



State of Vermont
Office of the Secretary of State

Office of Professional Regulation

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April 27, 2022

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director

Hon. Mark MacDonald, Chair
Legislative Committee on Administrative Rules
Vermont State House
Montpelier, Vermont 05602

RE: Adoption Deadline & Re-opening of Comment, Administrative Rules for Veterinarians, 21-P30

Dear Chair MacDonald and Committee Members:

On April 7, 2022, your Committee reviewed and approved the rule captioned above.

Regrettably, just as the Office prepared to submit an Adopted Rule Filing, we learned of an irregularity in the process used to maximize public input on the proposed rule. Specifically, we intended in August to transmit a Notice & Invitation to Comment to all licensed veterinarians, using our bulk email platform. It was assumed throughout the process that this was done. After LCAR reviewed the rule, we learned that it was not.


We believe most all veterinarians learned of the proposed rule by other means, and we are hopeful that all who may have wished to comment did. Relevant associations participated fully in rulemaking; robust commentary was received; an October 20 public hearing was well attended; and rulemaking discussion was a feature of regular Board meetings throughout the year. However, one of the seven bases upon which the Committee can object to adoption of a rule is that "the agency did not adhere to the strategy for maximizing public input prescribed by the Interagency Committee on Administrative Rules." 3 V.S.A. § 842(b)(4). I told the Interagency Committee I would email all licensed veterinarians, and I failed to do so.

In light of this discovery, it seems appropriate, with apologies for the disruption, to ask that the Committee:

- (1) extend the adoption deadline for 21-P30 to June 30, 2022, and
- (2) permit us to re-open comment, send the Notice & Invitation to Comment we intended to send in August, and invite any late-notified person who may wish to discuss the Rule to join us at a Regular board meeting.

I apologize for the error described above, and I hope the plan to cure it meets with the Committee's approval. We are, of course, open to any other or additional approach the Committee may prescribe. Please do not hesitate to call me at 802.828.2492, or to email gabriel.gilman@vermont.gov, if you have questions.

Sincerely,



Gabriel M. Gilman
General Counsel

