

# 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 Wade Hodge E-mail wade.hodge@agriculture.arkansas.gov Phone 501-225-1598

Statutory Authority for Promulgating Rules Ark Code Ann. §17-101-203 (3)

Rule Title: FEES

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

August 1 - 3, 2021

August 30, 2021

November 17, 2021

May 25, 2021

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

Linda Luebke linda.luebke@agriculture.arkansas.gov

November 23, 2021

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

wade.hodge@agriculture.arkansas.gov

E-mail Address

Chief Counsel

Title

November 23, 2021

Date

**AGENCY NO. 209.05**

**FEES**

**(Adopted 8/8/1981) (Amended 5/25/2021)**

**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 board 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 Board 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 31<sup>st</sup> 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 31<sup>st</sup> 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 and Veterinary Technologists:**

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

A. The application fee 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 31<sup>st</sup> each year. The delinquent fee is fifty dollars (\$50.00) and will be due on all renewals received after the postmarked date of March 31<sup>st</sup> each year. The renewal fee is waived for a veterinary technician or veterinary technologist 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.

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

F. All fees are non-refundable.

**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? Fees
- 2. What is the subject of the proposed rule? The rule, which has existed since 1981, establishes the fee schedule 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."**

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.

Ark. Code. Ann. §17-101-203 (3)

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

The rule is necessary because it establishes the Board's fee schedule for licenses and certificates.

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.)

To be determined

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

To be determined

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.

Will be provided at a later date

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).

Will be provided at a later date

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** Fees

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

The financial impact of this rule will be minimal. The amendment will establish a \$50.00 fee for a restricted license, which will likely only apply to a handful of veterinarians each year.

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**

\$ 50.00

**Next Fiscal Year**

\$ 50.00

A veterinarian who graduated veterinary school but did not pass the North American Veterinary Licensing Examination (NAVLE) during their fourth year of veterinary school would be eligible to apply to the Board for a restricted license. This would allow them to practice veterinary medicine in Arkansas under the direct supervision of a licensed veterinarian while studying to take the NAVLE the next time it is offered. The NAVLE is only offered twice per year.

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.

**Current Fiscal Year**

\$ 0.00

**Next Fiscal Year**

\$ 0.00

Office procedures are already in place for licensing veterinarians, so there is no cost to the agency to administer the amendment to this rule.

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

July 28, 2021

## **Proposed Amendments to the Fees Rule of the Arkansas Veterinary Medical Examining Board**

### **Purpose:**

This summary is to explain the proposed amendments to the Fees rule of the Arkansas Veterinary Medical Examining Board (Board).

### **Background:**

The Board met to consider changes to its Fees rule in response to Acts 130 and 135 of 2021. Act 130 established a restricted license for veterinarians. Act 135 modified the automatic occupational licensure requirements for uniformed services members, returning uniformed services members, returning uniformed services veterans, and their spouses. The proposed amendments were approved by the Board on May 25, 2021.

### **Key Points:**

The amended rule:

- Establishes the fee for a restricted license.
- Updates the reference to the code section for Military Automatic Licensure

### **Discussion:**

Act 130 of 2021 established a process for the Board to issue a restricted license to a veterinarian who has graduated veterinary school but has not yet passed the North American Veterinary Licensing Examination. Part of that process requires the applicant to submit a fee established by the Board for the restricted license.

The Board waives the application fee for anyone applying for Military Automatic Licensure. There was a change in the code section for the waiver following the passing of Act 135 of 2021, so the Board is updating the rule to reflect this change.