care services, including proof that the new supervisor of animal care services has completed the didactic portion of a Board-approved euthanasia technician course.

(2) Change or addition of euthanasia technician, including the name and license number of the new or additional euthanasia technician or technicians employed by or under contract with the animal protection organization.

(3) Change to the list of personnel authorized to access drugs for euthanasia under § 31.111(c) (relating to storage and security of drugs for euthanasia, certificates of registration and drug order forms).

(4) A disciplinary action taken against any euthanasia technician, the supervisor of animal care services or the executive director of the certificate holder by a licensing agency

of another jurisdiction, or a finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition of any felony or misdemeanor.

(5) Change in the physical location or significant changes to shelter, and, if applicable, demonstration that a new DEA Certificate of Registration has been obtained for the new address.

§ 31.109. Area used for animal euthanasia; required equipment and supplies.

(a) A certificate holder shall provide an area used for animal euthanasia at a shelter that:

(1) Is separated from the rest of the shelter and from public view, is not used for any other purpose while an animal is being euthanized, and in which unrelated animals are not present.

(2) Has bright and even lighting. Additional lighting over the location where euthanasia agents are administered by injection is highly recommended.

(3) Has an ambient temperature that is between 60 and 80 degrees Fahrenheit.

(4) Has adequate ventilation to prevent the accumulation of odors, including at least one exhaust fan.

(5) Has flooring which is dry and non-slip to prevent accidents, and is easy to clean and disinfect.

(6) Is kept clean and disinfected.

(b) A certificate holder shall provide, at a minimum, the following equipment and supplies for the area used for animal euthanasia:

- (1) A table or work area where an animal can be handled and restrained while being euthanized. The surface must be easily disinfected and appropriate for the species and size of animals euthanized by the animal protection organization.
- (2) A cabinet, table or workbench where the controlled dangerous substances, needles, catheters, syringes, clippers and other equipment and supplies can be placed while euthanasia is being performed. This surface should be adjacent to, but separate from, the area where the animals are handled.
- (3) A hand-washing sink that can be easily accessed by the animal protection organization's euthanasia technician and animal handler. For purposes of this provision, the sink must be no more than 30 feet from the area where euthanasia is conducted. animal protection organizations with alternate physical layouts may request a variance from this provision.
- (4) Emergency eye wash equipment in working order that can be easily accessed by the animal protection organization's euthanasia technician and animal handler. For purposes of this provision, the emergency eye wash equipment must be no more than 30 feet from the area where euthanasia is conducted. Animal protection organizations with alternate physical layouts may request a variance from this provision.
- (5) Documented procedure for providing clean and sanitary towels.
- (6) Equipment and supplies as needed for adequate room sanitation, such as detergents, disinfectants, paper towels, brooms and mops.
- (7) Eye or face protection for personnel reconstituting drugs for euthanasia, performing injections or restraining animals for injection.
- (8) Disposable medical exam gloves.

- (9) Suitable personal protective equipment, including animal handling gloves.
- (10) An assortment of muzzles or appropriate disposable material which can be used for muzzles.
- (11) A control stick for dogs.
- (12) Capture/restraint nets suitable for the species and size of animals normally handled by the certificate holder and constructed of materials that can be sanitized.
- (13) Towels of terry cloth or other fabric suitable for restraining animals.
- (14) Hair clippers with a minimum of two sets of #30 or #40 or equivalent size clipper blades, maintained sharp and in good condition.
- (15) Quick-release tourniquets appropriate for the sizes of animals normally handled by the certificate holder.
- (16) A supply of 18, 20, and 22 gauge disposable needles of medical quality in appropriate lengths and in other gauges and lengths as required by the species and size of animals normally handled by the certificate holder, in a quantity appropriate considering the number of animals euthanized by the certificate holder over a period of time and the schedule for ordering these supplies.
- (17) A supply of disposable syringes of medical quality in sizes appropriate for the volumes of drugs which must be administered based on the species and sizes of animals normally handled by the certificate holder, in a quantity appropriate considering the number of animals euthanized by the certificate holder over a period of time and the schedule for ordering these supplies.

(18) A commercially available sharps container for used needles and syringes, constructed of puncture resistant material and which complies with 29 CFR § 1910.1030(d)(2)(viii) (relating to bloodborne pathogens).

(19) A stethoscope.

(20) A penlight and spare batteries.

(21) Hand soap.

(22) A first-aid kit for humans, which includes, at a minimum, the supplies suggested by the American Red Cross for a first aid kit for a family of four.

(23) A spill kit, as defined by OSHA, suitable for cleaning spills of drugs for euthanasia.

(24) A freezer, refrigerator or mortuary cooler for the storage of the remains of euthanized animals pending disposition.

(c) All equipment and supplies must be kept clean, free of dust or other foreign matter, and in good working order. All equipment and supplies must be stored in an orderly, safe manner.

§ 31.110. Approved drugs for euthanasia.

(a) The Board will publish the list of approved drugs for euthanasia that certificate holders may purchase, possess and administer in the Pennsylvania Bulletin and on the Board's website. The Board may update the list of approved drugs for euthanasia by adding or deleting drugs from the approved list to conform to standards of practice that are acceptable in the veterinary medical community. Changes to the list of approved drugs will be published in the Pennsylvania Bulletin and on the Board's website.

(b) A certificate holder may petition the Board for the addition or deletion of drugs for euthanasia on the Board's approved list by filing a written petition with the Board setting out the

request and justification for the request, as if a petition for amendment of regulations under 1 Pa. Code § 35.18 (relating to petitions for issuance, amendment, waiver or deletion of regulations).

(c) A certificate holder may use drugs for euthanasia only to provide humane euthanasia of small domestic animals within the shelter facility.

(d) A certificate holder shall use drugs for euthanasia within the expiration date printed on the primary commercial container by the manufacturer.

§ 31.111. Storage and security of drugs for euthanasia, certificates of registration and drug order forms.

(a) A certificate holder shall store all drugs for euthanasia in accordance with the Federal regulations at the level of security required for practitioners at 21 CFR §§ 1301.71—1301.77 (relating security requirements). The level of security required may vary depending on the registered location, the number of employees and other personnel who have access to the area where drugs for euthanasia are stored, the quantity of drugs for euthanasia kept on hand, and the prior history of theft or diversion. Specific questions regarding the adequacy of security measures shall be directed to the DEA.

(b) A certificate holder shall provide for the storage, security and disposal of drugs for euthanasia at the shelter. Acceptable storage and security is required at the location for which the animal protection organization is registered with the Board and DEA. All expired drugs shall be disposed of in accordance with Federal law and implementing regulations at 21 CFR Part 1317 (relating to disposal).

(c) A certificate holder shall store all drugs for euthanasia in a securely locked, substantially constructed cabinet which is securely attached to the building in which it is housed, and which is accessible only to personnel authorized by the animal protection organization to have access to the

drugs. A list of individuals authorized to have access to the drugs shall be provided to the Board upon initial inspection, reinspection, or upon request.

(d) A certificate holder shall store drugs for euthanasia in an environment that meets the manufacturer's recommendations for proper storage.

(e) A certificate holder shall maintain its original DEA Certificate of Registration in the cabinet or safe or separately securely locked metal container within the cabinet or safe, as appropriate, so that it is accessible only to the shelter director in charge of ordering or purchasing drugs for euthanasia or an individual who has a current DEA Certificate of Registration.

(f) A certificate holder shall secure unexecuted order forms for Schedule II drugs (DEA Form 222) in a cabinet or safe or separately securely locked metal container within the cabinet or safe, as appropriate, which is accessible only to the shelter director or an individual who has a current DEA Certificate of Registration for Schedule II drugs.

§ 31.112. Maintenance of records and inventories of drugs for euthanasia.

(a) A certificate holder shall comply with all applicable state and Federal laws, rules and regulations relating to registration, ordering and receiving, security, record keeping, inventory and disposal of drugs for euthanasia.

(b) A certificate holder shall maintain all drugs for euthanasia in their original container, clearly marked as to contents, until the drugs are ready to be used or reconstituted for use.

(c) A certificate holder shall maintain current accurate records of the purchase, administration, transfer and disposal of drugs for euthanasia. Such records shall consist of:

(1) A master log book containing information about the purchase, receipt, and disposal of all drugs for euthanasia.

(2) Drug administration records for every drug for euthanasia.

- (3) A weekly physical inventory of all drugs for euthanasia.
- (d) The master log shall be created and maintained as required by the DEA.
- (e) The drug administration records shall:

 - (1) Be made available to the Board or its agents upon demand.
 - (2) Consist of a separate form for each container of a drug for euthanasia on which the following information is recorded:

 - (A) The generic name of the drug for euthanasia.
 - (B) The volume of the container.
 - (C) The concentration of the drug for euthanasia in milligrams per milliliter, capsule or tablet, as applicable.
 - (D) The species, weight and individual identification number (if applicable) of every animal to which the contents of the container were administered, the route of administration and the volume or amount of drugs for euthanasia administered.
 - (F) The remaining balance of the drugs for euthanasia in the container.
 - (3) Be maintained at the shelter facility in a readily retrievable file.
- (f) The weekly physical inventory of drugs for euthanasia shall:

 - (1) Be conducted in accordance with DEA regulations at 21 CFR § 1304.11 (relating to inventory requirements) and be recorded on a form acceptable to the DEA.
 - (2) Be signed or initialed by the supervisor of animal care services.
 - (3) Be maintained in a readily retrievable file at the shelter where the drugs are stored.
- (g) The supervisor of animal care services or his or her designee shall report suspected or documented theft and or diversion of drugs for euthanasia to the Board and DEA immediately.

(h) A certificate holder shall maintain original copies of the records at the shelter for not less than 2 years.

(i) If a certificate holder surrenders its Board or DEA Certificate of Registration for a shelter, the original copies of the records required by this section shall be retained at the shelter facility if the shelter is a subsequent certificate holder. If the shelter is not a subsequent certificate holder, or if retaining the records at the shelter facility is impossible or impracticable, the certificate holder shall notify the Board, in writing, at least 30 days prior to the date a certificate holder surrenders its Board or DEA Certificate of Registration. The written notice must include instructions on how to obtain copies of the records from the custodian of the records and the name, address and telephone number of the custodian of records. The custodian of records shall maintain original copies of the records for not less than 2 years.

(j) If a certificate holder surrenders its Board or DEA Certificate of Registration, the certificate holder shall dispose of drugs for euthanasia in accordance with DEA regulations at 21 CFR Part 1317 (relating to disposal) and shall send a copy of the disposal documentation to the Board.

§ 31.113. Renewal of certificate of registration.

A certificate of registration shall be renewed biennially before December 1 of each even-numbered year, by filing a biennial renewal application provided by the Board and paying the biennial renewal fee in § 31.104 (relating to schedule of fees). An initial certification of registration issued at any time after June 1 of an even-numbered year will not be subject to renewal until the next even-numbered year. A certificate holder shall renew the certificate prior to the expiration date of the certificate. Applications for renewal must be submitted in accordance with this subchapter and in the manner and format prescribed by the Board. A renewed certificate of registration is valid for a period of 2 years.

§ 31.114. Grounds for refusal, suspension, revocation or imposition of other disciplinary sanction.

(a) A certificate holder is subject to the disciplinary provisions in the act, including the authorization for the Board to discipline any license or certificate in section 21 of the act (63 P.S. § 485.21), which applies to the certificate of registration granted to an animal protection organization, for violating the act, this chapter, and other applicable law as set forth in § 31.103 (relating to applicability of other laws and rules). The Board may refer matters related to a certificate holder to other civil, criminal or administrative agencies for investigation.

(b) A certificate holder is subject to the penalty provisions in the act, the ADMAL, this chapter and other applicable law.

(c) A certificate holder or an animal protection organization that does not hold a current certificate of registration with the Board may not provide euthanasia to small domestic animals under the ADMAL.

(1) Violations of this section may be prosecuted before the Board under the act, the ADMAL, 63 Pa.C.S. § 3108 (relating to civil penalties) or this chapter.

(2) The Board may refer any suspected or proven violation of the act, the ADMAL, 63 Pa.C.S. § 3108 (relating to civil penalties) or this chapter for criminal prosecution.

(d) A certificate holder is subject to discipline by the Board for:

(1) Failing to admit agents of the Board to conduct investigations or inspections of the certificate holder's compliance with applicable laws or for failing to admit agents of PDA to conduct investigations or inspections that PDA is authorized to conduct.

(2) Having discipline imposed by the DEA on the DEA Certificate of Registration or any enforcement action by PDA.

(3) Failing to ensure that euthanasia technicians employed by or under contract with the certificate holder hold a current license issued by the Board.

(4) Allowing a euthanasia technician to perform duties in an unsafe or inhumane manner or in a manner that violates applicable law.

§ 31.115. Disciplinary sanctions.

(a) When the Board finds that a certificate holder or unlicensed entity performing euthanasia has violated the act or the ADMAL, the Board may suspend or revoke the certificate of registration, impose other disciplinary sanctions set forth in section 24 of the act (63 P.S. § 485.24) and may impose civil penalties provided for in section 28 of the act (63 P.S. §485.28), in section 502 of the ADMAL (3 P.S. § 328.502) and in 63 Pa.C.S. § 3108 (relating to civil penalties).

(b) Disciplinary action will be taken in accordance with the procedures set forth in the act, the Administrative Agency Law (2 Pa.C.S. §§ 501—508 and 701—704) and the General Rules of Administrative Practice and Procedure (1 Pa. Code §§ 31.1—35.251).

(c) The Board may summarily revoke the certificate of a certificate holder if PDA revokes a license associated with the shelter or certificate holder.

EUTHANASIA TECHNICIANS

§ 31.121. Application for licensure.

(a) An applicant for licensure as a euthanasia technician shall file an application for licensure in a manner and format approved by the Board.

(b) An applicant for licensure as a euthanasia technician shall pay the application fee in § 31.104 (relating to schedule of fees) which shall be submitted with the application. Application fees are nonrefundable, regardless of the Board's determination as to whether a license will issue.

(c) An applicant for licensure as a euthanasia technician shall demonstrate that the applicant meets the requirements of the ADMAL and this chapter.

(d) An applicant whose application for licensure has been provisionally denied by the Board is entitled to a hearing at which the applicant will bear the burden of demonstrating that the application should be granted.

(e) Final denial of an application for licensure is subject to appeal to the Commonwealth Court of Pennsylvania.

§ 31.122. Qualifications for licensure.

(a) The Board may issue a euthanasia technician license to an applicant who pays the application fee in § 31.104 (relating to schedule of fees) and submits satisfactory evidence that the applicant:

(1) Is eighteen years of age or older.

(2) Has received a high school diploma or its equivalent. If the applicant does not meet this requirement, the applicant may submit at least three letters or recommendation attesting to applicant's ability to perform the functions of a euthanasia technician, including at least one recommendation from a veterinarian licensed in this Commonwealth or another state.

(3) Has adequate knowledge of the potential hazards and proper techniques to be used in the administration of euthanasia drugs by satisfying the requirements of this section and meets at least one of the following criteria:

(i) Has successfully completed a euthanasia technician certification course, including at least 14 hours of instruction, which is administered by an animal protection organization or school approved by the Board under § 31.123 (relating

to educational programs and examinations for euthanasia technicians) to administer the course and is listed on the Board's website as an approved course.

(ii) Is a euthanasia technician registered or licensed under the laws of another state or territory of the United States which has requirements substantially similar to the requirements of this section and who presents satisfactory proof to the Board of being engaged in the practice of euthanasia for a period of at least 1 year out of the past 5 years.

(4) Has not been convicted of a drug trafficking offense as defined in 63 Pa. C.S. § 3113(i), a crime that directly relates to the profession as defined in 63 Pa. C.S. § 3102, or a crime of violence as defined in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses), unless the applicant demonstrates, at a hearing before the Board or its designee, the required mitigating or rehabilitative criteria as enumerated in the act and 63 Pa. C.S. § 3113(b)(1), as applicable.

(b) No application will be considered until the application is complete, including providing a criminal background check, obtaining verification of licensure in other states, or making personal written statements regarding matters related to the qualifications for licensure as instructed by Board staff.

(c) An application for licensure will be thoroughly investigated. The Board or its agents may inquire from the references or by other means the Board deems expedient as to the accuracy of the information submitted. If the replies from the references cited are not received within a reasonable time, the Board will notify the applicant so the applicant can provide additional references. Information obtained in the investigation of an application will be maintained by the Board as a permanent record and will remain the property of the Board.

(d) The Board reserves the authority to require an applicant to provide additional information or evidence to support the application for licensure. The Board may require an applicant to appear before the Board to provide the Board with additional information or evidence.

(e) An application submitted to the Board will be active for a period of 12 months from the date the application is signed and verified by the applicant. If an application is dormant for a period of more than 12 months, it will be deemed withdrawn and a new application and application fee will be required should the applicant later seek licensure.

§ 31.123. Educational programs and examinations for euthanasia technicians.

(a) In accordance with section 304(c)(1)(ii)(A) of the ADMAL (3 P.S. § 304(c)(1)(ii)(A)), the Board may approve euthanasia technician certification courses that include at least 14 hours of instruction, administered by:

- (1) The National Animal Control Association.
- (2) The American Humane Association.
- (3) The Humane Society of the United States.
- (4) The Pennsylvania Veterinary Medical Association.
- (5) The University of Pennsylvania School of Veterinary Medicine.
- (6) The Federated Humane Societies of Pennsylvania.
- (7) Another organization or school approved by the Board.

(b) The Board will announce the list of approved euthanasia technician certification courses on its website.

(c) Administrators of euthanasia technician certification courses that wish to be included on the list of Board-approved courses shall submit to the Board:

- (1) A list of the minimum qualifications of instructors who will teach the courses.

(2) A copy of the program curriculum, which must consist of a minimum of 14 hours of instruction and must evidence the ability to provide certificate holders with the knowledge and ability to provide humane handling and euthanasia to small domestic animals in this Commonwealth by the administration of injectable agents by intravenous and intraperitoneal injection. Curriculum must include content in:

- (i) Humane handling and appropriate restraint of animals for euthanasia.
- (ii) Appropriate criteria and techniques to verify the death of an animal.
- (iii) Proper handling of drugs for euthanasia.
- (iv) Proper security and storage of drugs for euthanasia.
- (v) Required documentation related to drugs for euthanasia.
- (vi) Correct calculation of a dosage of drugs for euthanasia.
- (vii) Universal precautions for handling and disposal of needles and syringes.
- (viii) Preparation of injection site.
- (ix) Injection technique for intravenous injection.
- (x) Injection technique for intraperitoneal injection.
- (xi) Appropriate uses of intraperitoneal injection.

(3) A copy of the evaluative tool used to measure competence of students who have completed the certification course. An examinee may be provided no more than 3 attempts at demonstrating competence through utilization of the administrator's evaluative tool without a requirement that the student retake the training course prior to being reevaluated.

§ 31.124. Reports to be filed with the Board.

(a) A licensed euthanasia technician shall provide written notice of the following to the Board within 30 days:

(1) A disciplinary action taken against the licensee by a licensing agency of another jurisdiction.

(2) A finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition of any felony or misdemeanor offense.

(3) A change in the licensee's employment.

(4) A change in the licensee's name or mailing address.

(b) The Board may take disciplinary action against a licensee who violates this section.

§ 31.125. Employment required; services to be provided at shelter only.

A euthanasia technician license authorizes the license holder to administer drugs for euthanasia only on the shelter premises at which the euthanasia technician is employed or with which the euthanasia technician has a contract for the provision of humane euthanasia services.

§ 31.126. Renewal of license, inactive status and reactivation of license.

(a) A euthanasia technician license shall be renewed biennially before December 1 of each even-numbered year, by filing a biennial renewal application provided by the Board and paying the biennial renewal fee in § 31.104 (relating to schedule of fees). An initial euthanasia technician license issued at any time after June 1 of an even-numbered year will not be subject to renewal until the next even-numbered year.

(b) A euthanasia technician shall renew the euthanasia technician's license prior to the expiration date of the license by submitting a renewal form provided by the Board and paying the biennial renewal fee. Applications for renewal must be submitted in accordance with this subchapter and in the manner and format prescribed by the Board. A renewed license is valid for a period of 2 years.

§ 31.127. Duties of euthanasia technicians.

(a) A euthanasia technician shall perform all euthanasia services humanely, as further set forth in § 31.128 (relating to standards for euthanasia of small domestic animals).

(b) A euthanasia technician shall:

(1) Maintain the euthanasia technician's license in active status.

(2) Provide updated information to the Board as set forth in § 31.124 (relating to reports to be filed with the Board).

(3) Perform animal euthanasia in accordance with the ADMAL and this chapter.

(4) If chemical restraint is not used, document the specific circumstances that make the administration of chemical restraint more likely to cause more distress to a particular animal.

(5) If intravenous injection of euthanasia solution cannot be used, document the physical condition, size or behavior of any dog or cat over the age of 16 weeks and any other animal to support the use of peritoneal injection.

(6) Verify death of an animal by examination and establishment of the absence of heartbeat and respiration and lack of corneal and pupillary reflexes before disposal of the body.

(7) Maintain the security of all controlled substances and other drugs used for the purposes of animal euthanasia.

(8) Promptly and accurately record the quantity of controlled substances and other drugs used for euthanasia and any drug waste.

(9) Immediately report suspected or documented theft or diversion of controlled substances and other drugs used for the purposes of animal euthanasia to the Board and the DEA.

§ 31.128. Standards for euthanasia of small domestic animals.

(a) In accordance with ADMAL, the euthanasia of small domestic animals in the custody of a certificate holder shall comply with the standards set forth in this subchapter.

(b) Euthanasia of animals shall be performed by administration of drugs for euthanasia approved by the Board.

(c) Euthanasia shall be provided in a humane manner, meaning that services are provided in a professional and gentle manner with respect for the individual animal and nature of that animal and its species, with the goal of minimizing pain, fright and anxiety in the animal being euthanized and any other animals in the area, using the best available ethical and veterinary medical knowledge and technology.

(d) The animal shall be kept as free from pain, fear and anxiety as possible.

(e) Death shall be confirmed by the cessation of all vital signs.

(f) Drugs for euthanasia shall be administered in a registered facility only by:

(1) A licensed veterinarian.

(2) A licensed euthanasia technician, acting in accordance with the ADMAL and this subchapter.

§ 31.129. Standards for administration of drugs for euthanasia.

An individual administering drugs for euthanasia shall comply with the following standards:

(1) An animal shall be restrained, as defined in § 31.102 (relating to definitions), after injection of drugs for euthanasia until the animal is unconscious, except as provided in paragraph (2).

(2) If an animal should not be held or restrained because holding or other physical restraint would either increase the anxiety or fear of the animal or would place the person holding or restraining the animal in physical danger, it shall be placed alone in an enclosure which is appropriate for the species and size of the animal and permits adequate visual observation of the animal, except that dogs or cats under the age of 16 weeks or other animals which have not been weaned may be placed together in an enclosure with their littermates or dam, or both.

(3) Unless the animal to be euthanized is heavily tranquilized, anesthetized, or comatose, an individual administering drugs for euthanasia shall have the assistance of an animal handler immediately available in the euthanasia area when the individual is administering an intravenous injection.

(4) Chemical restraint shall be used to minimize distress to the animal or danger to the staff, unless specific documented circumstances make the administration of chemical restraint more likely to cause more distress to the animal. Chemical restraint may be administered by routes as appropriate to the objectives of minimizing distress and maximizing safety.

(5) Intravenous injection of euthanasia solution shall be used on all dogs and cats over the age of 16 weeks and any other animal, unless the physical condition, size or behavior of the animal presents a danger to the individual performing the injection or the animal

handler, or the physical restraint required for intravenous injection would cause unnecessary fear or anxiety in the animal.

(6) A drug for euthanasia may be administered by intraperitoneal injection to an animal only when the physical condition, size or behavior of the animal presents a danger to the individual performing the injection or the animal handler, the physical restraint required for intravenous injection would cause unnecessary fear or anxiety in the animal or the small size of the animal would make location and injection into a vein extremely difficult or impossible.

(i) After an intraperitoneal injection of a drug for euthanasia, the animal shall be placed alone in an enclosure which is appropriate for the species and size of the animal and permits adequate visual observation of the animal and where the animal can be kept calm and free of anxiety. An exception may be made in the case of young littermates.

(ii) An animal which has received a euthanasia drug by intraperitoneal injection shall be observed at least every 5 minutes after injection until death is verified.

(7) The gauge and length of the needle or catheter used shall be appropriate to minimize pain and distress for the size and species of the animal and the method of injection.

(8) A new, unused disposable needle or catheter of medical quality shall be used for the administration of drugs for euthanasia for each animal. Each needle or catheter shall be disposed of in a commercial sharps container immediately after a single use.

§ 31.130. Grounds for refusal, suspension, revocation or imposition of other disciplinary sanction.

(a) A licensed euthanasia technician is subject to all disciplinary provisions in the act, the ADMAL, this chapter and other applicable law.

(b) A licensed euthanasia technician is subject to all penalty provisions in the act, the ADMAL, this chapter and other applicable law.

(c) An individual performing euthanasia under this subchapter who is not licensed by the Board or otherwise authorized by law to perform euthanasia shall not provide euthanasia to animals subject to the ADMAL. Violations may be prosecuted before the Board, and may be referred for criminal prosecution.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7134

March 10, 2022

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Veterinary Medicine
16A-5726: Euthanasia

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Veterinary Medicine pertaining to Euthanasia.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Tom Garg, VMD".

Thomas Garg, VMD, Chairperson
State Board of Veterinary Medicine

TNG/tmd
Enclosure

cc: Arion R. Claggett, Acting Commissioner of Professional and Occupational Affairs
Pamela Iovino, Deputy Secretary of Regulatory Programs
Marc Farrell, Deputy Director of Policy, Department of State
Cynthia Montgomery, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Thomas M. Davis, Board Counsel, State Board of Veterinary Medicine
State Board of Veterinary Medicine

From: Bulletin
To: Zappasodi, Brittany
Subject: [External] RE: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Date: Thursday, March 10, 2022 8:49:13 AM

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.

Good morning Brittany,

Thank you for sending these three proposed rulemakings. Someone from our office will contact you regarding publication in the Pennsylvania Bulletin.

Take care,

Ernest L. Engvall | Legal Assistant
eengvall@palrb.us | 717.783.1531
Legislative Reference Bureau
Code and Bulletin Office

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MAR 10 2022

**Independent Regulatory
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From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, March 10, 2022 8:40 AM
To: Bulletin <bulletin@palrb.us>
Subject: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Importance: High

Please provide written (email) confirmation of receipt of the delivery of the attached rulemakings.

Please be advised that the State Board of Crane Operators, the State Board of Auctioneer Examiners and the State Board of Veterinary Medicine are delivering the following proposed rulemakings:

- 16A-7104 Licensure by Endorsement
- 16A-6411 Fees
- 16A-5726 Euthanasia

Brittany Zappasodi | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Phone 717.783.7200 | Fax 717.787.0251
bzappasodi@pa.gov | www.dos.pa.gov
PRIVILEGED AND CONFIDENTIAL COMMUNICATION

From: Orchard, Kari L.
To: Zappasodi, Brittany
Subject: RE: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Date: Thursday, March 10, 2022 3:34:10 PM

Good afternoon, Brittany,

Thank you for sharing all three of these proposed rulemakings. We are in receipt of them and look forward to reviewing them.

Sincerely,
Kari

Kari Orchard
Executive Director (D) | House Professional Licensure Committee
Chairman Frank Burns, 72nd Legislative District

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**Independent Regulatory
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From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, March 10, 2022 3:28 PM
To: Orchard, Kari L. <KOrchard@pahouse.net>
Subject: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Importance: High

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Brittany Zappasodi | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
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From: [Emily Hackman](#)
To: [Zappasodi, Brittany](#)
Cc: [Nicole Sidle](#)
Subject: RE: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Date: Thursday, March 10, 2022 9:15:13 AM

Received.

EMILY EPLER HACKMAN | ADMINISTRATIVE ASSISTANT II

David S. Hickernell, Majority Chairman
Professional Licensure Committee
98th Legislative District
Room 43, East Wing
Harrisburg, PA 17120-2098
717-783-2076

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Independent Regulatory
Review Commission

Representative Mindy Fee
37th Legislative District
Room 47, East Wing
Harrisburg, PA 17120-2037
717-772-5290

From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, March 10, 2022 8:38 AM
To: Nicole Sidle <Nsidle@pahousegop.com>; Emily Hackman <Eepler@pahousegop.com>
Subject: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Importance: High

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Brittany Zappasodi | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Phone 717.783.7200 | Fax 717.787.0251

From: [Livingston, Jerry](#)
To: [Zappasodi, Brittany](#); [Vazquez, Enid](#)
Subject: Re: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Date: Thursday, March 10, 2022 4:31:39 PM

I have received them, apologies I was off today and not checking emails diligently. Thank you!

J.J. Livingston

Executive Director
Office of Senator Lisa Boscola

Phone 717-787-4236
Jerry.Livingston@pasenate.com

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Sent via mobile device. Please excuse any typing or grammatical errors.

From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, March 10, 2022 4:06:35 PM
To: Livingston, Jerry <Jerry.Livingston@pasenate.com>; Vazquez, Enid <Enid.Vazquez@pasenate.com>
Subject: RE: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726

■ EXTERNAL EMAIL ■

We haven't receive a reply that you received these regulations so I am following up on confirmation of delivery.

Thank you,

Brittany Zappasodi | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Phone 717.783.7200 | Fax 717.787.0251
bzappasodi@pa.gov | www.dos.pa.gov

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From: Zappasodi, Brittany
Sent: Thursday, March 10, 2022 8:39 AM
To: Livingston, Jerry <Jerry.Livingston@pasenate.com>; Vazquez, Enid

<Enid.Vazquez@pasenate.com>

Subject: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726

Importance: High

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From: Blauch, Tammy
To: Zappasodi, Brittany; Smeltz, Jennifer
Subject: RE: DELIVERY: Regulations 16A-7104 & 16A-6411
Date: Thursday, March 10, 2022 9:10:28 AM

Good morning,
Confirming your email.

Have a great day.

Tammy Blauch
Executive Secretary
Office of Senator Robert M. Tomlinson
Room 286 Main Capitol Building
Harrisburg, PA 17120
(717)-787-5072
Fax: (717)772-2991
tblauch@pasen.gov

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From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, March 10, 2022 8:37 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>; Blauch, Tammy <tblauch@pasen.gov>
Subject: DELIVERY: Regulations 16A-7104 & 16A-6411
Importance: High

© CAUTION : External Email ©

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