



**Virginia
Regulatory
Town Hall**

**Periodic Review and
Notice of Intended Regulatory Action
Agency Background Document**

Agency Name:	Board of Veterinary Medicine
VAC Chapter Number:	18 VAC 150-20-10 et seq.
Regulation Title:	Regulations Governing the Practice of Veterinary Medicine
Action Title:	Periodic review
Date:	

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

Regulations governing veterinary medicine provide requirements for the licensure of veterinarians and veterinary technicians by examination or endorsement and for practical training in a preceptorship. Provisions also establish requirements for renewal or reinstatement of a license, including hours of continuing education, and set fees to support the regulatory and disciplinary activities of the board. Grounds for unprofessional conduct of a licensee or for the revocation or suspension of a facility registration are established. Finally, regulations establish the registration of a full service or restricted animal facility and set the requirements for such facilities.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The statutory authority for this regulation is found in § 54.1-2400 and Chapter 38 of Title 54.1 of the Code of Virginia.

Section 54.1-2400 establishes the general powers and duties of health regulatory boards including the responsibility to establish qualifications for licensure, to set fees and schedules for renewal, to establish requirements for an inactive license and to promulgate regulations, in accordance with the Administrative Process Act, which are reasonable and necessary to effectively 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:

- 1. To establish the qualifications for registration, certification or licensure in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.*
- 2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.*
- 3. To register, certify or license qualified applicants as practitioners of the particular profession or professions regulated by such board.*
- 4. To establish schedules for renewals of registration, certification and licensure.*
- 5. To levy and collect fees for application processing, examination, registration, certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.*
- 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.*
- 7. To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate or license which such board has authority to issue for causes enumerated in applicable law and regulations.*
- 8. To appoint designees from their membership or immediate staff to coordinate with the Intervention Program Committee and to implement, as is necessary, the provisions of*

Chapter 25.1 (§ 54.1-2515 et seq.) of this title. Each health regulatory board shall appoint one such designee.

9. *To take appropriate disciplinary action for violations of applicable law and regulations.*
10. *To appoint a special conference committee, composed of not less than two members of a health regulatory board, to act in accordance with § 9-6.14:11 upon receipt of information that a practitioner of the appropriate board may be subject to disciplinary action. The special conference committee may (i) exonerate the practitioner; (ii) reinstate the practitioner; (iii) place the practitioner on probation with such terms as it may deem appropriate; (iv) reprimand the practitioner; (v) modify a previous order; and (vi) impose a monetary penalty pursuant to § 54.1-2401. The order of the special conference committee shall become final thirty days after service of the order unless a written request to the board for a hearing is received within such time. If service of the decision to a party is accomplished by mail, three days shall be added to the thirty-day period. Upon receiving a timely written request for a hearing, the board or a panel of the board shall then proceed with a hearing as provided in § 9-6.14:12, and the action of the committee shall be vacated. This subdivision shall not be construed to affect the authority or procedures of the Boards of Medicine and Nursing pursuant to §§ 54.1-2919 and 54.1-3010.*
11. *To convene, at their discretion, a panel consisting of at least five board members or, if a quorum of the board is less than five members, consisting of a quorum of the members to conduct formal proceedings pursuant to § 9-6.14:12, decide the case, and issue a final agency case decision. Any decision rendered by majority vote of such panel shall have the same effect as if made by the full board and shall be subject to court review in accordance with the Administrative Process Act. No member who participates in an informal proceeding conducted in accordance with § 9-6.14:11 shall serve on a panel conducting formal proceedings pursuant to § 9-6.14:12 to consider the same matter.*
12. *To issue inactive licenses and certificates and promulgate regulations to carry out such purpose. Such regulations shall include, but not be limited to, the qualifications, renewal fees, and conditions for reactivation of such licenses or certificates.*

Chapter 38 of Title 54.1 sets forth statutory provisions for the licensure and veterinarians and veterinary technicians and the registration of animal facilities, as listed below:

§ 54.1-3800. Practice of veterinary medicine.

Any person shall be regarded as practicing veterinary medicine within the meaning of this chapter who represents himself, directly or indirectly, publicly or privately, as a veterinary doctor or uses any title, words, abbreviation or letters in a manner or under circumstances which may reasonably induce the belief that the person using them is qualified to practice veterinary medicine.

Any person shall be deemed to be practicing veterinary medicine who performs the diagnosis, treatment, correction, change, relief or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; including the performance of surgery or dentistry, the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for embryo transfer, for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above.

§ 54.1-3801. Exceptions.

This chapter shall not apply to (i) 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, or (ii) to 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 Commonwealth, or (iii) to veterinarians employed by the United States or by this Commonwealth while actually engaged in the performance of their official duties.

§ 54.1-3802. Board of Veterinary Medicine; appointment; officers; etc.

The Board of Veterinary Medicine shall consist of seven members as follows: five licensed veterinarians, one licensed veterinary technician and one citizen member. The terms of the members of the Board shall be for four years.

The Board shall annually elect a president, vice-president and secretary.

The Board shall meet at least once annually at such times and places as it may prescribe. Special meetings may be held upon the call of the president and any three members. Four members of the Board shall constitute a quorum.

§ 54.1-3803. Nominations.

Nominations of professional members may be made from a list of at least three names for each vacancy submitted to the Governor by the Virginia Veterinary Medical Association. The Governor may notify such organization of any professional vacancy other than by expiration. In no case shall the Governor be bound to make any appointment from among the nominees.

§ 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.*

§ 54.1-3804.1. (For expiration date - See note) Regulations shall not prohibit certain activities.

No regulation of the Board shall prohibit any veterinarian licensed by the Board from conducting drug testing at animal shows and events or from examining any animal and expressing a professional judgment as to its health at (i) genetic screening clinics where animals are examined for cardiac, ophthalmic and auditory diseases, (ii) agricultural fairs, (iii) 4-H or other youth organization competitions, (iv) livestock auctions, (v) horse races, (vi) fox hunts, (vii) pet adoption events, or (viii) animal shows including, but not limited to, dog shows, cat shows and horse shows.

§ 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.

§ 54.1-3805.1. Temporary licenses for certain graduates; supervision required.

A. The Board may issue a temporary license to an applicant who (i) has received either a degree in veterinary medicine from a college or school of veterinary medicine approved by the Board or has

fulfilled the requirements of the Educational Commission of Foreign Veterinary Graduates (ECFVG) of the American Veterinary Medical Association and (ii) received passing scores on the National Board Examination and Clinical Competency Test and ECFVG certification. The applicant must have accepted an offer of employment from a veterinarian approved by the Board and must have taken or have applied to take the next scheduled Virginia State Board Examination.

B. Holders of temporary licenses may practice only under the direct supervision of an approved veterinarian and may not receive a Controlled Substance Registration Certification number.

The Board may promulgate such regulations as may be necessary to carry out the provisions of this section, including regulations addressing renewal, duration, termination, and fees for temporary licenses.

§ 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.

§ 54.1-3806. Licensed veterinary technicians.

The Board may license veterinary technicians to perform, in the employ of a person licensed to practice veterinary medicine and under his immediate and direct supervision and control, acts relating to maintenance of the health of or treatment of any animal. A person licensed as a veterinary technician may not receive compensation for such acts other than such salary as he may be paid by the employing veterinarian. No person licensed as a veterinary technician may perform surgery, diagnose or prescribe medication for any animal.

§ 54.1-3806.1. Disclosure forms required.

Any animal medical care facility in the Commonwealth, excluding those facilities dealing with livestock, as defined in § 3.1-796.66, which does not provide continuous medical care for all animals left in its charge shall, before taking charge of an animal, provide the client or agent thereof with a disclosure form which specifies the hours and days when continuous medical care is not available at the facility. Such form shall be separate and apart from any other form or information provided by the facility. Except in emergency situations when time or circumstances do not permit, such facilities may take charge of an animal only after the client or agent thereof has signed the disclosure form and returned it to the facility. Only one signed form per client shall be required, and the form shall be kept on file by the facility.

§ 54.1-3807. Refusal to grant and to renew; revocation and suspension of licenses and certificates.

The Board may refuse to grant or to renew, may suspend or revoke any license to practice veterinary medicine or to practice as a veterinary technician if such applicant or holder:

- 1. Is convicted of any felony or of any misdemeanor involving moral turpitude;*
- 2. Employs or permits any person who does not hold a license to practice veterinary medicine or to practice as a licensed veterinary technician to perform work which can lawfully be performed only by a person holding the appropriate license;*
- 3. Willfully violates any provision of this chapter or any regulation of the Board;*
- 4. Has violated any federal or state law relating to controlled substances as defined in Chapter 34 (§ 54.1-3400 et seq.) of this title;*
- 5. Is guilty of unprofessional conduct as defined by regulations of the Board;*
- 6. Uses alcohol or drugs to the extent such use renders him unsafe to practice or suffers from any mental or physical condition rendering him unsafe to practice; or*

7. *Has had his license to practice veterinary medicine or as a veterinary technician in any other state revoked or suspended.*

§ 54.1-3808.

Repealed by Acts 1997, c. 556.

§ 54.1-3809. Penalty.

Any violation of a provision of this chapter shall be a Class 1 misdemeanor. Each day of violation shall constitute a separate offense.

§ 54.1-3810. Report of conviction or injunction to Board.

It shall be the duty of the clerk of the court in which any person is convicted of a violation of this chapter or enjoined from practicing veterinary medicine to report the same to the Board.

§ 54.1-3811. Veterinary professionals rendering services without charge exempt from liability.

Any person licensed by the Board of Veterinary Medicine who, in good faith and without charge or compensation, renders health care services within the limits of his license to any animal, shall not be liable for civil damages for any act or omission resulting from the rendering of such services unless such act or omission was the result of that person's gross negligence or willful misconduct.

§ 54.1-3812. Release of records.

A. A veterinarian licensed by the Board shall release or authorize the release of rabies immunization records and other relevant treatment data of an animal under his care to a requesting physician who is contemplating the administration of the rabies treatment protocol to any person under his care who has been the victim of a bite or traumatic injury to the skin or body from such animal.

B. Any veterinarian licensed by the Board who in good faith releases or authorizes the release of an animal's rabies immunization records and other relevant data pursuant to this section shall not be liable for civil damages resulting from the release of such information.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.

An announcement of the board's review of its regulations governing the practice of veterinary medicine was posted on the Virginia Regulatory Townhall, sent to the Registrar of Regulations, and sent to persons on the Public Participation Guidelines mailing list for the board. Public comment was received from August 1, 2000 until September 1, 2000. During the 30-day comment period, electronic and written comments were received from 84 members of the public.

With several exceptions, most commenters expressed their opinion about the possible expansion of delegable duties in veterinary practice to unlicensed assistants. Comments were divided almost equally between those persons who favored allowing unlicensed persons to perform tasks currently prohibited by law or regulation and those who had concerns that such an expansion would be detrimental to the health and safety of animals under the care of a veterinarian.

The Virginia Veterinary Medical Association also commented on continuing education requirements, specifically the restriction on courses related to clinical practice. The VVMA requested that the Board consider revising regulations to provide greater incentive for licensees to seek non-clinical training in courses related to ethics, law and practice management and to correlate renewal schedules to the calendar year to avoid confusion for licensees.

On September 28, 2000, the Regulatory Committee of the Board held a public meeting to consider comments and begin a review of regulations. Issues related to renewal, veterinary education, veterinary practice and registration of facilities were discussed. To provide further opportunity for public comment on issues such as the delegation of duties and qualifications of licensees, the Board elected to extend the comment period in order to conduct public hearings throughout Virginia.

To that end, the Board sent an announcement of the hearings to all licensees and persons on the public participation mailing lists soliciting their comments on regulations and related issues. Hearings were conducted as follows: October 25, 2000 at the Department of Health Professions in Richmond; November 8, 2000 at VA-MD Regional College of Veterinary Medicine in Blacksburg; November 16, 2000 at Thomas Nelson Community College in Hampton; and November 29, 2000 at Northern Virginia Community College in Sterling.

Comments were received from approximately 54 persons with many more in attendance to support a particular perspective. Again, the majority of the comment was divided between those persons who favored allowing unlicensed persons (veterinary assistants) to perform expanded, invasive tasks and those who had concerns that such an expansion would be detrimental to the health and safety of animals under the care of a veterinarian. Other issues discussed included:

- Veterinarians want to be able to fill prescriptions from other veterinarians; want the Board to amend regulations to permit the selling of drugs to someone without a client/veterinarian relationship.
- Request that continuing education be credited on a biennial or multi-year basis rather than a prescribed number of hours each year. Verification of CE should not be a part of the facility inspection.
- Opposition to publishing names of veterinarians who have been disciplined by the Board in the newsletter.
- Alternative criteria for licensure of veterinary technicians to include: licensure by endorsement, on-site or on-the-job training with in-house certification or distance learning. Allow work experience to qualify someone to sit for the licensure examination or allow a one-time grandfathering without testing.
- Certification program for veterinary assistants to fill gaps in personnel. Assistants would be certified as competent by the veterinarian who provided the training.
- Definition for “economic animal” should be included in regulations.
- Clarification of record-keeping requirement; benchmark in regulation of “last office visit or discharge” doesn’t apply to house-call or farm-call practices.
- Clarification of duties of unlicensed persons working in veterinary practices.
- Regulations reflect random facility inspections, but should detail the procedures for inspections and disciplinary process.

- Question about the need to require that drugs be stored in locked cabinets.
- Request for amendments to permit increased duties for licensed veterinary technicians.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

- 1) Achieve high ratings on the Customer Service Satisfaction Survey for application process and renewal of licensure.

The Board reviewed the responses of recent licensees and registered facilities on the Customer Service Satisfaction Surveys and determined that the application process and renewal of licensure was effective in that instructions for making application are clear and easy to understand and complete. Of those that responded, 97.6% of veterinarians, 92.5% of veterinary technicians and 97.4% of animal facilities agreed or strongly agreed that the instructions were easy to understand. Asked if the application was processed promptly, 94.6% of veterinarians, 86.7% of veterinary technicians, and 97.4% of facilities agreed or strongly agreed. Asked if the forms were easy to complete, 96.4% of veterinarians, 95.6% of veterinary technicians and 97.4% of the animal facilities agreed or strongly agreed. Therefore, no changes in regulations are being considered in the application process. There is, however, a recommendation to clarify the requirements for preceptorships to ensure that persons are not practicing as preceptors until their final year in veterinary school.

- 2) Achieve a reduction in the number of deficiencies noted in facility inspections.

During the regulatory review conducted pursuant to Executive Order 15 (94), the Board clarified and simplified a number of the facility requirements. However, there has not been a reduction in the number of deficiencies because the facility inspection policy of the Department has changed and the number of inspections escalated. Prior to July 1999, inspections were announced to the licensee prior in advance and were not conducted on a regular schedule. On direction from the Director of the Department, the policy was changed to prescribe unannounced inspections to occur for each facility at least once every three years. Due to the unannounced, more frequent inspection policy, the number of deficiencies has actually increased in the past two years but should begin to decline once a regular schedule of inspections has been established. The number of deficiencies has already begun to level off, as licensed facilities are now aware that an inspection could occur at any time, and they are more vigilant about adherence to regulation.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation

of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The major issues facing the Board in the regulation of veterinarians and veterinary technicians and the alternatives to dealing with those issues are discussed below:

1. Alternatives for addressing delegation of duties to unlicensed assistants

Members of the profession are often faced with issues related to the appropriate use of unlicensed assistants in practice. The Code of Virginia (§ 54.1-3807) establishes grounds for disciplinary action if a licensee or applicant permits a person who does not hold a license to practice veterinary medicine or to perform work that can lawfully be done only by a licensed veterinarian or veterinarian technician. Though the Code does define the practice of veterinary medicine (§ 54.1-3800), it is not specific about the duties that may be performed by unlicensed persons. Licensees often have a dilemma about what tasks constitute practice and what tasks may be appropriately delegated.

To address the problem, the Board has interpreted its law and regulation and provided guidance to licensees through its newsletter and board statements adopted in public meetings. The following guidance documents on duties that may be delegated to unlicensed assistants have been listed in the Register of Regulations and are available to anyone who requests a copy:

150-2, Newsletter of June 1997, Acceptable duties for unlicensed assistants

150-3, Board minutes of February 10, 1993, Delegation of dental procedures; inoculations of animals outside approved facilities

150-8, Board minutes of October 8, 1996, Acceptable duties for unlicensed assistants

150-9, Board minutes of May 28, 1997, Acceptable duties for equine dentists; acceptable duties for unlicensed assistants

150-10, Listing of acceptable duties for unlicensed assistants, updated November 1997

150-13, Newsletter of June 29, 1999, Special edition, Acceptable for unlicensed person to draw blood in veterinary facility

While guidance documents are helpful in disseminating information, they are not enforceable as regulation. In addition, questions have continued to be raised about whether unlicensed assistants could administer injections. Though there continue to be different legal opinions about whether language in the Drug Control Act permits unlicensed persons to possess and administer controlled substances, the Board at its February 2001 meeting offered an interpretation as follows:

The Board of Veterinary Medicine, having heard extensive arguments on the issue over the years, interprets, as of December 5, 2000, that a properly licensed veterinarian may cause drugs, excluding Schedule II through V, to be administered (including via injection) by a properly trained assistant under the veterinarian's direction and supervision. This Board further believes it is the specific duty, and responsibility, of the prescribing veterinarian to determine that the assistant delegated to has adequate training to administer the drug in the manner prescribed.

Rabies inoculations, as specifically provided in § 3.1-796.97:1, are excluded from the above interpretation.

While this current interpretation of whether drugs can be administered by unlicensed persons has temporarily resolved some of the uncertainty about which duties that may be delegated, the Board intends to review other regulations within the Department of Health Professions to determine how other professions address the issue of delegation of duties to unlicensed persons. If possible, the Board intends to set guidance for such delegation in regulation either by establishing the framework and criteria for appropriate delegation (as in Nursing) or setting out certain duties that may only be performed by licensees (as in Dentistry).

2. Alternatives for addressing shortage of veterinary technicians

The real or perceived shortage of technicians has fueled the drive to increase the responsibilities of unlicensed assistants. Another alternative is to increase the number of licensed vet techs, but there are a number of factors that impact that effort. Low pay and inaccessibility of educational courses are factors often cited in a discussion of the shortage of technicians. From a regulatory perspective, the Board is not able to address most of those issues, but it will consider alternative methods for licensure as a partial solution. Years of practice as a veterinary assistant, along with a recommendation from a veterinarian who can attest to your skills, may be one alternative to the educational requirement for licensure. Other suggested alternatives include on-the-job training with in-house certification, increased distance learning opportunities, and “grandfathering” those with experience without testing. The Board will consider any alternatives to the shortage of technicians that will continue to assure the public of safety in the veterinary care of animals.

3. Alternatives for addressing other issues

- Issues such as the renewal schedule and the content of continuing education requirements may be addressed in amendments to regulation, but a change that would allow hours to be carried over or accumulated over several years would necessitate introduction of legislation to change the statute which presently requires a certain number of CE hours annually.
- Requests to permit veterinarians to fill prescriptions written by other veterinarians would also require a change to the Drug Control Act in the Code of Virginia.
- Currently, a single facility may contain several separate animal practices, so certain terminology may need to be amended to clarify that each practice is to be licensed by the Board. Likewise, rules on recordkeeping may be amended to be appropriate to practices that are not small animal hospitals and to accommodate the care of litters collectively.
- Other issues, such as performance of surgery, preceptorships, requirements for the surgery suite and recognition of accrediting bodies may be addressed and clarified by amending regulations.

Recommendation

Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.

The Board of Veterinary Medicine is recommending that 18 VAC 150-20-10 et seq. be amended to address issues that have arisen during the periodic review of regulations, to update facility requirements, and to clarify certain provisions that have been confusing or problematic to licensees and applicants.

Substance

Please detail any changes that would be implemented.

18 VAC 150-20-10. Definitions.

- Modify definition of animal facility to specify that separate practices with different purposes are not permitted to work out of one facility under one veterinary practice permit.
- Address the need to clarify the definition of preceptorship in a veterinary technology program.
- Amend definition of veterinarian in charge to clarify his responsibilities for a veterinary practice and the stock of drugs contained therein.
- Consider revision to the definition of surgery to clarify what acts are accepted for veterinary technicians and what is restricted to veterinarians.
- Consider definition for economic animal.

18 VAC 150-20-70. Licensure renewal requirements.

- Consider revision to a different schedule of renewal based on either an academic or a calendar year rather than the arbitrary date of March 1.
- Consider revision of continuing education requirements that would allow course related to ethics or practice management.

18 VAC 150-20-75. Expired license; reinstatement; practice with an expired or lapsed license not permitted.

- Amend rule to be more specific about the documentation of clinical competency required for reinstatement to include hours of continuing education and other evidence of clinical practice or competency to practice.

18 VAC 150-20-100. Fees.

- During the promulgation of amendments to fees for other boards within the Department of Health Professions, principles were established to provide more consistency across boards for similar fees (such as returned check fee) and a rationale for setting of fees relative to the basic renewal fee for each profession. For example, the fees for a duplicate license or wall certificate would be reduced, but the late fee for renewal of a veterinarian license would be increased.

18 VAC 150-20-110. Requirements for licensure by examination as a veterinarian.

- Amend the rule on recognition of foreign veterinary education to include other substantially equivalent credentialing bodies in addition to the Educational Commission of Foreign Veterinary Graduates of the AVMA.
- Replace the name of the licensure examination with the current name and include recognition of any other substantially equivalent examination as approved by the board.

18 VAC 150-20-115. Requirements for licensure by examination as a veterinary technician.

- Consider alternative pathway to qualifying a person for licensure by examination other than graduation from an accredited educational program, such as grand-fathering those who have been in practice or establishing some experience equivalency to education.

18 VAC 150-20-120. Requirements for licensure by endorsement as a veterinarian.

- Provide for amendments similar to those in section 110 for recognition of credentialing bodies and examinations that are substantially equivalent to those specifically recognized in regulation.

18 VAC 150-20-130. Requirements for practical training in a preceptorship.

- Amend the provisions of preceptorship to clarify misperceptions about what a preceptor is or is not permitted to do.

18 VAC 150-20-140. Unprofessional conduct.

- Address in this section or in a new section of the regulation the issue of delegation of certain duties to unlicensed persons by either a listing of delegable duties, rules on the process for and restrictions on delegation, or more specificity on the unprofessional conduct of allowing such persons to perform restricted acts.
- Add a provision to address the refusal of a veterinarians to release prescriptions upon request from the client.

18 VAC 150-20-180. Requirements to be registered as an animal facility.

- Clarify that the veterinary practice rather than the facility in which it resides is the entity that must be registered.
- Amend subsection on the veterinarian-in-charge to specify his responsibilities including that he must regularly engage in the veterinary practice for which he is named VIC.
- Compare and establish duties for the VIC similar to those set forth in regulations for pharmacy practices for the pharmacist-in-charge, such as a requirement that a new application be filed with the Board immediately prior to a change in the VIC (current language requires filing 10 days in advance)

18 VAC 150-20-185. Renewal of animal facility permits.

- Consider revision to a calendar year renewal rather than March 1 of each year.

18 VAC 150-20-190. Requirements for drug storage, dispensing, destruction, and records for all facilities, full service and restricted.

- Consider revisions to the requirement for a biennial inventory to ensure compliance with federal and state laws.

18 VAC 150-20-195. Recordkeeping.

- Consider amendments to permit record-keeping on a group of animals in the same litter up to the age of 4 months.

18 VAC 150-20-200. Standards for facilities.

- Consider amendments to specify that there must be a door to the surgery room rather than just a partition or opening.
- Amend to update and clarify certain other requirements, such as the requirement for a gas anesthesia machine.
- Consider deletion of requirement for otoscope and ophthalmoscope since not every practice needs these instruments.

18 VAC 150-20-210. Revocation or suspension of registration certificate.

- Clarify that the grounds for disciplinary action may include any violation of statute or regulation related to the practice of veterinary medicine.
- Specify disciplinary actions other than revocation or suspension that may be taken, such as a fine, probation or reprimand.

Family Impact Statement

Please provide a preliminary analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which 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.

In its preliminary analysis of the proposed regulatory action, the agency has determined that there is no potential impact on the institution of the family and family stability and no effect on family income.