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Notice of Intended Regulatory Action (NOIRA) 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	Licensure for faculty and residents at the veterinary college
Date this document prepared	August 2, 2016

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*.

Subject matter and intent

Please describe briefly the subject matter, intent, and goals of the planned regulatory action.

In accordance with provisions of Chapter 306 of the 2016 Acts of the Assembly, the Board intends to promulgate regulations for a faculty license and an intern/resident license for persons providing clinical care to animals at the veterinary college at Virginia Tech.

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and (2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency'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 establishment of faculty/resident licensure is found in the amendment to § 54.1-3801 (3) and the powers and duties of the Board in § [54.1-3804](#):

§ [54.1-3801](#). Exceptions.

This chapter shall not apply to:

1. The owner of an animal and the owner's full-time, regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the requirements of this chapter;
2. Veterinarians licensed in other states called in actual consultation or to attend a case in this Commonwealth who do not open an office or appoint a place to practice within ~~this the~~ Commonwealth;
3. Veterinarians employed by the United States or by ~~this the~~ Commonwealth while actually engaged in the performance of their official duties, *with the exception of those 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;*
4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary medicine in another state, territory, district, or possession of the United States, (iii) volunteer to provide free care in an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board, (v) notify the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license has been previously suspended or revoked, who has been convicted of a felony, or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian who meets the above criteria to provide volunteer services without prior

notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state; or

5. Persons purchasing, possessing, and administering drugs in a public or private shelter as defined in § [3.2-6500](#), provided that such purchase, possession, and administration is in compliance with § [54.1-3423](#).

§ [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 college or university programs of veterinary medicine or veterinary technology.
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.*

Purpose

Please describe the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.

The proposed action is mandated by the third enactment on HB1058 adopted by the 2016 General Assembly: *That the Board of Veterinary Medicine shall adopt regulations for the licensure of veterinarians employed by the United States or the Commonwealth who are engaged in the practice of veterinary medicine, pursuant to §[54.1-3801](#), as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth by July 1, 2018.*

The intent of the Board is to establish licensure for persons who are engaged in the practice of veterinary medicine at the veterinary college or any of its subsidiary clinics, so those individuals who provide clinical care to animals will be accountable to the Board. The ability to discipline those practitioners, if they are found in violation of law or regulation, will protect the health and safety of patients and the welfare of their owners.



Substance

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

The substance of the faculty and resident/intern license will follow similar licenses under the Board of Dentistry and the Board of Medicine. Section 54.1-2711.1 of the Code of Virginia authorizes the Board of Dentistry to issue temporary licenses to persons enrolled in advanced dental education programs, and § 54.1-2713 authorizes issuance of licenses to teach dentistry. Regulations of the Board of Dentistry (18VAC60-21-230) specify the qualifications and scope of practice consistent with the provisions of the Code.

Authority for the Board of Medicine is found in § 54.1-2937 of the Code of Virginia, which provides for issuance of temporary licenses to interns and residents in hospitals and other organizations, and in 18VAC85-20-220 of the regulations. Such licenses authorize practice only during the residency or internship.

The Board of Veterinary Medicine intends to adopt similar provisions to these faculty and intern/resident licenses.

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.

Given the mandate of the General Assembly to promulgate regulations for licensure, there are no alternatives.

Public participation

The agency is seeking comments on this regulatory action, including but not limited to: ideas to be considered in the development of this proposal, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation.

The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: projected reporting, recordkeeping, and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to Elaine Yeatts, Agency Regulatory Coordinator, 9960 Mayland Drive, Henrico, VA 23233 or at elaine.yeatts@dhp.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action 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. A regulatory advisory panel will not be used; the Board will consult with the veterinary college and any other interested parties in the promulgation of this regulation.