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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Board of Veterinary Medicine, Department of Health Professions
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18VAC150-20
<b>VAC Chapter title(s)</b>	Regulations Governing the Practice of Veterinary Medicine
<b>Date this document prepared</b>	3/3/22

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

## Acronyms and Definitions

*Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

N/A

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400, which provides the Board of Veterinary Medicine the authority to promulgate regulations to administer the regulatory system:

**§ 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 (§ [2.2-4000](#) et seq.) that are reasonable and necessary to administer effectively the regulatory system, which shall include provisions for the satisfaction of board-required continuing education for individuals registered, certified, licensed, or issued a multistate licensure privilege by a health regulatory board through delivery of health care services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.).*

The statutory authority for the Board to promulgate regulations to regulate veterinary medicine is found in:

**§ 54.1-3804. Specific powers of Board.**

*In addition to the powers granted in § [54.1-2400](#), the Board shall have the following specific powers and duties:*

- 1. To establish essential requirements and standards for approval of veterinary programs.*
- 2. To establish and monitor programs for the practical training of qualified students of veterinary medicine or veterinary technology in programs of veterinary medicine or veterinary technology at institutions of higher education.*
- 3. To regulate, inspect, and register all establishments and premises where veterinary medicine is practiced.*
- 4. To establish requirements for the licensure of persons engaged in the practice of veterinary medicine, pursuant to § [54.1-3800](#), as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth.*

**§ 54.1-3805. License required.**

*No person shall practice veterinary medicine or as a veterinary technician in this Commonwealth unless such person has been licensed by the Board.*

**Alternatives to Regulation**

*Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

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Licenses, registrations, and permits issued by the Board of Veterinary Medicine are mandated by Chapter 38 of Title 54.1 of the Code of Virginia. There are no alternatives for implementation of the mandates other than the promulgation of reasonable regulations that are enforceable and protect the public health and safety.

### Public Comment

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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The Notice of Periodic Review was published in the Register on November 22, 2021 with public comment was requested until December 22, 2021 on any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economic performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable. There are over 73 persons on the Townhall notification list for the Board of Veterinary Medicine; there were no comments during the comment period.

### Effectiveness

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

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This chapter has been in effect as VR645-01-1 before the creation of the Virginia Administrative Code. It has been amended 17 times in the past nine years. It continues to be effective in protecting the public by setting rules for qualifications and practice of veterinarians, veterinary technicians, equine dental technicians, and veterinary establishments. Whenever amendments are promulgated, language is reviewed to ensure that it is clearly written and easily understandable.

### Decision

*Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

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The Board decision is to retain the regulation with amendments. The Board has identified the following areas of regulation that it will consider for amendments:

- Requirements for faculty & intern/resident licensure (Dean at veterinary college has some suggestions)
- Requirements for veterinary establishments (improve drug security; clarify; address some large animal ambulatory issues)
- Change to requirement for posting licenses to allow for license verification since the Board is no longer sending hard copy licenses with expiration dates
- Review and update to unprofessional conduct regulations
- Review and update section on delegation of duties to unlicensed assistants
- Review and update to licensure requirements

After further opportunity for review and recommendations for amendments, the Board will publish a Notice of Intended Regulatory Action.

### Small Business Impact

*As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

(1) There is a continued need for the regulation since the Code (Chapter 38 of Title 54.1) requires veterinarians and veterinary technicians to be licensed by the Board;

(2) The Board has not received any of complaints or comments concerning the regulation;

(3) Practitioners do not find the regulation to be overly complex, but the Board will consider whether requirements could be simplified or clarified;

(4) There is no overlap duplication, or conflict with federal or state law or regulation; and

(5) As stated above, the provisions of this chapter were amended 17 times in the last nine years. The last periodic review was concluded in 2017, and the Board has continually updated regulations while protecting the health and safety of animals in the Commonwealth. In its review, the Board will consider any additional amendments that are recommended that will streamline or clarify regulations in order to minimize the economic impact on small businesses.