



Virginia  
Regulatory  
Town Hall

[townhall.virginia.gov](http://townhall.virginia.gov)

## Fast Track Proposed Regulation Agency Background Document

|  |  |
|--|--|
| <b>Agency name</b>                                 | Board of Veterinary Medicine, Department of Health Professions |
| <b>Virginia Administrative Code (VAC) citation</b> | 18VAC150-20-10 et seq.   |
| <b>Regulation title</b>                            | Regulations Governing the Practice of Veterinary Medicine      |
| <b>Action title</b>                                | Required continuing education for veterinary technicians       |
| <b>Date this document prepared</b>                 | 6/12/14  |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.*

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.*

None

### Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On June 11, 2014, the Board of Veterinary Medicine amended section 70 of 18VAC150-20-10 et seq., Regulations Governing the Practice of Veterinary Medicine.

**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. Detail 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.

**Rationale for using fast track process**

*Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?*

The amendment is very straightforward and was overwhelmingly supported by 56 veterinary technicians who commented on the petition for rulemaking. Therefore, the Board does not expect the rulemaking to be controversial and has adopted the proposed change by a fast-track action.

**Substance**

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.) Please be sure to define any acronyms.*

An amendment to section 70 B is as follows: 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~~ eight hours, of approved continuing education for each annual renewal of licensure.

**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 that veterinary technicians may receive additional education and training that will increase their competency in providing care to animals. There are no disadvantages.
- 2) There are no advantages or disadvantages to the agency or the Commonwealth.
- 3) There are no other pertinent matters of interest.

**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 requirements in this proposal more restrictive than 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.

**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 regulatory methods that will accomplish the objectives of applicable law.

**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. Please keep in mind that we are looking at the impact of the proposed changes to the status quo.*

|  |   |
|--|---|
| <p><b>Description of the individuals, businesses or other entities likely to be affected (positively or negatively) by this regulatory proposal.</b> Think broadly, e.g., these entities may or may not be regulated by this board</p> | <p>The entities likely to be affected would be veterinary technicians.</p>                                |
| <p><b>Agency’s best estimate of the number of (1) entities that will be affected, including (2) small</b></p>  | <p>There are 1766 veterinary technicians with current licenses in Virginia. Since they work under the</p> |

|  |   |
|--|---|
| <p><b>businesses affected.</b> Small business means a business, including affiliates, that is independently owned and operated, employs fewer than 500 full-time employees, or has gross annual sales of less than \$6 million.</p>  | <p>supervision of licensed veterinarians, they would not be small businesses but the practices in which they work would likely constitute a small business.</p>   |
| <p><b>Benefits expected as a result of this regulatory proposal.</b></p>   |   |
| <p><b>Projected cost to the <u>state</u> to implement and enforce this regulatory proposal.</b></p>  | <p>There are no costs to the state.</p>   |
| <p><b>Projected cost to <u>localities</u> to implement and enforce this regulatory proposal.</b></p>   | <p>There are no costs to localities.</p>  |
| <p><b>All projected costs of this regulatory proposal for affected individuals, businesses, or other entities.</b> Please be specific and include all costs, including projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses, and costs related to real estate development.</p> | <p>According to veterinary technicians, there are numerous opportunities for continuing education at no cost or low cost through the Va. Association of Licensed Veterinary Technicians, referral hospitals and pet health companies that offer online CE.</p> <p>Among many examples is Abbott: <a href="http://www.abbottanimalhealthce.com/">http://www.abbottanimalhealthce.com/</a>, there are 26 modules on topics ranging from fluid therapy basics to diabetes management. The modules are free, and each module is approved for one hour of credit.</p> <p>Another example is Idexx Laboratories which offers numerous webinars and online courses approved for veterinarian and veterinary technician continuing education.</p> |

**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 | WA – 30 hours/year    |
| KY – 6 hours/year       | WV – 8 hours/year     |
| NC – 12 hours/2 years   | WI – 15 hours/2 years |
| TN – 12 hours/year      | PA – 16 hours/2 years |
| NY – 24 hours/36 months | SC – 10 hours/2 years |
| OR – 15 hours/24 months | 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.

**Family impact**

*Please assess the impact of the proposed 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. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.*

| <b>Current section number</b> | <b>Current requirement</b>   | <b>Proposed change, intent, rationale, and likely impact of proposed requirements</b>   |
|-------------------------------|--|---|
| 70                            | Sets out requirements for continuing education for renewal of licensure. | <p>Subsection B is amended:<br/>                     Veterinarians shall be required to have completed a minimum of 15 hours, and veterinary technicians shall be required to have completed a minimum of <del>six</del> <u>eight</u> hours, of approved continuing education for each annual renewal of licensure.</p> <p><i>As commenters to the petition noted, advances in modern medicine and techniques cannot be adequately covered in just six hours of CE per year. Veterinary technicians often deal with a variety of medical issues for multiple species, so more hours should improve their ability to provide quality patient care. The increase in continuing education hours should not have a major impact on licensees since so much is available on-line at no cost.</i></p> |