



**Economic Impact Analysis
Virginia Department of Planning and Budget**

18 VAC 150-20 – Regulations Governing the Practice of Veterinary Medicine
Department of Health Professions
March 20, 2008

Summary of the Proposed Amendments to Regulation

The Board of Veterinary Medicine (Board) proposes to amend its regulations as a part of the periodic review process. The Board proposes to:

- 1) Modify its rules for delegation of informal fact-finding proceedings,
- 2) Remove a requirement that the Board must specifically approve any sponsors of continuing education not enumerated in these regulations and, instead, allow licensees to take continuing education courses from any entity approved by the American Association of Veterinary State Boards,
- 3) Allow veterinary technicians to meet education requirements for licensure by attending a training program approved by the Canadian Veterinary Medicine Association (CVMA),
- 4) Separate the requirements for licensure by endorsement for veterinary technicians from those for veterinarians and allow veterinary technicians to be eligible for such licensure if they have, along with other listed requirements, either graduated from an approved veterinary technician program or have passed the national exam,
- 5) Allow an establishment's designated veterinarian-in-charge to delegate biennial inventories to another Board licensee,
- 6) Add several grounds under which licensees may be charged with unprofessional conduct,

- 7) Further delimit the responsibilities that a veterinarian may delegate to a properly trained assistant and
- 8) Specify that only veterinary establishments and animal shelters may inject animals with microchips.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Currently, regulations allow the Board to appoint an agency subordinate to conduct informal fact-finding proceedings for disciplinary cases that involve failure to satisfy continuing education requirements. Currently, the Board may only appoint one of its own members as an agency subordinate. The Board proposes to allow former Board members to also serve as agency subordinates and to allow agency subordinates to conduct informal fact-finding proceedings for all disciplinary matters that do not involve standards of care.

Qualified Board members who are used as agency subordinates are likely to have more flexible schedules which would allow them to convene fact finding proceedings more quickly than if the entire Board had to find time to meet. Because this regulatory change will allow a greater number of people to serve as agency subordinates, and because more cases will be eligible for consideration, rules that allow greater use of delegation authority would likely result in disciplinary cases being resolved in a more timely manner. Individuals who have filed complaints against a licensee benefit from this regulatory change because these individuals will have their complaints resolved more quickly. The general public will likely, because of this regulatory change, have more expeditious access to information (disciplinary hearing outcomes) which might affect the decisions they make about their animal's care. Regulated entities will likely also benefit if disciplinary cases against them can be resolved more quickly. If they are innocent of any wrongdoing, quicker proceedings will allow them to clear their names more quickly. If, on the other hand, licensees have transgressed the rules that govern veterinary practice, fact finding by an agency subordinate will allow them to begin, and therefore finish, their punishment more quickly.

Current regulations contain a fairly extensive list of organizations, like American Veterinary Medicine Association (AVMA) approved colleges of veterinary medicine, which can approve or sponsor continuing education options. Additionally, other sponsors may receive Board approval upon submission of required documentation.

The Board proposes to remove the requirement that possible new sponsors submit documentation to the Board, and that the Board specifically approve new sponsors. Instead of this procedure, the Board will allow classes or activities that are taken through any sponsor approved by The American Association of Veterinary State Boards to count toward licensees' continuing education requirements. This regulatory change will likely benefit both the Board and licensees. The Board will no longer have to spend time approving new sponsors. Licensees will likely have a wider array of educational opportunities to choose from which may allow them to choose less costly classes or classes that interest them more.

Current regulations require veterinary technicians who are seeking to be licensed by examination to complete their education at a college or school accredited by the AMVA. Current regulations also require veterinary technicians who are seeking to be licensed by endorsement to meet the education and examination requirements that are contained in the regulatory section for licensure by examination.

The Board proposes to make these sections of the regulations less restrictive by allowing veterinary technicians to meet education requirements for licensure by attending a college or school accredited by the Canadian Veterinary Medicine Association (CVMA) and by allowing veterinary technicians to be eligible for licensure by endorsement if they have, along with other listed requirements, either graduated from an approved veterinary technician program or have passed the national exam.

Both these changes will benefit individuals who seek to be veterinary technicians in the state. Allowing another organization to accredit veterinary technician programs will likely result in more programs being accredited; this will allow interested individuals more choices as to where they go to school and may lower their costs for attaining the required education. Additionally, only requiring that applicants for licensure by endorsement prove completion of approved education or the national exam will likely slightly increase the number of individuals who are willing, and eligible, to move their licensure from another state to Virginia.

Under current regulations, the veterinarian-in-charge (VIC) for a veterinary facility must be the one to complete all biennial controlled substance inventories. The Board proposes to allow VICs to delegate this responsibility to another Board licensee. VICs will still have to sign the inventory and will retain responsibility for its content and accuracy. This change will likely benefit veterinary practices (and VICs) by allowing more flexibility in who spends time on inventory. This would, for instance, allow a veterinary technician to perform an inventory at a lower wage cost per hour than would have to be paid to the VIC.

Current regulations contain grounds under which licensees may be charged with unprofessional conduct. The Board, however, has received consumer complaints which were not covered under these current grounds. As a consequence of these complaints, the Board proposes to add several grounds for disciplinary action against licensees. These new grounds are: 1) delegation of tasks to improperly trained individuals or individuals who are not authorized to perform the tasks being delegated, 2) failure to provide adequate supervision for veterinary assistants 3) misrepresenting or falsifying information on an application or renewal form, 4) failure to report animal abuse to authorities and 5) failure to release patient records when such failure could result in immediate harm to the (patient) animal.

Adding these grounds to the regulations will almost certainly result in more Board licensees being charged with unprofessional conduct. The costs associated with more disciplinary case are likely outweighed, however, by the increased protection these grounds will afford the public (especially since the grounds being added appear fairly basic and reasonable).

Current regulations contain a list of duties that licensed veterinarians may delegate to a properly trained assistant. Among other things (like grooming, feeding, prepping for surgery, etc) veterinarians may delegate administration (including injection) of schedule IV drugs. The Board proposes to clarify that injection of anesthetic and chemotherapy drugs, as well as placement of intravenous catheters cannot be delegated. The Board also proposes to add animal massage and physical therapy to the tasks that may be delegated. The Department of Health Professions (DHP) reports that it is likely the current practice for most or all veterinary practices is to not allow veterinary assistants to administer higher risk injections or insert IV catheters. To the extent that veterinarians currently do delegate these duties, prohibiting this delegation will likely increase costs since veterinarians earn more than veterinary assistants. These costs,

however, are likely outweighed by the benefit to patient animals from having higher-risk procedures performed by veterinarians. Additionally, veterinary practices will likely benefit from being able to have veterinary assistants perform massage and physical therapy. Allowing this delegation will likely decrease costs since veterinarians earn more than veterinary assistants.

Current regulations specify that veterinary medicine may only be practiced out of a registered establishment (mobile or stationary) except in emergency situations or under limited, specialized practice rules. The Board proposes to incorporate current guideline language that requires micro-chipping for identification purposes to be performed, with one exception, on the premises of a registered veterinary establishment. This new regulatory requirement will likely not increase costs for any affected entity since all establishments, both mobile and fixed, will still be able to inject microchips.

Businesses and Entities Affected

DHP reports that the Board currently licenses 691 full service veterinary facilities, 223 restricted service veterinary facilities, 3400 veterinarians and 1194 veterinary technicians. These entities and individuals, as well as any others that may seek licensure in the future, are affected by these regulatory changes.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

To the extent that this regulation slightly loosens the requirements for licensure, more individuals may choose to be licensed as veterinary technicians. Since these technicians would have to practice under the supervision of veterinarians, however, the number of technicians actually working in the Commonwealth may, or may not, increase.

Effects on the Use and Value of Private Property

To the extent that these regulatory changes places limits on delegation of tasks to lower paid employees, costs of doing business for veterinary practices will likely increase slightly. To the extent that these regulatory changes allow greater delegation of tasks to lower paid employees, costs of doing business for veterinary practices will likely decrease slightly. Taken

together, these regulatory changes will likely have little net affect on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

DHP reports that most of the 691 full service veterinary facilities, 223 restricted service veterinary facilities and 3400 veterinarians currently licensed by the Board would qualify as small businesses. These entities are unlikely to incur any substantive costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Small businesses in the Commonwealth are unlikely to incur any substantive costs on account of this regulatory action.

Real Estate Development Costs

This regulatory action will likely have no affect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the

regulation. The analysis presented above represents DPB's best estimate of these economic impacts.