

REQUEST FOR TECHNICAL CHANGE

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0206

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Lines 4-7 mostly recite G.S. 90-186(1). I take it you need to retain it here, however, given the nature of the Rule?

In Item (1), how will this be determined?

In Item (4), line 17, what do you mean by "incapacitating"?

On line 18, replace "which" with "that"

Line 18, what is "severe" and "verifiable" by whom?

Line 19, who determines whether this is "unreasonably" burdensome?

Line 22, shows to whom? The Board?

Line 23, define "impractical or impossible" and please note, you deleted "impossible" from line 19.

I believe what you are conveying in this Item is that if the veterinarian or veterinary technician submits evidence of failure to complete continuing education due to illness or hardship, the Board will consider the evidence submitted on a case-by-case basis. If the Board finds that the illness or hardship was the basis for non-compliance with the continuing education requirement, the Board shall exempt that individual from completing the unearned portion of the continuing education for that renewal period. If I am correct, I think you can simplify this language.

In Item (5), Page 2, line 4, and elsewhere the term is used, how are these "approved" by the organizations? And how do people learn of this approval?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

I suggest breaking Item (5) into a list for lines 4-7. It would read:

- (5) Continuing education ... providers:*
 - (a) American Veterinary Medical Association (AVMA);*
 - (b) the American Animal Hospital Association (AAHA);*
 - (e) Registry of Approved Continuing Education (RACE); and*
 - (f) academies, schools, or colleges of veterinary medicine.*

These providers are designated...

On line 4, should there be a "the" before "American Veterinary Medical Association"?

Line 5, move the semicolon to behind "(AAHA)"

Line 6, is the AAVSB part of the RACE? Or should these be separated by a semicolon?

Line 7, delete the "or" after "academies"

Line 7, insert a comma after "academies" and "schools"

Line 9, insert a comma after "presentations"

Line 10, since you have "individual" please change "furnish" to "furnishes" for subject-verb agreement.

Also on line 10, define "sufficient" or establish sufficient for whom?

Line 11, what do you mean by "quality"?

Line 11, insert a comma after "presentation"

Line 11, define "substantially"

Line 13, insert a comma after "presentations"

Line 14, do you mean "shall" instead of "may"? If not, then since the Board may waive the requirement if prior approval if there are circumstances beyond control of the individual, when will it not waive the requirement if there are circumstances beyond the individual's control? You need to set forth guidance on this in the Rule text.

Line 15, what circumstances would these be? Natural disaster, illness?

In Item (6), line 17, delete "Subject to the limitations of this Rule," and begin the sentence, "Continuing..."

I recommend breaking Item (6) into Sub-Items, like so:

- (6) Continuing education credit hours may be earned by:*
 - (a) attendance... presentations;*
 - (b) completion ... materials; or*

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(c) completion... courses.

Line 18, define “in-depth”

Lines 18-19, what are “non-interactive on-line presentations”? Does your regulated public know?

Line 19, insert a comma after “courses”

In Item (7), lines 22 and 26, you use the term “CE” but these are the only two times you use it in the Rule. I suggest you either spell out “continuing education” or you use the term more often. Just state the first time you use it “Continuing education (CE) hours...”

On lines 22 through 25, you are stating that up to 25% of continuing education can be through self-study and non-interactive on-line presentations, and this is addressed by Item (6). Why do you need all of the language on lines 23-25, especially related to “approved by approved continuing education providers”? Isn’t this already addressed by Item (5)?

So that I’m clear – Item (7) states that a veterinarian or veterinary technician can get up to 50% of his or her continuing education through something other attending a live presentation?

Line 27, end the sentence after “providers.” Then state “However, the number...” Delete “provided, however”

Line 30, replace “must” with “shall”

In lines 30-35, are you setting the requirements of live presentations that have been approved by your approved providers?

In Sub-Item (7)(a), do you need “instant or asynchronous” or can you just state “include two-way communication”?

Line 31, delete the “and” at the end of the line.

In Sub-Item (7)(b), line 32, define “timely”

Also on line 32, what are “technical personnel” and “professional faculty”?

In Sub-Item (7)(c), line 35, participation of what? And the course does this documentation?

In Item (8), Page 3, line 2, how is this submitted? Does your regulated public know?

Item (9) has no language. So, do not insert a (9) there. Leave it as {6} Renumber all of the remaining Items so that what is currently (10) is (9). Please note, since it was published correctly in the Register, you will not need to format this as a change.

On lines 10, 12, and 15, remove the underline from the struck through language for the number of each Sub-Item. It should only be ~~(7)~~, not ~~(7)~~

In current Item (10), line 10, replace “is not” with “shall not be”

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In current Item (11), line 13, replace “is not” with “shall not be”

In current Item (12), line 15, please capitalize “Armed Forces”

On line 17, capitalize “Rule”

In the History Note, since you are adding Item (10), I suggest you also cite to G.S. 93B-15.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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Commission Counsel
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1 **Rule 21 NCAC 66 .0206 is amended as published in 32:05 NCR 458-460 as follows:**

2
3 **21 NCAC 66 .0206 MINIMUM STANDARDS FOR CONTINUING EDUCATION**

4 Each person holding a veterinary license, limited license, a faculty certificate, or a zoo veterinary certificate (collectively
5 referred to herein as “veterinarian”) or a veterinary technician registration issued by the Board shall comply with the
6 standards in this ~~Rule, Rule, which~~ The standards shall be a condition precedent to the renewal of a license certificate or
7 registration, respectively. ~~Except as otherwise qualified, the criteria with respect to continuing veterinary medical~~
8 ~~education of a person holding a certificate of registration as a veterinary technician shall be the same as that for a~~
9 ~~licensed veterinarian.~~ The standards are as follows:

10 (1) Continuing education credit hours shall relate to veterinary medicine.

11 ~~(1)(2)~~ A Veterinarians veterinarian shall earn 20 continuing education credit hours each calendar. for the
12 calendar year license renewal period.

13 ~~(2)(3)~~ A Veterinary veterinary technicians technician registered with the Board shall earn 12 continuing
14 education credit hours every for the two calendar years. year registration renewal period.

15 ~~(3)(4)~~ A Veterinarians veterinarian or veterinary technician may request and be granted an extension of time,
16 not to exceed six months, to satisfy the continuing education requirement if the veterinarian or
17 veterinary technician provides evidence of an incapacitating illness or evidence of other circumstance
18 which constituted constitutes a severe and verifiable hardship such that to comply with the continuing
19 education requirement would have been is or was impossible or unreasonably burdensome. If the
20 incapacitating illness or circumstance is likely to result in loss of life of the veterinarian the Board
21 shall exempt the veterinarian from the unearned portion of the continuing education requirement for
22 that renewal period. If the evidence shows that the incapacitating illness or other circumstance is or
23 was so severe that it is or was impractical or impossible, or unreasonably burdensome to comply with
24 the continuing education requirement, the Board shall exempt the veterinarian or veterinary technician
25 from any unearned portion of the continuing education requirement for that renewal period.

26 (4) Credit hours may be earned as follows: one hour credit for each hour of attendance at in depth
27 seminars such as seminars sponsored by the American Veterinary Medical Association (AVMA), the
28 American Animal Hospital Association (AAHA), the North Carolina Veterinary Medical Association
29 (NCVMA), and academies and schools of veterinary medicine. Only one hour credit may be acquired
30 for attendance at a local sectional association meeting. The Board shall consider additional course
31 offerings for approval for continuing education credit, provided that the Board is furnished sufficient
32 information to establish that the course content and quality is substantially comparable to the course
33 offerings by those seminars sponsored by the organizations or institutions listed in this Subparagraph.
34 Approval for continuing education credit for courses other than those specified herein shall be
35 obtained prior to attendance at a course; however, the Board may waive the requirement of approval
36 prior to attendance at the course if circumstances beyond the veterinarian's or registrant's control

~~prevented obtaining the prior approval. Only three four hours credit per year may be acquired from review of an audio or video cassette or computer based training.~~

(5) Continuing education credits hours may be earned only from courses, programs, or materials presented or approved by the following providers: American Veterinary Medical Association (AVMA); the American Animal Hospital Association; (AAHA), the North Carolina Veterinary Medical Association (NCVMA); the American Association of Veterinary State Boards' (AAVSB) Registry of Approved Continuing Education (RACE); and academies or schools or colleges of veterinary medicine. These providers are designated herein as "approved continuing education credit providers." The Board shall consider additional courses, presentations or materials eligible for approval for continuing education credit hours provided that the individual seeking the credit furnish the Board sufficient information to establish that the content and quality of the course, presentation or material are substantially comparable to that offered or approved by the approved continuing education credit providers. Board approval for continuing education credits for such additional courses, presentations or materials shall be obtained prior to attendance or participation; however, the Board may waive the requirement of prior approval if circumstances beyond the control of the veterinarian or veterinary technician prevent obtaining the prior approval.

(6) Subject to the limitations in this Rule, continuing education credit hours may be earned by attendance at in-depth courses or presentations; or by completion of independent self-study courses or non-interactive on-line presentations, courses or materials; or by completion of live interactive on-line presentations or courses.

(7) One continuing education credit hour may be earned for each hour of attendance at courses presented or approved by approved continuing education credit providers. Up to 25% of the CE requirement for renewal may be obtained from independent self-study courses or materials, approved by approved continuing education credit providers, with content transmitted through videos, DVDs, CDs, prerecorded webinars, audio conferences, and non-interactive on-line presentations. Up to 50% of the CE requirement for renewal may be obtained from live interactive on-line presentations or courses approved by approved continuing education credit providers; provided, however, the number of credit hours earned from live interactive on-line presentations or courses shall be reduced by the number of credit hours earned from independent self-study courses or materials and non-interactive on-line presentations or courses. A live interactive on-line presentation or course must:

(a) include instant or asynchronous two-way communication; and

(b) provide timely access to both technical personnel and professional faculty, as well as interactivity among participants for the exchange of questions and answers via instant messaging or a moderated teleconference; and

(c) document the level of participation.

- 1 ~~(5)~~(8) Each veterinarian and veterinary technician shall keep a record ~~of~~ for the three most recent renewal
2 periods of the content of courses submitted to the Board for continuing education credit hours ~~hours~~.
3 earned. Each year he or she shall certify on a form provided by the Board the number of credit hours
4 earned. The Board shall mail the form to each veterinarian at the time of annual renewal.
- 5 ~~(6)~~(9) ~~During the calendar year in which a veterinarian graduates from veterinary college or during the~~
6 ~~calendar year in which a veterinary technician graduates from veterinary technician school, a~~
7 ~~veterinarian or veterinary technician, respectively, shall not be required to earn continuing education~~
8 ~~credits for that portion of the calendar year remaining from the date when the license or registration~~
9 ~~was issued to the end of the calendar year.~~
- 10 ~~(7)~~(10) A veterinarian licensed in the year of graduation from a veterinary medical college is not required to
11 earn continuing education credit hours to be eligible for license renewal for the next renewal period.
- 12 ~~(8)~~(11) A veterinary technician registered in the year of graduation from a veterinary medical technology
13 program is not required to earn continuing education credit hours to be eligible for registration renewal
14 for the next renewal period.
- 15 ~~(9)~~(12) A veterinarian or veterinary technician serving in the armed forces of the United States and to whom
16 an extension of time to file a tax return is granted pursuant to G.S. § 105-249.2 is granted the same
17 extension of time to comply with the continuing education requirement of this rule.

18
19 *History Note:* Authority G.S. 90-185(6); 90-186(1);

20 Eff. February 1, 1976;

21 Readopted Eff. September 30, 1977;

22 Amended Eff. March 1st 2018; June 1, 2003; May 1, 1996; May 1, 1989; January 1, 1987.