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Final Regulation Agency Background Document

Agency name	Board of Veterinary Medicine, Department of Health Professions
Virginia Administrative Code (VAC) citation(s)	18VAC150-20
Regulation title(s)	Regulations Governing the Practice of Veterinary Medicine
Action title	Increase in continuing education hours for veterinary technicians
Date this document prepared	2/24/16

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

An amendment to section 70 will increase the number of continuing education hours required for renewal of a license as a veterinary technician from 6 to 8 hours per year. The change is in response to a petition for rulemaking.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

DVM = Doctor of Veterinary Medicine

LVT = Licensed Veterinary Technician

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On February 16, 2016, the Board of Veterinary Medicine amended 18VAC150-20-10 et seq., Regulations Governing the Practice of Veterinary Medicine.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

Chapter 24 of Title 54.1 establishes the general powers and duties of health regulatory boards, including the Board of Veterinary Medicine, the responsibility to promulgate regulations:

§ 54.1-2400. General powers and duties of health regulatory boards.--The general powers and duties of health regulatory boards shall be:

6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 and Chapter 25 of this title...

The specific authority of the Board relating to continuing education is in:

§ 54.1-3805.2. Continuing education.

The Board shall adopt regulations which provide for continuing education requirements for relicensure and licensure by endorsement of veterinarians and veterinary technicians. After January 1, 1997, a veterinarian shall be required to complete a minimum of fifteen hours, and a veterinary technician shall be required to complete a minimum of six hours of approved continuing education annually as a condition for renewal of a license. Continuing education courses shall be approved by the Board or by a Board-approved organization. Regulations of the Board adopted pursuant to this section may provide for the waiver of such continuing education requirements upon conditions as the Board deems appropriate.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health,

safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The purpose of the regulatory action is to increase the knowledge and expertise of veterinary technicians who provide much of the veterinary care to animals in the Commonwealth. Minimum hours were set in Code and regulation in 1995; since that time there have been numerous advances in technology, medications and therapies.

Veterinary technicians believe it is essential to elevate their expertise and skill-level to keep up with the complexities of veterinary care and more adequately protect the health and safety of companion and herd animals in Virginia.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both.

An amendment to section 70 will increase the number of continuing education hours required for renewal of a license as a veterinary technician from 6 to 8 hours per year. The change is in response to a petition for rulemaking.

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

- 1) The primary advantage to the public is greater assurance for continued competency for veterinary technicians who provide much of the essential care to animals in veterinary care. There are no disadvantages to the public;
- 2) There are no advantages and disadvantages to the agency or the Commonwealth; and
- 3) There are no other pertinent matters of interest to the regulated community, government officials, and the public.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There are no localities particularly affected.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no impact on the family.

Changes made since the proposed stage

*Please list all changes that made to the text of the proposed regulation and the rationale for the changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. *Please put an asterisk next to any substantive changes.*

There were no changes.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate. Please distinguish between comments received on Town Hall versus those made in a public hearing or submitted directly to the agency or board.

At the public hearing conducted on December 2, 2015, Taryn Singleton spoke on behalf of the Virginia Association of Licensed Veterinary Technicians with over 600 members. One of the initiatives of the Association is the increase in CE hours; CE can be obtained on-line, through journals, and webinars at no cost to licensees.

The following comments were received on Town Hall

Commenter	Comment	Agency response
58 commenters (most identified themselves as LVT's or DVM's)	Supports the proposed language; not burdensome because it's a modest increase and many opportunities exist for on-line courses.	The Board concurred with the comments.
11 commenters (most identified themselves as LVT's)	Disagreed with the increase; can be expensive attending meetings	The Board considered the comment, but do not agree that attendance at meetings is the only method of obtaining CE.
One commenter was uncertain about support or not	Can see both sides	The Board considered the comment.

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections. Explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation

Current section number	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
70	Sets out the requirements for renewal of licensure including a requirement for hours of continuing education.	<p>The proposed change to subsection B is:</p> <p>B. Veterinarians shall be required to have completed a minimum of 15 hours, and veterinary technicians shall be required to have completed a minimum of six <u>eight</u> hours, of approved continuing education for each annual renewal of licensure. Continuing education credits or hours may not be transferred or credited to another year.</p> <p>The change is in response to a petition for rulemaking from a licensed veterinary technician. The Code stipulates that the LVT must have a <u>minimum</u> of six hours per renewal year. Additional training is authorized for renewal or reinstatement of any license within the Department:</p> <p>§ 54.1-103. Additional training of regulated persons; reciprocity; endorsement.</p> <p><i>A. The regulatory boards within the Department of Professional and Occupational Regulation and the Department of Health Professions may promulgate regulations specifying additional training or conditions for individuals seeking certification or licensure, or for the renewal of certificates or licenses.</i></p>

		<p>A few commenters expressed concern about costs, but others noted that there are multiple ways to obtain CE and that much of it is offered at no charge. Continuing education is available on-line, so it does not involve travel or conference expenses. It is also offered by vendors, local veterinary associations, specialty clinics and veterinary schools. With the field of veterinary technology evolving and the important role of the technician in veterinary practice, an additional two hours per year appears to be justified.</p>
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