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Proposed 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 number of CE hours for veterinary technicians
Date this document prepared	7/21/15

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 (preferably no more than 2 or 3 paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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

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. A more detailed discussion is provided in the "Detail of changes" section below.

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.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the Board of Veterinary Medicine is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so via the Regulatory Townhall website, www.townhall.virginia.gov, or by mail to Elaine Yeatts at Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233 or elaine.yeatts@dhp.virginia.gov or by fax to (804) 527-4434. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including: a) fund source / fund detail; and b) a delineation of one-time versus on-going expenditures</p>	<p>a) As a special fund agency, the Board must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to practitioners for necessary functions of regulation; b) The agency will incur no additional costs for mailings to the Public Participation Guidelines mailing lists, conducting a public hearing, and sending notice of final regulations to regulated entities. Since most mailings to the PPG list are handled electronically, there is very little cost involved. Every effort will be</p>
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	made to incorporate those into anticipated mailings and Board meetings already scheduled. There are no on-going expenditures.
Projected cost of the new regulations or changes to existing regulations on localities.	None
Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.	Licensed veterinary technicians.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	There are 1925 veterinary technicians currently licensed in Virginia. Almost all are employees of veterinary practices.
All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including: a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	The Board believes additional hours can be obtained at no cost by taking advantage of on-line hours or those offered by vendors, specialty practices or local veterinary associations.
Beneficial impact the regulation is designed to produce.	The beneficial impact will additional competency for veterinary technicians, which ultimately benefits the consumer of veterinary services.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

The Board responded to a petition for rulemaking from a veterinary technician requesting that the minimum requirement for continuing education be increased from 6 hours per annual renewal to 8 hours. The petitioner noted that many other states require 8 hours per year or 15 hours for a biennial renewal. A random review of other states showed the following requirements:

MD – 24 hours/36 months
KY – 6 hours/year
NC – 12 hours/2 years
TN – 12 hours/year
NY – 24 hours/36 months
OR – 15 hours/24 months

WA – 30 hours/year
WV – 8 hours/year
WI – 15 hours/2 years
PA – 16 hours/2 years
SC – 10 hours/2 years
CA – 20 hours/2 years

The Board has agreed that 8 hours of continuing education per year is consistent with or less than many other states, is approximately half of the number required for veterinarians in Virginia and is not a burdensome alternative for a licensed profession.

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

There are no alternative regulatory methods, such as reporting requirements or performance standards.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

The amendment proposed by a petition for rulemaking was overwhelmingly supported by 56 veterinary technicians who commented in support of the petition.

In response to the NOIRA:

There were 64 comments in favor of increasing the hours: 39 were from licensed vet techs, 10 were from veterinarians, and 15 identified themselves as pet owners or were not identified. Comments centered on the increasing role of the vet tech in animal care, the need for more expertise for pet safety, and the relative low number of hours compared to other states.

There were 8 comments in opposition; 7 from licensed vet techs and 1 veterinarian. The Board considered the comments about costs relative to the salary of a veterinary technician and responded that two additional hours may be obtained at no cost from a variety of sources. The additional hours will enable veterinary technicians to keep abreast of current technology and medical advances.

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.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes; 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</p>

		<p>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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