

NOTICE OF INTENT

Department of Agriculture and Forestry Board of Veterinary Medicine

Veterinarians (LAC 46:LXXXV.Chapters 1-15)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board ("Board") of Veterinary Medicine has amended LAC 46:LXXXV. Chapters 1-15, regarding the licensure of veterinarians and registered veterinary technicians in the State of Louisiana. Chapter 3 of the rules amends section 303.B.4.b. to afford the Board greater discretion in determining when a licensed veterinarian applying for a Louisiana license has been a practicing veterinarian in the five year period preceding the date of application for Louisiana licensure when the passing of the national examination (NAVLE) is older than five years. Chapter 8 rewrites and renumbers the rules concerning the licensure of registered veterinary technicians. It deletes the requirement that applicants for a certificate of approval take and pass a state practical examination, adds a requirement that an applicant for a certificate of approval take and pass a state board examination, and provides for a process of the waiver of the retaking of the national examination (VTNE) where the passing score occurred more than three years before the application for a certificate of approval. This Rule is adopted on the date of promulgation.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXXXV. Veterinarians

Chapter 3. Licensure Provisions

§303. Examinations

A.-B.4.a. . . .

~~b. has been employed as a licensed veterinarian in a full time private practice or its equivalent as determined by a majority vote of the board for the five years immediately preceding his application. Full time shall be defined as a minimum of 32 hours worked per week.~~

b. has worked as a licensed veterinarian an average of 32 hours per week in a private practice or its equivalent continuously and without substantial interruption for a period of five years immediately preceding his application.

5.-E.6. . . .

Chapter 8. Registered Veterinary Technicians

§803. Examinations

A. . . .

B. A state board examination shall be required of all applicants for licensure as a registered veterinary technician in Louisiana. No person shall obtain any certificate to practice as a registered veterinary technician without successfully passing the Louisiana state board examination. No waivers of the state

board examination shall be granted.

- ~~BC~~. A passing score on the VTNE shall be deemed to be the pass point as determined by the examining agency contracted with by the board for the formulation, administration and/or grading of the VTNE.
- D. The state board examination shall consist of no fewer than 25 questions taken from the veterinary practice act statutes and rules promulgated by the board.
- ~~CE~~. A passing score on the state ~~practical~~ board examination for veterinary technicians shall be deemed to be the correct answering of at least 70 percent of the questions on the state examination.
- ~~DF~~. The administration of the VTNE shall be in accordance with rules, practices, policies or procedures prescribed by the AAVSB or by any person or persons with whom the AAVSB may have contracted to administer said exam. The VTNE may be administered by members of the Louisiana Board of Veterinary Medicine or any of the agents, employees, or designees of the board.
- ~~EG~~. The state ~~practical~~ board examination for veterinary technicians may be prepared, administered, and graded by the members of the Louisiana Board of Veterinary Medicine or may be prepared, administered, and/or graded, in whole or in part, by any person, firm corporation, or other entity selected, requested, or designated to do so by the Louisiana Board of Veterinary Medicine.
- ~~FH~~. In order to receive a certificate to practice as a registered veterinary technician in the state of Louisiana, an applicant must pass both the VTNE and the state ~~practical~~ board examination.
- ~~GI~~. A passing score on either required examination will be given effect for a period of three years. Should an applicant pass one of the required examinations but fail to pass the other required examination for a period of three years, such applicant will thereafter be required to pass both examinations notwithstanding such applicant's previous passing of one of the required examinations.
- J. The requirement for taking the national examination (VTNE) may be waived when an applicant:
- a. holds a current valid license or certificate in good standing as a registered or certified veterinary technician in another state, district, or territory of the United States; and
 - b. has been employed as a registered or certified veterinary technician an average of 32 hours per week in a private practice or its equivalent continuously and without substantial interruption for a period of three years immediately preceding his application.
- ~~HK~~. An applicant for certification may only sit for the national examination a maximum of five times. Thereafter, the applicant will no longer be eligible for certification in Louisiana and any application will be rejected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), amended LR 20:1380 (December 1994). LR 40:309 (February 2014).

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis and Impact Statement

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service;
or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested parties may submit written comments to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to director@lsbvm.org or via hand delivery. Comments will be accepted until 3:00 p.m. on Tuesday, May 10, 2022. All written comments must be dated and include full name and original signature of the person submitting the comments.

Public Hearing

Interested parties may submit a written request to conduct a public hearing to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to director@lsbvm.org or via hand delivery; however, such request must be received by no later than 3:00 p.m. on Tuesday, May 10, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 9:30 a.m. on Thursday, May 26, 2022 at 5825 Florida Blvd, Baton Rouge, LA 70806. To confirm whether or not a public hearing will be held, interested parties should email Jared B. Granier at director@lsbvm.org on or after May 12, 2022. If a public hearing is to be held, all interested parties are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in front of the Department of Agriculture and Forestry Building at 5825 Florida Blvd, Baton Rouge, LA 70806.

Jared B. Granier
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: LAC 46:LXXXV.303.803

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no costs or savings to state or local governmental units, except for those associated with publishing the rule amendment (estimated at \$750 in FY 2022). The rule amendment allows greater board discretion regarding the licensure of veterinarians (DVM) and registered veterinary technicians (RVT). All current licensees and potential applicants for licensure will be informed of this rule amendment via the board's regular newsletter, the board's website, and by email which results in minimal costs to the board.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The rule amendment is anticipated to increase revenue by \$2,360 as a result of applicants for RVT licensure paying a \$40 fee associated with taking the required state board examination. The increase in revenues estimate assumes 59 RVT applications are submitted for the state board examination (59 applicants x \$40 fee).

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The rule amendment affords the board greater discretion when reviewing applicants for DVM licensure for waiver of the national examination re-take requirement for applicants with scores older than five years. Applicants for DVM licensure who choose to petition for the waiver of the national examination re-take requirement for scores older than five years could potentially receive a more favorable determination from a less restrictive rule for waiver eligibility status, thus having a potentially positive effect on the timeframe for license issuance.

The rule amendment regarding the RVT's national examination waiver will improve the board's discretionary review of applicants for RVT licensure whose national examination scores older than three years. Currently, there is a possible waiver. Applicants for RVT licensure who choose to petition for the waiver of the national examination re-take requirement for expired scores could potentially receive a more favorable determination of waiver eligibility status, thus having a potentially positive effect on the timeframe for license issuance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The number of licensed DVMs and RVTs is anticipated to increase as a result of the rule amendment.