

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____



Sarah Huckabee Sanders
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
agriculture.arkansas.gov
(501) 225-1598



Wes Ward
Secretary of Agriculture

February 20, 2024

MEMORANDUM REGARDING THE ARKANSAS LIVESTOCK & POULTRY COMMISSION'S VETERINARY MEDICAL LICENSE & CERTIFICATE FEES RULE

Purpose

This memorandum analyses the Arkansas Department of Agriculture's proposed rule concerning Certified Veterinary Technician Specialist (CVT) licensing fees.

Background

Ark. Code Ann. §§ 17-101-203(1), 17-101-203(12), 17-101-319 (a)(2)(A)-(B) direct the Arkansas Livestock & Poultry Commission to create rules for submitting application fees for CVT.

Discussion

The proposed rule sets the standard for the requirements for an initial \$40 and the additional \$10 CVT licensing fees as directed by Ark. Code Ann. §§ 17-101-203(1), (12); 17-101-319 (a)(2)(A)-(B).

Conclusion: The new rule will fulfill the requirements of Ark. Code Ann. §§ 17-101-203(1), 17-101-203(12), 17-101-319 (a)(2)(A)-(B) to set standards for application fees for CVTs.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT Arkansas Department of Agriculture / Livestock and Poultry Division
BOARD/COMMISSION Arkansas Livestock and Poultry Commission
BOARD/COMMISSION DIRECTOR Patrick Fisk
CONTACT PERSON Cara Tharp
ADDRESS 1 Natural Resources Dr., Little Rock, AR 72205
PHONE NO. (501) 224-2836 **EMAIL** cara.tharp@agriculture.arkansas.gov
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING
Patrick Fisk, Cara Tharp, Corey Seats
PRESENTER EMAIL(S) patrick.fisk@agriculture.arkansas.gov cara.tharp@agriculture.arkansas.gov corey.seats@agri

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?
Fees (includes an amendment to change the official title to Veterinary Medical License and Certificate Fees)
2. What is the subject of the proposed rule? It establishes the fee schedule for license and certificate holders.
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☒

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☐

4. Is this rule being filed for permanent promulgation? Yes ☒ No ☐

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☒

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes ☐ No ☒

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes ☒ No ☐

If yes, please provide the state statute and/or rule citation.

Ark. Code. Ann. §17-101-203 (3)

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes ☐ No ☒

If yes, please list the rules being repealed.

If no, please explain.

This is an amendment to an existing rule which is necessary because it establishes the fee schedule for veterinary medical licenses and certificates. It also updates the word Board to Commission because Act 691 of 2023 abolished the Veterinary Medical Examining Board and transferred its powers and duties to the Arkansas Livestock and

8. Is this a new rule? Yes ☐ No ☒

Does this repeal an existing rule? Yes ☐ No ☒

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes ☒ No ☐

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

Ark. Code. Ann. §17-101-203 (3) and (7)

Ark. Code. Ann. §17-101-319 (a) (2) (A)

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes ☒ No ☐

If yes, please provide the year of the act(s) and act number(s).

Act 161 of 2023

Act 691 of 2023

11. What is the reason for this proposed rule? Why is it necessary?

The rule is necessary because it establishes the fee schedule for veterinary medical licenses and certificates. This specific amendment to the rule is necessary because it establishes the application fee for a veterinary technician specialist, which is a new certification that was created through Act 161 of 2023. It also updates the word Board to Commission because Act 691 of 2023 abolished the Veterinary Medical Examining Board and transferred its powers and duties to the Arkansas Livestock and Poultry Commission.

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

<https://www.agriculture.arkansas.gov/>

13. Will a public hearing be held on this proposed rule? Yes ☒ No ☐

If yes, please complete the following:

Date: 3/15/2024

Time: 9:00 am

Place: Arkansas Department of Agriculture, 1 Natural Resources Dr., Little Rock

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule?

Please provide the specific date. 3/18/2024

15. What is the proposed effective date for this rule? To be determined

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

Arkansas Veterinary Medical Association
American Veterinary Medical Association
Arkansas Veterinary Technician Association
National Association of Veterinary Technicians in America



19. Is the rule expected to be controversial? Yes ☐ No ☒

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Arkansas Department of Agriculture / Livestock and Poultry Division

BOARD/COMMISSION Arkansas Livestock and Poultry Commission

PERSON COMPLETING THIS STATEMENT Cara Tharp

TELEPHONE NO. (501) 224-2836 **EMAIL** cara.tharp@agriculture.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE Fees (amending to change the official title to Veterinary Medical License and Certificate Fees)

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes ☒ No ☐
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ 10.00 _____

Next Fiscal Year

\$ 10.00 _____

A certified veterinary technician or technologist can further their skill set through a training process to become a veterinary technician specialist. Once they have completed this training, they can be certified as a veterinary technician specialist in Arkansas through an application process that includes a \$10.00 fee.

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0.00 _____

Next Fiscal Year

\$ 0.00 _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Linda Luebke

From: Legal Ads <legalads@arkansasonline.com>
Sent: Thursday, February 15, 2024 8:51 AM
To: Linda Luebke
Subject: Re: Legal Notice - Veterinary Medical License and Certificate Fees

Thanks, Linda. As per your request, this will run in the non-statewide edition on Sun 2/18 (will run in print in 63 counties, excluding NW Arkansas), and Mon 2/19 and Tues 2/20 (running in print in Pulaski County only).

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Linda Luebke" <linda.luebke@agriculture.arkansas.gov>
To: "legalads@arkansasonline.com" <legalads@arkansasonline.com>
Cc: "Corey Seats" <corey.seats@agriculture.arkansas.gov>, "Patrick Fisk" <Patrick.Fisk@agriculture.arkansas.gov>, "Wes Ward" <wes.ward@agriculture.arkansas.gov>, "Cynthia Edwards" <cynthia.edwards@agriculture.arkansas.gov>, "Autumn Causey" <Autumn.causey@agriculture.arkansas.gov>
Sent: Wednesday, February 14, 2024 1:44:15 PM
Subject: Legal Notice - Veterinary Medical License and Certificate Fees

Gregg,
Here is the 7th notice.

Please hold on all 7 until I get back to you. I am waiting on an answer on how to proceed.

Thanks so much,
Linda

Please run the attached legal notice February 18 – 20, 2024.

Sunday, February 18, 2024, statewide. Monday (2/19/24) and Tuesday (2/20/24) in all counties that still receive daily (Mon. – Sat.) delivery of the printed edition.

Thank you!

Linda Luebke
Administrative Analyst
Arkansas Department of Agriculture

1 Natural Resources Drive, Little Rock, AR 72205

(501) 225-1598

linda.luebke@agriculture.arkansas.gov

agriculture.arkansas.gov



Legal Notice

Arkansas Livestock and Poultry Commission

The Arkansas Livestock and Poultry Commission is proposing rules under Act 161 of 2023, Veterinary Medical License and Certificate Fees.

The purpose of the proposed rule amendments is to establish an application fee for Veterinary Technician Specialists in compliance with Act 161 of 2023.

Comments can be mailed to: Arkansas Department of Agriculture – Attn: Patrick Fisk, 1 Natural Resources Drive, Little Rock, AR 72205, or emailed to patrick.fisk@agriculture.arkansas.gov.

Written comments will be accepted beginning February 18, 2024 until March 18, 2024. Oral comments may be made in person at the Arkansas Department of Agriculture, 1 Natural Resources Drive, Little Rock, AR 72205 on March 15, 2024 at 9 am.

The proposed rules changes can be viewed on the website at www.arkansas.agriculture.gov



Patrick Fisk
Director, Arkansas Livestock and Poultry Division
Arkansas Department of Agriculture

VETERINARY MEDICAL LICENSE AND CERTIFICATE FEES
(Adopted: 8/8/1981) (Amended: 01/23/2024) (Effective: 00/00/0000)

Veterinarians:

5. The schedule for license, certificate, and permit fees will be as follows:

A. The application fee for licensure by examination is one hundred dollars (\$100.00) and must be paid at the time of filing the application. The completed application must be received at least thirty (30) days prior to the date of the next written state commission examination.

B. The application fee for licensure by endorsement is one hundred dollars (\$100.00) and must be paid at the time of filing the application.

C. The application fee is waived for a veterinarian applying for a license pursuant to Ark. Code Ann. §17-4-105.

D. North American Veterinary Licensing Examination (NAVLE) candidates must submit to the Commission an application for licensure by examination, as well as submit a NAVLE application and fee directly to the International Council for Veterinary Assessment.

E. The annual renewal fee for an active veterinary license is one hundred dollars (\$100.00) and the annual renewal fee for an inactive veterinary license is twenty-five dollars (\$25.00). A veterinarian **CANNOT** practice in Arkansas with an inactive license.

F. The application fee for a corporate practice is thirty-five dollars (\$35.00). The annual renewal fee for a corporate practice certificate is ten dollars (\$10.00).

G. All renewals are due by March 31st each year. The delinquent fee is one hundred dollars (\$100.00) and will be due on all veterinarian and corporate practice renewals received after the postmarked date of March 31st each year. The renewal fee is waived for a veterinarian who is on active duty with any branch of the armed services of the United States for not to exceed three (3) years or for the duration of a national emergency, whichever is longer.

H. The fee for a temporary permit is fifty dollars (\$50.00).

I. The fee for a restricted license is fifty dollars (\$50.00).

J. The fee to re-issue an original license is ten dollars (\$10.00) and the request must be made in writing.

K. All fees are non-refundable.

Veterinary Technicians, Veterinary Technologists, and Veterinary Technician Specialists:

6. The schedule for certificate fees will be as follows:

A. The initial application fee for a veterinary technician, veterinary technologist, or veterinary technician specialist is forty dollars (\$40.00) and must be paid at the time of filing the

application. The application fee is waived for a person applying for a certification pursuant to Ark. Code Ann. §17-4-105.

B. Veterinary Technician National Examination (VTNE) candidates must submit to the Board an application for certification, as well as submit a VTNE application and fee directly to the American Association of Veterinary State Boards.

C. The annual renewal fee for certification is twenty-five dollars (\$25.00).

D. All renewals are due by March 31st each year. The delinquent fee is fifty dollars (\$50.00) and will be due on all renewals received after the postmarked date of March 31st each year. The renewal fee is waived for a veterinary technician, veterinary technologist, or veterinary technician specialist who is on active duty with any branch of the armed services of the United States for not to exceed three (3) years or for the duration of a national emergency, whichever is longer.

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