

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
John Thurston  
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Little Rock, Arkansas 72201-1094  
(501) 682-5070  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



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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 \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

**092.00.1-1. RULES AND REGULATIONS OF THE  
ARKANSAS VETERINARY MEDICAL EXAMINING BOARD  
(Adopted: 12/1/1976) (Amended: 11/12/2008 6/20/2019)**

1. For ~~the purpose of the Rules and Regulations~~ rules contained herein, the term "Board" means the Veterinary Medical Examining Board.
2. The principal office of the Board is located at ~~the Natural Resources Complex, One 1~~ Natural Resources Drive, P. O. Box 8505, Little Rock, Arkansas ~~72215~~ 72205.
3. Pursuant to ~~the authority granted the Veterinary Medical Examining Board by Act 60 of 1987, the Board creates a specialty area in poultry practice. Persons~~ Veterinarians seeking licensure under this provision will be tested only in ~~the area of poultry medicine. A person~~ veterinarian who is only issued a Poultry Specialty ~~Area~~ license will not be allowed to practice any other form of veterinary medicine.
4. Each person holding a ~~certificate of registration, license (general or specialty), permit or any other authority to practice veterinary medicine or engage in any activity in the State of Arkansas under any and all laws administered by the Board~~ license or certificate from the Board shall must file his or her ~~proper~~ and current mailing address with the Board at its principal office and shall must immediately notify the Board at its ~~said~~ principal office of ~~any and all changes of a change in their~~ mailing address, giving both his or her old and new address.

**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.

**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@agriculture.arkansas.gov](mailto:cara.tharp@agriculture.arkansas.gov)

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

**PRESENTER E-MAIL** [cara.tharp@agriculture.arkansas.gov](mailto:cara.tharp@agriculture.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? Rules of the Arkansas Veterinary Medical Examining Board
- 2. What is the subject of the proposed rule? Pursuant to Act 315 of the 92<sup>nd</sup> General Assembly (2019), the Rules of the Arkansas Veterinary Medical Examining Board are being amended to repeal the word “regulation.”
- 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.”**

Please see attached summary.

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

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.)

March 14, 2020

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

Ten (10) days after filing

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.

Please see attached 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).

Please see attached filing.

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@agriculture.arkansas.gov](mailto:cara.tharp@agriculture.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

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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.





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.