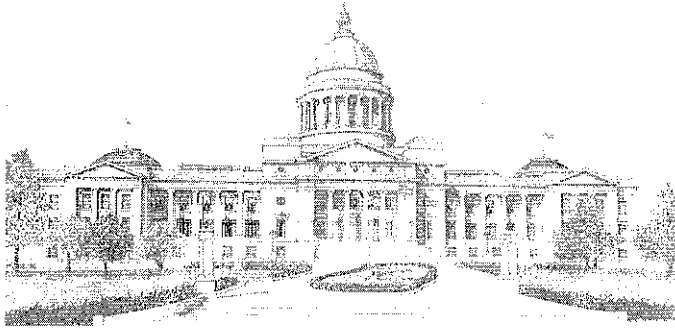


# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

**John Thurston**

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Agriculture

Department Veterinary Medical Examining Board

Contact Cara Tharp E-mail cara.tharp@agriculture.arkansas.gov Phone 501-224-2836

Statutory Authority for Promulgating Rules Ark Code Ann. 17-101-203(7)

Rule Title: Continuing Education

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other \_\_\_\_\_  
(Must be more than 10 days after filing date.)

Legal Notice Published .....

Final Date for Public Comment .....

Reviewed by Legislative Council .....

Adopted by State Agency .....

Date

February 14 - 16, 2020

March 14, 2020

June 19, 2020

April 30, 2020

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Linda Luebke

linda.luebke@agriculture.arkansas.gov

June 23, 2020

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Cara Tharp

Signature

501-225-1598

Phone Number

cara.tharp@agriculture.arkansas.gov

E-mail Address

Director, Veterinary Medical Examining Board

Title

June 23, 2020

Date



Asa Hutchinson  
Governor

# ARKANSAS DEPARTMENT OF AGRICULTURE

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



Wes Ward  
Secretary of Agriculture

June 23, 2020

Honorable John Thurston  
Secretary of State  
State Capitol Rm. 01  
Little Rock, Arkansas 72201-1094

Enclosed are Transmittal Sheets and copies of seven (7) **Final Rules** as listed below. The Rules were approved at the Veterinary Medical Examining Board meeting held April 30, 2020.

The rules were reviewed and approved by the Administrative Rules Subcommittee of the Arkansas Legislative Council on June 17, 2020 and the Arkansas Legislative Council on June 19, 2020.

- **Reciprocity and Temporary Permits**
- **Fees**
- **Veterinary Technology – Levels of Supervision**
- **Rules of the Arkansas Veterinary Medical Examining Board**
- **Military Automatic Licensure**
- **Continuing Education**
- **Pre-Licensure Criminal Background Check and Waiver Request**

If more information is needed, please contact me.

Sincerely,

Cara Tharp, Director  
Veterinary Medical Examining Board

CT:II

**FINAL RULE**  
**AGENCY NO. 092.00**

**092.00.1-3. CONTINUING EDUCATION**  
**(Adopted 12/1/1976) (Amended 6/20/2019)**

7. The continuing education requirements for the renewal of an active license or certificate are as follows:

A. Veterinarians must earn twenty (20) continuing education hours each year to be eligible for license renewal.

(1) Continuing education topic requirements are as follows:

(a) Ten (10) hours must be education pertaining to veterinary medicine and surgery;

(b) A maximum of eight (8) hours can be education pertaining to non-scientific topics;

(c) A maximum of two (2) hours can be education through visitation with a colleague, not associated with the veterinarian's practice, at the facility of the colleague; and

(d) A maximum of two (2) hours can be education through attending exhibit halls at state or national meetings and conferences.

(2) Continuing education hours can be earned as follows:

(a) At least ten (10) hours must be taken in-person or through live, interactive webinars; and

(b) A maximum of ten (10) hours will be allowed for online education that is pre-recorded or non-interactive.

B. Veterinary technicians and veterinary technologists must earn twelve (12) continuing education hours each year to be eligible for certificate renewal.

(1) Continuing education topic requirements are as follows:

(a) Eight (8) hours must be education pertaining to veterinary medicine and surgery; and

(b) A maximum of four (4) hours can be education pertaining to non-scientific topics.

(2) Continuing education hours can be earned as follows:

- (a) At least six (6) hours must be taken in-person or through live, interactive webinars; and
- (b) A maximum of six (6) hours will be allowed for online education that is pre-recorded or non-interactive.

C. Continuing education hours are waived for veterinarians, veterinary technicians, and veterinary technologists who received a license or certificate from the Board during the renewal period in which they graduated.

D. The following are approved by the Board for continuing education:

- (1) An educational program sponsored by an accredited or approved college of veterinary medicine;
- (2) An educational program sponsored by the American Animal Hospital Association;
- (3) An educational program sponsored by the American Veterinary Medical Association or one of its recognized veterinary specialties or veterinary specialty organizations;
- (4) An educational program sponsored by a local, state, regional or national veterinary association;
- (5) An educational program sponsored by the National Association of Veterinary Technicians in America or one of its veterinary technician specialty academies or societies;
- (6) An educational program approved by the Registry of Approved Continuing Education (RACE), which is the American Association of Veterinary State Boards' national clearinghouse for approval of continuing education; or
- (7) An educational program sponsored by the United States Department of Agriculture.

E. Each veterinarian, veterinary technician, and veterinary technologist must keep a record of continuing education hours earned and will be required to certify those hours on a form provided by the Board. The form will be sent to each veterinarian, veterinary technician, and veterinary technologist at the time of annual renewal. All records of continuing education hours must be kept by the license or certificate holder for three (3) years. The Board, at its discretion, may request an audit of an individual's continuing education records.

F. Veterinarians, veterinary technicians, or veterinary technologists unable to earn continuing education hours because of sickness or other justifiable reasons may, at the discretion of the Board, be exempt from all or part of the continuing education requirements or granted an extension of time to obtain their continuing education hours.

G. Requests for pre-approval of educational programs must be submitted to the Board at least thirty (30) days prior to the meeting – no exceptions.

H. To activate an inactive license or certificate, continuing education hours must be obtained during that renewal period.



Asa Hutchinson  
Governor

# ARKANSAS DEPARTMENT OF AGRICULTURE

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



Wes Ward  
Secretary of Agriculture

## Summary of Proposed Amendments to the Continuing Education Rule of the Arkansas Veterinary Medical Examining Board

### **Background:**

Act 169 of 2019 establishes a certification for a veterinary technologist. In addition to outlining the continuing education requirements for veterinary technologists, the Board also updated the rule, making it easier to understand and easier for license and certificate holders to obtain their continuing education requirements. The proposed amendments were approved by the Board on June 20, 2019.

### **Key Points:**

The amended rule:

- Streamlines topic requirements for continuing education.
- Increases the number of hours that can be obtained online.
- Specifies which educational programs are accepted by the Board without additional approval.
- Includes veterinary technologists in the same section as veterinary technicians.
- Increases the number of annual continuing education hours required for veterinary technicians and technologists.
- Requires continuing education records to be kept for three years.

### **Discussion:**

For veterinarians, the existing rule places limitations on subject material and how hours can be earned. In the proposed amendment, twenty hours will still be required for annual renewal, but topic requirements have been streamlined and half the hours can now be obtained online, regardless of topic. Alternative medicine topics like chiropractic and acupuncture are now included under medicine and surgery; a two-hour requirement has been added for controlled substances; eight hours can be earned in non-scientific topics such as practice management; and two hours can be earned through visitation with a colleague.

For veterinary technicians and technologists, the annual number of hours required for certificate renewal was increased from six to twelve at the request of the sponsor of the Act. Eight hours must be in medicine and surgery and up to four hours can cover non-scientific topics. Half of the hours can be obtained online.

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

**DEPARTMENT/AGENCY** Arkansas Department of Agriculture

**DIVISION** Veterinary Medical Examining Board

**DIVISION DIRECTOR** Cara Tharp

**CONTACT PERSON** Cara Tharp

**ADDRESS** 1 Natural Resources Dr., Little Rock, AR 72205

**PHONE NO.** 501-224-2836 **FAX NO.** 501-224-1100 **E-MAIL** [cara.tharp@arkansas.gov](mailto:cara.tharp@arkansas.gov)

**NAME OF PRESENTER AT COMMITTEE MEETING** Cara Tharp

**PRESENTER E-MAIL** [cara.tharp@arkansas.gov](mailto:cara.tharp@arkansas.gov)

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

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- 1. What is the short title of this rule? Continuing Education (092.00.1-3)
- 2. What is the subject of the proposed rule? The rule, which has existed since 1976, establishes the continuing education requirements for renewal for the Board's license and certificate holders.
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒  
If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes ☐ No ☒  
If yes, what is the effective date of the emergency rule? \_\_\_\_\_  
When does the emergency rule expire? \_\_\_\_\_  
  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No \_\_\_\_\_

5. Is this a new rule? Yes ☐ No ☒ If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes ☐ No ☒ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes ☒ No ☐ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”**

For veterinarians, the amended rule streamlines topic requirements, removes hourly limitations on subject material and allows half the hours to be obtained online, regardless of topic. The amended rule includes veterinary technologists (Act 169 of 2019) in the same continuing education section as veterinary technicians and increases the number of hours required for renewal. Finally, the amended rule specifies which educational programs are automatically approved by the Board and requires license and certificate holders to keep their continuing education records for three years.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

Ark. Code. Ann. §17-101-203 (7)

7. What is the purpose of this proposed rule? Why is it necessary?

The rule is necessary because it establishes the continuing education requirements required for license and certificate renewal.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

<https://arvetboard.statesolutions.us/public/>

9. Will a public hearing be held on this proposed rule? Yes ☐ No ☒  
If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

TBD after Governor's Office has approved

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

No later than January 1, 2020



12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).
14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

None known at this time.

### **FINANCIAL IMPACT STATEMENT**

#### **PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Agriculture

**DIVISION** Veterinary Medical Examining Board

**PERSON COMPLETING THIS STATEMENT** Cara Tharp

**TELEPHONE NO.** 501-224-2836 **FAX NO.** 501-224-1100 **EMAIL:** [cara.tharp@arkansas.gov](mailto:cara.tharp@arkansas.gov)

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

#### **SHORT TITLE OF THIS RULE** Continuing Education

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes \_\_\_\_\_ No X \_\_\_\_\_
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 X \_\_\_\_\_ 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 X \_\_\_\_\_ No \_\_\_\_\_

If an agency is proposing a more costly rule, please state the following:

- (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 more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

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? N/A

**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? N/A

**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, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ 0.00

**Next Fiscal Year**

\$ 0.00

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

**Current Fiscal Year**

\$ 0.00

**Next Fiscal Year**

\$ 0.00

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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   X  

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.

## CONTINUING EDUCATION AMENDED RULE COMMENT SUMMARY

Six (6) comments were received against adding a two (2) hour requirement for continuing education covering controlled substances. One (1) comment was received against eliminating the two (2) hours of continuing education for attending exhibit halls at conferences. One (1) positive comment was received regarding the addition of allowing more hours to be obtained online.

Based on the public comments received, the Arkansas Veterinary Medical Examining Board (Board) voted at its meeting on April 30, 2020, to remove the two (2) hour requirement for continuing education covering controlled substances, as well as reinstall the allowance of two (2) hours of continuing education to be earned at exhibit halls of conferences.