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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

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| Agency name | Board of Veterinary Medicine, Department of Health Professions |
| Virginia Administrative Code (VAC) Chapter citation(s) | 18VAC150-20 |
| VAC Chapter title(s) | Regulations Governing the Practice of Veterinary Medicine |
| Action title | Implementation of 2022 periodic review changes |
| Date this document prepared | October 13, 2022 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

Following its 2022 periodic review, the Board identified multiple areas that it will consider for amendments. Those include:

- Deletion of unused definitions and revision of needed definitions;
- Revision of license posting requirements to be more permissive;
- Revision of continuing education requirements to remove outdated provisions, edit language for clarity, and remove provisions redundant to the Code;
- Reorganization of inactive license requirements and reactivation requirements;
- Expansion of availability of licensure by endorsement for all license types, removal of redundant and unnecessary provisions;
- Simplification of requirements for faculty licensure and intern/resident licensure;
- Removal or revision of unprofessional conduct provisions which conflict with other law;

- Coordination of requirements for veterinary establishment registration, including combination of provisions previously in other portions of the Chapter;
- Revision and clarification of requirements for prescribing opioids;
- Revision of veterinary establishment provisions to clarify establishment requirements, clarify defined terms, and improve drug safety and security of establishments;
- Removal of information redundant to statute regarding sale or closure of veterinary practice; and
- Revision and simplification of requirements regarding equine dental technicians.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

N/A

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus for this regulatory action is the implementation of recommendations from the Board's periodic review of its regulations.

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 and 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 of the Board of Veterinary Medicine are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Virginia Code § 54.1-2400(6) specifically states that the general powers and duties of health regulatory boards shall be "[t]o 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."

Virginia Code § 54.1-3804 lists the specific powers of the Board to establish requirements for licensure of individuals practicing under the chapter and registration of veterinary establishments. Virginia Code § 54.1-3813 allows the Board to register equine dental technicians who meet certain criteria.

Purpose

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

The amendments being considered are necessary to protect public health and safety by ensuring that veterinarians, veterinary technicians, veterinary establishments, and equine dental technicians are working under conditions that allow for safe practice and by removing any barriers to practice that are not essential to the protection of the public.

Substance

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

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- Revision of license posting requirements to be more permissive;
- Revision of continuing education requirements to remove outdated provisions, edit language for clarity, and remove provisions redundant to the Code;
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- Removal or revision of unprofessional conduct provisions which conflict with other law;
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- Removal of information redundant to statute regarding sale or closure of veterinary practice; and
- Revision and simplification of requirements regarding equine dental technicians.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.

Licenses for veterinarians and veterinary technicians, registrations of veterinary establishments, and registrations for equine dental technicians are mandated by Chapter 38 of Title 54.1 of the Code of Virginia. In addition, regulatory action is required to change existing regulations. There are no alternatives to regulation.

Periodic Review and

Small Business Impact Review Announcement

This NOIRA is not being used to announce a periodic review or a small business impact review.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Board of Veterinary Medicine is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Erin Barrett, Agency Regulatory Coordinator, 9960 Mayland Drive, Henrico, VA 23233 or erin.barrett@dhp.virginia.gov or by fax to (804) 915-0382. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.