

Comments of the Independent Regulatory Review Commission



State Board of Veterinary Medicine Regulation #16A-5732 (IRRC #3407)

Fee Increase

August 28, 2024

The Independent Regulatory Review Commission submits for your consideration the following comments on the proposed rulemaking published in the June 29, 2024 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the State Board of Veterinary Medicine (Board) to respond to all comments received from us or any other source.

1. Regulatory Analysis Form (RAF). – Fiscal impacts; Clarity; Need; Implementation procedures.

This proposed regulation was published on June 29, 2024, and as noted above, the date of this Commission’s comments is August 28, 2024. In response to question #29 of the RAF, the Board stated that it expects the effective date of this regulation to be “Summer 2024.” Assuming that the regulation would, in fact, be effective in summer 2024, the Board included in the proposed regulation fee increases applicable to the biennial renewal period beginning December 1, 2024. If these regulations are not effective prior to the biennial renewal period beginning December 1, 2024, we ask the Board to explain the fiscal impacts of licensees paying the current renewal rate. We also ask the Board to amend the final regulation and RAF as appropriate to reflect an updated effective date. Additionally, if the Board chooses to adjust fees in the final regulation, we ask that updated fee report forms and annual reports be included to support the need for the adjusted fees in the final-form regulation.

Finally, we note that the Board addressed the fiscal impacts of graduated fee increases for reinspection of Animal Protection Organizations in the preamble and a Fee Report Form, but not in the RAF. We ask the Board to include this information, as well as the approximate number of applications anticipated annually, when amending the final-form RAF.

2. Miscellaneous clarity.

The Board proposes to **add** Subchapter B (relating to Animal Protection Organizations and Euthanasia Technicians) and **add** Section 31.104 (relating to schedule of fees) through this proposed regulation. However, as the *Pennsylvania Bulletin* notes in the publication of this proposed regulation:

(Editor’s Note: Subchapter B and § 31.104 are proposed to be added in proposed rulemaking 16A-5726 published at 52 Pa.B. 1980 (April 2, 2022).

Final-form rulemaking 16A-5726 was approved by IRRC at its June 20, 2024, meeting. **This proposed rulemaking [#16A-5732] also proposes to add Subchapter B and an updated version of § 31.104**, which are printed in regular type to enhance readability.) [Emphasis added.]

We recognize that both regulations indicated that they are **adding** Subchapter B and Section 31.104 since rulemaking 16A-5726 was not yet published at the time that this proposed regulation was delivered. Since rulemaking 16A-5726 has now been published (on August 10, 2024), we ask the Board to make clear to the regulated community in the preamble and final regulation that Subchapter B and Section 31.104 are being **amended** by the final regulation rather than newly added.