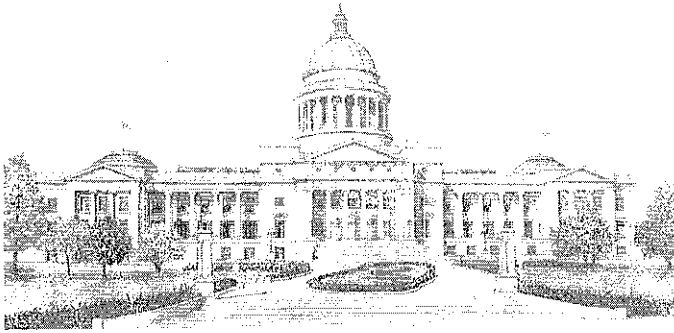


ARKANSAS REGISTER

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



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 Act 315 of 2019 and A.C.A. 17-101-123(7)

Rule Title: Rules of the Arkansas Veterinary Medical Examining Board

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.)

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

**092.00.1-1. RULES OF THE ARKANSAS VETERINARY
MEDICAL EXAMINING BOARD**
(Adopted: 12/1/1976) (Amended: 6/20/2019)

1. For the rules contained herein, the term “Board” means the Veterinary Medical Examining Board.
2. The principal office of the Board is located at 1 Natural Resources Drive, Little Rock, Arkansas 72205.
3. Pursuant to Act 60 of 1987, the Board creates a specialty area in poultry practice. Veterinarians seeking licensure under this provision will be tested only in poultry medicine. A veterinarian who is only issued a Poultry Specialty license will not be allowed to practice any other form of veterinary medicine.
4. Each person holding a license or certificate from the Board must file his or her current mailing address with the Board at its principal office and must immediately notify the Board at its principal office of a change in their mailing address, giving both his or her old and new address.



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 Rules of the Arkansas Veterinary Medical Examining Board

Background:

The words “rule” and “regulation” have been used interchangeably throughout Arkansas Code. However, the word “regulation” is not defined in the Administrative Procedure Act, A.C.A. § 25-15-201 et seq. For consistency purposes, the Arkansas General Assembly passed Act 315 of 2019 to replace the use of the word “regulation” throughout Arkansas Code with the word “rule.” While Act 893 of 2019 allows agencies to bypass the normal rule making process if the only change to a rule is replacing the word “regulation” with “rule,” the proposed amendments also make other technical corrections to the rule.

Key Points:

The amended rule:

- Replaces the word “regulation” with “rule.”
- Clarifies that the Board’s principal office is its physical address.
- Makes technical corrections.

Discussion:

In addition to complying with Act 315 of 2019, the proposed amendments to make a few technical corrections. The word “person” was originally used in the rule when referring to someone applying for a Poultry Specialty license. The word “veterinarian” is in the proposed amendments because that is a defined term within the statute and only a veterinarian can apply for a Poultry Specialty license. For consistency purposes, the words “registration” and “permit” have been removed from the rule because the Board only issues licenses and certificates. Finally, the original rule only referred to “his” address, so it has been amended to include “his or her” address.

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

NAME OF PRESENTER AT COMMITTEE MEETING Cara Tharp

PRESENTER E-MAIL 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, 5th Floor
Little Rock, AR 72201

- 1. What is the short title of this rule? Rules of the Arkansas Veterinary Medical Examining Board
- 2. What is the subject of the proposed rule? To change the word “regulation” to “rule” and make other technical corrections
- 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.”**

The amended rule repeals the word regulation, clarifies that the Board’s principal office is its physical address and makes some technical corrections. See attached memo for further explanation.

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

Act 315 of 2019 and A.C.A. § 17-101-203(7)

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

The words “rule” and “regulation” have been used interchangeably throughout Arkansas Code. For consistency purposes, the Arkansas General Assembly passed Act 315 of 2019 to repeal the word “regulation” throughout Arkansas Code and use the word “rule” in its place. In addition, the word “regulation” is not to be used in new rules and should be repealed from existing ones.

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

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 Rules of the Arkansas Veterinary Medical Examining Board

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

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

-
-
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.