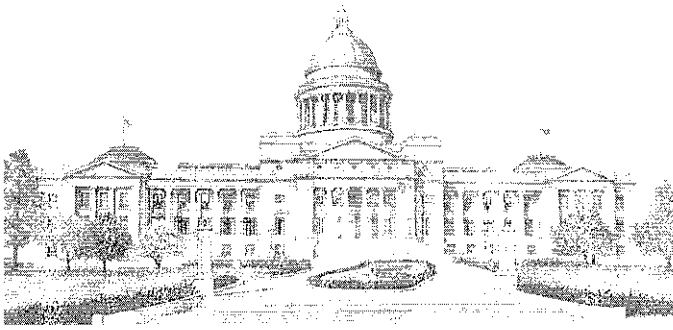


# ARKANSAS REGISTER

## 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. 17-101-306(e)

Rule Title: Veterinary Technology - Levels of Supervision

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**

**092.00.1-14. VETERINARY TECHNOLOGY – LEVELS OF SUPERVISION**  
**(Adopted 7/23/2019)**

26. A veterinary technician or veterinary technologist who has obtained a certificate of qualification from the Board may be allowed to perform the following acts under the direction, supervision, and responsibility of a licensed veterinarian, who has established the veterinarian-client-patient relationship, and will comply with the record keeping rule established by the Board.

A. Immediate supervision:

- (1) Surgical assistance to a licensed veterinarian; and
- (2) Dental extractions not requiring sectioning of a tooth or the resection of bone.

B. Direct supervision:

- (1) Any task or procedure that requires an animal to be under anesthesia;
- (2) Induction, maintenance, and monitoring of anesthesia;
- (3) Suturing of skin incisions made by a licensed veterinarian;
- (4) Dental procedures limited to the following:
  - (a) Removal of calculus, soft deposits, plaque, and stains;
  - (b) Smoothing, filing, and polishing teeth;
- (5) Blood or blood component collection, preparation and administration for blood transfusion; and
- (6) Performance of any veterinary technology duties at a livestock auction.

C. Indirect supervision:

- (1) Obtain history and perform a physical examination of an animal patient;
- (2) Collection of blood for diagnostic laboratory tests, except when in conflict of a state or federal law or regulation;
- (3) Collection and preparation of tissue, cellular, or microbiological samples

by skin scrapings, impressions, or other non-surgical methods, except when in conflict of a state or federal law or regulation;

(4) Collection of urine by free catch, expression, cystocentesis, or catheterization (unobstructed) and inserting an indwelling urinary catheter;

(5) Collection of fluid by abdominocentesis, arthrocentesis, or thoracentesis;

(6) Performing laboratory procedures;

(7) Intravenous catheterization;

(8) Administration of parenteral fluid therapy;

(9) Radiograph, ultrasound, EKG, or other diagnostic imaging or monitoring;

(10) Ocular tonometry, Schirmer tear test, fluorescein staining;

(11) Administration and application of:

(a) Treatments, drugs, medications, and immunological agents by parenteral (subcutaneous, intramuscular, intraperitoneal, intraarticular, and intravenous) and non-parenteral routes, except when in conflict of a state or federal law or regulation;

(b) Splints, bandages, and wound dressings;

(12) Measure and prepare medication for dispensing to clients on the order of a licensed veterinarian;

(13) Pregnancy checking of food animals with or without equipment, rectal palpation, artificial insemination, correcting of uterine prolapse, uncomplicated fetal extractions excluding fetotomies and cesarean sections;

(14) Routine, non-surgical food animal management practices including castration, dehorning, tail docking, and ear notching; and

(15) Wound management and care.



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 Rule for Veterinary Technology – Levels of Supervision

### **Background:**

Act 169 of 2019 mandates that the Arkansas Veterinary Medical Examining Board promulgate a rule to establish the appropriate level of supervision under which a certified veterinary technician or technologist can perform veterinary technology. The proposed new rule was approved by the Board on July 23, 2019.

### **Key Points:**

- The new rule establishes a list of job duties that a certified veterinary technician or technologist may be allowed to perform under the immediate, direct, or indirect supervision of a licensed veterinarian.
- Establishing the list of duties requiring indirect supervision by a veterinarian will help veterinarians in rural areas better utilize veterinary technicians or technologists when the veterinarians have to be away from their clinics on farm calls.

### **Discussion:**

The new rule allows veterinarians to better utilize their veterinary technicians or technologists in everyday practice by outlining the job duties that can be performed under immediate, direct, or indirect supervision. The job duties listed under indirect supervision will be particularly helpful to veterinarians in rural areas who spend a lot of time out on farm calls and away from their clinics. Veterinary technicians or technologists can now be used to perform certain job duties when the veterinarian is unable to be physically present. This was a focus of Act 169 of 2019 and the new rule helps to accomplish that goal.

**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

\*\*\*\*\*

- 1. What is the short title of this rule? Veterinary Technology – Levels of Supervision (092.00.1-14.)
- 2. What is the subject of the proposed rule? Pursuant to Act 169 of the 92<sup>nd</sup> General Assembly (2019), the Rules of the Arkansas Veterinary Medical Examining Board are being amended to include the job duties a certified veterinary technician or technologist can perform under the immediate, direct or indirect supervision of a licensed veterinarian.

- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes \_ No X

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 X

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.

The Rules of the Arkansas Veterinary Medical Examining Board are being amended to include the job duties a certified veterinary technician or technologist can perform under the immediate, direct or indirect supervision of a licensed veterinarian.

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.”**

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

Ark. Code Ann. §17-101-306 (e)

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

Act 169 of 2019 mandates that the Board promulgate rules to establish the appropriate level of supervision under which a veterinary technician or technologist can perform veterinary technology.

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.

The Arkansas Cattlemen's Association and the Arkansas Veterinary Medical Association have attended the meetings at which the Board discussed the rule, and I would anticipate receiving comments from both groups. Their positions are unknown 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** Veterinary Technology – Levels of Supervision

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.

## VETERINARY TECHNOLOGY – LEVELS OF SUPERVISION

### PROPOSED RULE COMMENT SUMMARY

Two (2) comments were received regarding where to find the definitions of immediate, direct and indirect supervision. Two (2) positive comments were received about the overall addition of this rule. One (1) comment was received with multiple concerns. The commenter felt that the rule did not specify that the individual must be a certified veterinary technician/technologist, they felt that the rule would allow a technician/technologist to perform diagnostic imaging without training or oversight by a veterinarian and, finally, they felt that a technician/technologist performing ultrasonography should be required to meet the standards of the American College of Veterinary Radiology.

The Arkansas Veterinary Medical Examining Board reviewed the comments at its meeting on April 30, 2020 and voted to make no changes to the rule.