PROSPECTIVE ANALYSIS

BOARD OF VETERINARY MEDICINE

IDAPA 24.38.01

RULE 100 SERIES

<u>**Proposed Rule**</u>: The proposed rule series can be found here: <u>https://dopl.idaho.gov/wp-content/uploads/2024/01/VET-IDAPA-</u>24.38.01-Proposed-Redline.pdf

Current Rule: Same essential elements as proposed rule.

Legal Authority: Idaho Code § 54-2105(8) – discretionary

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The unlicensed practice of veterinary medicine poses a significant risk of public harm.

What evidence is there that the rule, as proposed, will solve the problem?

The rule series provides regulations for the licensing of veterinarians, veterinarian technicians, euthanasia technicians, and other veterinary medical professionals.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	N/A

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	 AK governs licensing standards by rule. To receive a license, veterinarians must be a graduate of an accredited veterinarian school or successfully complete the Educational Commission for Foreign Veterinary Graduates certification; provide letters of reference; pass ICVA's North American Veterinary License Examination; and pass a state-specific written examination. The state-specific exam applies to both applicants for licensure by examination and by credential. Veterinarians licensed in other states may also receive a 60-day temporary permit to practice in AK or may receive a courtesy license to practice for a specific event only. Veterinary students may receive a limited permit to practice under the supervision of a licensed veterinarian. To receive a license, veterinary technicians must graduate from an approved vet-tech program; submit letters of reference; and must AAVSB's Veterinary Technician National Examination. Licenses renew on a biennial basis with a 30-hour CE requirement for veterinarians and a 10-hour CE requirement for techs. Veterinarian licenses lapsed for 60 days or less may be reinstated with a completed renewal application. Licenses lapsed for more than 60 days but less than 2 years may be reinstated with the additional payment of a penalty fee. Licenses lapsed for more than 2 years but less than 5 must file an application for reinstatement with the penalty fee. Licenses lapsed for more than 5 years cannot be renewed or reinstated. https://www.commerce.alaska.gov/web/portals/5/pub/VeterinaryStatutes.pdf 	N/A
Montana	MT governs licensing requirements by rule and statute. All applicants for a veterinary license must graduate from an accredited school of veterinary medicine or one approved by AVMA; pass ICVA's North American Veterinary License Examination; pass an open-book state jurisprudence exam; and provide reference letters. Foreign graduates can substitute the ECFVG	N/A

	or PAVE for the education requirement. Veterinarians licensed in other states can also obtain a temporary permit. Veterinarian licenses renew biennially with a 20-hour CE requirement. To license as a veterinary technician, applicants must either graduate from an AVMA accredited program or complete 4500 hours of on the job training under the supervision of a licensed veterinarian; pass the Veterinary Technician National Exam; and pass the state jurisprudence exam. MT also certifies embryo transfer technicians and euthanasia technicians. <u>https://rules.mt.gov/gateway/ChapterHome.asp?Chapter=24%2E225</u> <u>https://leg.mt.gov/bills/mca/title_0370/chapter_0180/part_0030/sections_index.html</u>	
Nevada	NV governs licensing by rule and statute. Applicants for a veterinarian license must graduate from an accredited school of veterinary medicine approved by AVMA; pass the ICVA's North American Veterinary License Examination; and pass an open-book and online state jurisprudence exam. Foreign graduates can substitute the ECFVG or PAVE for the education requirement. Veterinarians licensed in adjoining states may practice veterinary medicine in underserved communities adjacent to their state without a NV license. Veterinarians licensed in other states can also obtain a temporary license to practice in NV, but such licenses are only valid for 10 consecutive calendar days. Veterinary technicians must pass the Veterinary Technician National Examination; and either graduate from a program accredited by the AVMA or complete a bachelor degree or complete the state's accelerated program. Euthanasia technicians are separately licensed. Licenses renew annually with a 20-hour CE requirement for veterinarians and a 10-hour CE requirement for veterinary technicians. <u>https://www.leg.state.nv.us/nrs/NRS-638.html</u> <u>https://www.leg.state.nv.us/nrs/NRS-638.html</u>	N/A

Oregon	OR governs licensure by statute, supplemented by rule. Applicants for a veterinary license must either graduate from an accredited school of veterinary medicine or, if a foreign graduate, complete the ECFVG; pass the NAVLE; and pass with a 100 percent score OR's state-specific, open-book jurisprudence exam. To be certified, veterinary technicians must also complete an education program, pass the jurisprudence exam, and pass the Veterinary Technician National Examination. OR separately certifies euthanasia technicians. Veterinary licenses renew biennially with a 30-hour CE requirement. <u>https://www.oregonlegislature.gov/bills_laws/ors/ors686.html</u> <u>https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID_OARD=EU- Y40vPZVvi9HJ_45SV8vYGnxrACaX1swV0Rsas6Vb- EOpb4tHS!739320507?selectedDivision=4111</u>	N/A
South Dakota	SD governs licensure by statute, supplemented by rule. Applications must be signed by the dean of an accredited school of veterinary medicine verifying graduation. If a graduate of a foreign veterinary school, the applicant must submit an ECFVG or PAVE certificate. In addition, all applicants must pass the NAVLE and pass SD's state-specific jurisprudence exam with at least a 90 percent. Veterinarians licensed in other states must also furnish proof that their license is in good standing. Applicants for licensure as veterinary technicians must have graduated high school (or its equivalent); completed an accredited course of study with a certificate signed by the director of that program; have passed the Veterinary Technician National Exam. The request to register the veterinary technician must be filed by a licensed veterinarian. Licenses renew biennially with a 32-hour CE requirement for veterinarians and a 12-hour CE requirement for veterinary technicians. <u>https://sdlegislature.gov/Statutes/Codified_Laws/2060135</u> <u>https://sdlegislature.gov/Rules/Administrative/10828</u>	N/A

Utah	UT governs licensure by statute and rule. Applicants must pass the NVALE; graduate from a veterinary college accredited by the AVMA or obtain an ECFVG certificate; and complete a sixmonth internship in veterinary medicine. Temporary licenses may be issued while exam results are pending.	N/A
	Veterinary technicians are not required to be licensed but may be voluntarily certified. To be certified, applicants must graduate from a veterinary technician or veterinary nurse program and must complete 6,000 hours of paid on-the-job training by a licensed veterinarian.	
	Licenses renew on a biennial basis with a 24-hour CE requirement.	
	https://le.utah.gov/xcode/Title58/Chapter28/58-28-P3.html https://adminrules.utah.gov/public/rule/R156-28/Current%20Rules?	
Washington	WA governs licensing by statute and rule. Applicants must pass the NAVLE; graduate from an AVMA accredited school of veterinary medicine; and pass a state-specific jurisprudence exam. Temporary licenses are available pending NAVLE exam results, so long as the applicant has not previously failed the test; temporary licensees must be employed by veterinarians licensed in WA. WA also allows for reciprocal admission to out-of-state veterinarians who have practiced continuously for at least two years.	N/A
	Veterinary technicians must have passed a test and graduated from a course of study approved by the WA Board of Veterinary Medicine.	
	Veterinary licenses renew annually on the practitioner's birthday with a biennial 30-hour CE requirement.	
	https://app.leg.wa.gov/rcw/default.aspx?cite=18.92&full=true https://app.leg.wa.gov/WAC/default.aspx?cite=246-933&full=true#246-933-220	
Wyoming	WY governs licensure by rule. Applicants must pass the NAVLE; graduate from an AVMA accredited school of veterinary medicine; and pass a state-specific, open-book jurisprudence	N/A

exam. Temporary permits of 30 days may be issued pending results of the national exam. If the applicant fails the national exam, the license expires. Temporary permit holders must practice under the supervision of a licensed veterinarian. WY also allows licensure by endorsement to out-of-state veterinarians in good standing who have practiced for at least five years.
Veterinary licenses renew annually with a biennial 24-hour CE requirement, including three hours related to responsibly prescribing controlled substances. Lapsed licenses may be renewed within 60 days with a completed renewal application and payment of a late fee. Licenses lapsed for up to five years may be reinstated with the completion of the renewal application, payment of the late fee, and payment of all delinquent renewal fees. After five years, the lapsed licensee must reapply for licensure.
https://rules.wyo.gov/Search.aspx?Agency=251 (Chapters 8 and 13).

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A. The proposed rule is not more restrictive.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or	None anticipated.
federal fund	
Impact to Idaho businesses, with special consideration for small	None anticipated.
businesses	
Impact to any local government in Idaho	None anticipated.

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RULE 200 SERIES

<u>**Proposed Rule**</u>: The proposed rule series can be found here: <u>https://dopl.idaho.gov/wp-content/uploads/2024/01/VET-IDAPA-</u>24.38.01-Proposed-Redline.pdf

Current Rule: Same essential elements as proposed rule.

Legal Authority: Idaho Code § 54-2105(8) – discretionary

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The practice standards regulating the profession of veterinary medicine must be defined and this cannot be accomplished through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

These practice standards regulate the profession of veterinary medicine in a way that allows for innovation in the field without sacrificing public safety

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	N/A

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	 AK governs standards of practice by rule. Veterinarians are to render services, assist in conserving livestock, and assist in relieving suffering animals by exercising the degree of care, skill, and diligence ordinarily used in the same or similar circumstances by the average veterinarian in the community. Intentionally or negligently engaging in, or permitting a supervisee to engage in, animal care that does not conform to these minimum professional standards is grounds for discipline, regardless of whether the animal was injured. Veterinarians must avoid conflicts of interest and maintain client confidentiality. All false and misleading advertising is prohibited. Veterinarians are allowed to dispose of unclaimed animals by sale, placement, or humane euthanasia. Veterinarians acting under temporary, courtesy, or student licenses and permits must be supervised by a licensed veterinarian. Veterinary technicians must also be supervised by a license veterinarian. https://www.commerce.alaska.gov/web/portals/5/pub/VeterinaryStatutes.pdf 	N/A
Montana	MT governs practice standards by rule. Veterinarians and technicians must provide for the care of animals in a competent and humane manner consistent with the prevailing standards of practice. Veterinarians may work with support personnel. Such personnel must work under the supervision of a MT-licensed veterinarian. Only the veterinarian can diagnose, initiate treatment, perform surgery, or prescribe medicine. Support personnel may administer anesthesia, but only when the licensed veterinarian is physically present; they also may render emergency aid. The supervising veterinarian is responsible for determining the competency of support personnel and failure to adequately supervise is unprofessional conduct.	N/A

	Under immediate supervision, veterinary technicians may place PEG tubes, place catheters, and float equine teeth. All other equine dental operations must be performed by a licensed veterinarian. Under direct supervision, technicians may induce general anesthesia, perform non-emergency endotracheal intubation, clean teeth, collect blood, place tubes, apply casts and slings, aspirate fluids, and suture wounds. Under indirect supervision, technicians may administer controlled substances, perform x-rays and ultrasounds, collect urine, monitor heart rates and oxygen levels, apply splints to temporarily immobilize injuries, and other therapies. Embryo transfer technicians may perform nonsurgical embryo transfers from a donor bovine to a surrogate mother bovine. They must keep written records of each donor insemination, donor collection, embryos recovered, embryos sold or acquired, and drugs administered. ETTs may only possess and administer local anesthetics, antibiotics, and hormones used in reproductive work. Practice outside of the scope of nonsurgical embryo transfer, or incompetent practice which creates an unreasonable risk of harm to the animals, failure to maintain records, failure to adequately supervise auxiliary personnel, or cruel and inhumane treatment of animals are unprofessional conduct.	
Nevada	NV governs practice standards by rule and has adopted the AVMA's 2003 Principles of Veterinary Medical Ethics and the NAVTA Veterinary Technician Code of Ethics as its standard for professional conduct of veterinarians and technicians, respectively. Conduct which falls below the local standard of care and which results in injury to the animal is malpractice. A veterinarian, once having undertaken the care of an animal, may not neglect that care and must not "willfully commit any inhumane or cruel act on any animal." Veterinarians are required to keep true and accurate records. They may retain possession of animals until all	N/A

	 money owed for the animal's care has been paid, and they may dispose of unclaimed animals in a humane manner. Only licensed veterinarians may perform surgery, diagnose animal diseases, dispense drugs, or any other activity which requires the specialized skill, training, and knowledge of a veterinarian. Under immediate supervision, veterinary technicians may apply casts or splints to immobilize fractures; remove diseased teeth; assist in surgery; euthanize animals; aspirate fluids; and suture wounds. Under direct supervision, technicians may induce anesthesia; administer blood; express internal anal glands; collect urine samples and perform dental prophylaxis, intubations, ultrasounds, and physical therapy. Under indirect supervision, technicians may administer enemas and EKGs; apply bandages and catheters; introduce stomach tubes; flush ears; collect laboratory specimens; express external anal glands; monitor vital signs; and implant identification chips. Acting under the immediate supervision of a licensed veterinarian or veterinary technician, other assistants may assist in surgery or monitoring anesthesia; apply bandages; or collect tissues and lab specimens. Under direct supervision, they may administer blood with preplaced catheters; monitor vital signs and take readings of temperature, pulse, and weight; clean animal ears; introduce food through preplaced feeding tubes; and administer EKGs and radiographs. Under indirect supervision, they may administer oral and topical medications, collect urine and feces, and express external anal glands. 	
Oregon	OR governs the minimum standards of practice by rule. Veterinary medicine is defined as performing diagnoses, treatments, or prognoses on an animal; prescribing or administering drugs and medications; inducing anesthesia; performing surgical or dental operations; or performing embryo transfers. To establish a veterinarian-client-patient relationship, veterinarians must perform a physical exam, documenting temperature, weight, condition, diagnostic assessments, prognosis, and intended treatments, etc. Surgeries may only be performed in clean, well-lit, and sanitary rooms. Veterinarians must use appropriate and humane methods of anesthesia to minimize pain and distress during procedures. They must maintain a library of reference materials, have access to a laboratory (whether onsite or offsite),	N/A

	and must be readily available or otherwise arrange for emergency coverage. Dentistry, including the application of an instrument or device to an animal's tooth, gum, or related tissue for the prevention, cure, or relief of wounds, diseases, or other conditions, may be performed by licensed veterinarians. Euthanasia may only be performed with documented consent. OR also provides for veterinary telemedicine. Telemedicine may only be provided when it is possible to make a diagnosis and create a treatment plan without a new physical exam or with existing clients when a physical exam has already been performed. Veterinarians may not substitute telemedicine for a physical exam when such an exam is warranted. Veterinary facilities must have adequate heating and cooling for animal comfort and sufficient ventilation to prevent mildew; sufficient lighting; potable water; waste disposal and storage equipment to minimize insect and vermin infestation; housing areas for the animals; examination and surgery tables with impervious surfaces; and conspicuously displayed licenses. Under the supervision of a licensed veterinarian, certified veterinary technicians may complete admission records; prepare patients, instruments, and equipment for surgery; collect laboratory specimens; apply and remove wound dressings, casts, and splints; assist the veterinarian in diagnostic, medical, and surgical proceedings; and other similar treatments. Technicians may not make diagnoses, prescribe treatments, perform surgeries, or sign rabies vaccinations. Noncertified veterinary technicians may also assist under the supervision of a licensed veterinarian, erray equipment, perform dental extractions, or administer rabies vaccines.	
South Dakota	 SD governs practice standards by statute. Any person who, for a fee, performs diagnoses, prescribes medication, appliances, or treatments of any nature, or performs surgeries or biopsies on an animal is engage in veterinary medicine. Licensed veterinarians may employ the services of veterinary technicians, but technicians may only work under the veterinarian's direction or supervision and the veterinarian is responsible 	N/A

	for the technicians acts. Veterinarians may also associate with other veterinarians to form a corporation, but all shareholders in the corporation must be licensed veterinarians. Licenses must be prominently displayed. A veterinarian may only administer drugs to a patient with which the veterinarian has a valid relationship, meaning the veterinarian has assumed responsibility for the care of the animal, the veterinarian has sufficient knowledge of the animal to initiate a preliminary diagnosis and treatment, and the client has agreed to follow the veterinarian's treatment instructions. <u>https://sdlegislature.gov/Statutes/Codified_Laws/2060135</u> <u>https://sdlegislature.gov/Statutes/Codified_Laws/2068754</u> <u>https://sdlegislature.gov/Statutes/Codified_Laws/2063144</u>	
Utah	UT governs practice standards by both statute and rule. Veterinarian medicine is the diagnosis, prognosis, or treatment of any animal, including the administration and prescription of drugs and medications, performance of dentistry, surgery, physical manipulations, or application of any apparatus to an animal. Veterinarians may only practice under a veterinarian-client-patient relationship, meaning that the veterinarian, with sufficient knowledge of an animal, assumed responsibility for the care of that animal, has arranged for emergency care of the animal, and the client has agreed to follow the veterinarian's instruction. Such relationship must be established in-person. Veterinarians must maintain sanitary procedures and treatments, accurate medical records, and client-patient confidentiality. With seven-days' notice, animals abandoned more than five days may be sold, placed in the custody of the humane society, or (if a humane society does not exist in the county) disposed of in a humane manner. While maintaining supervision, veterinarians may delegate care and treatment that requires a level of technical understanding to veterinary technicians, if written or oral instructions are also provided. Veterinarians may also associate in corporations with non-veterinarians, but the non-veterinarians may not serve as an officer or director of the corporation.	N/A

	https://le.utah.gov/xcode/Title58/Chapter28/58-28.html (Parts 5 and 6).	
Washington	 WA governs practice standards by rule. Veterinarians must act consistent with the objectives of conserving livestock and relieving suffering animals. To this end, they must endeavor to keep abreast of new developments in veterinary medicine, surgery, and dentistry. Veterinary services should be rendered in a veterinary-client-patient relationship in which the veterinarian, with sufficient knowledge of the animal, has assumed responsibility for the care of the animal-patient and the client has agreed to follow the veterinarian's treatment recommendations. Such relationships cannot be established by telephonic or electronic means, but once established may be maintained by those means. Veterinarians should also render care sufficient to alleviate the suffering of an animal, even in the absence of the animal's owner, and while veterinarians are free to accept or reject specific patients, once care has been undertaken, the animals must not be neglected. Veterinarians are required to provide for emergency services, whether through cooperative agreements with other veterinarians or by providing on-call, after hours services. Veterinary facilities must be maintained in accordance with the health and sanitary standards adopted by the WA Veterinary Board of Governors. Sexual misconduct, including sexual relations with animal-patients, is specifically unprofessional conduct. https://app.leg.wa.gov/WAC/default.aspx?cite=246-933&full=true https://app.leg.wa.gov/WAC/default.aspx?cite=246-934&full=true 	N/A
Wyoming	WY governs practice standards by rule with its own code of ethics. The practice of veterinary medicine shall be provided in a competent and humane manner consistent with the prevailing standards of practice. Veterinarians may only practice under a proper veterinarian-client-patient relationship in which the veterinarian has assumed responsibility for the care of the patient-animal and the client has agreed to follow the veterinarian's instructions. Veterinarians	N/A
	may not delegate surgery, diagnosis and prognosis, or the prescription of drugs, medicines, or appliances. However, a licensed veterinarian may delegate care related activities to unlicensed individuals acting under the veterinarian's supervision, consistent with the capabilities of those individuals and within the scope of the veterinarian's orders, assignments, or prescriptions. Veterinarians may practice out of fixed or mobile clinics, but must always maintain a clean and	

sanitary environment in which to practice veterinary medicine. They must also maintain complete and accurate records.	
Euthanasia may only be performed in a well-lit, sanitary room separated from the rest of the veterinarian clinic by wall, barrier, or other partition used only while an animal is euthanized. All equipment must be in good working order and any drugs used must be prepared according to the manufacturer's instructions. The certified euthanasia technician must perform the euthanasia consistent with the law and board rules, treat animals humanely and avoid unneeded suffering, keep current with the latest methods of euthanasia, and ensure that the euthanized animal dies.	
Permits are required to perform artificial inseminations and embryo transplants, and accurate records must be kept of each procedure. https://rules.wyo.gov/Search.aspx?Agency=251 (Chapters 9–12, and 16).	

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A. The proposed rule is not more restrictive.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or	None anticipated.
federal fund	
Impact to Idaho businesses, with special consideration for small	None anticipated.
businesses	
Impact to any local government in Idaho	None anticipated.