

VETERINARY MEDICINE BOARD[811]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 811—Chapter 9
“Temporary Veterinary Permits”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 169.5
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 169

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 13, 2023
10 a.m.

Second Floor Conference Room
Wallace State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Board of Veterinary Medicine no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

Proposed Chapter 9 outlines the process and requirement to obtain temporary veterinary permits. The chapter defines the different types of temporary permits and what is required to obtain one. One of the temporary permits is the temporary education permit. The benefit of this permit is that it allows Iowa State University to permit interns and residents to practice under the scope of the program at Iowa State University College of Veterinary Medicine. The chapter also defines the grounds for discipline and disciplinary procedures.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

Persons seeking temporary licensure to practice veterinary medicine in Iowa will bear the costs.

- Classes of persons that will benefit from the proposed rulemaking:

The general public will benefit from this rulemaking, as well as Iowa State University College of Veterinary Medicine. Veterinarians employed by temporary licensure at Iowa State University may have specialized training and education allowing them to offer specialized coursework not currently available. Pet and livestock owners are also specific persons who will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

There are no direct costs to the public imposed by this rulemaking.

- Qualitative description of impact:

The only qualitative impact of the rulemaking would be the underlying substantive requirements applicants for temporary licensure must meet in order to obtain licensure. Those impacts include certain educational or experiential minimums.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

Costs borne will be minimal. The application process requires applicants to pay a fee to mitigate some of the costs to the State to review and approve license applications.

- Anticipated effect on state revenues:

The anticipated effect on state revenues will be minimal.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Inaction would far exceed the costs associated with this rulemaking. Iowa State University College of Veterinary Medicine would be greatly limited in its ability to operate with enough veterinary staff. Practices that rely on qualified veterinarians who wish to only practice for a limited time would also be at a disadvantage without this rulemaking.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There are no alternatives to address this specific temporary permit.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

No alternative methods were considered.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

No alternative methods were considered.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This rulemaking does not impose requirements on any businesses, just licensure requirements on persons wishing to obtain temporary permits to practice veterinary medicine in Iowa. The rulemaking may actually benefit small businesses by providing for the ability to temporarily hire or retain experts in certain fields of veterinary medicine who would otherwise prove cost-prohibitive if required to be hired/retained full-time.

Text of Proposed Rulemaking

ITEM 1. Rescind 811—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
TEMPORARY VETERINARY PERMITS

811—9.1(169) Eligibility for a temporary permit.

9.1(1) *Temporary educational permit.* For the purpose of this subrule, “qualified applicant” means a person who is undertaking internship or residency training at Iowa State University College of Veterinary Medicine. A temporary educational permit may be issued upon application to a qualified applicant who does not also seek an Iowa veterinary license. A temporary educational permit allows the permit holder to act as a licensed veterinarian, including for privately owned animals, but only within the scope of the permit holder’s internship or residency program at Iowa State University College of Veterinary Medicine. Verification of internship or residency consists of an endorsement signed by the dean of the school and submitted directly to the board by the school. A temporary educational permit expires upon termination

of the permit holder's internship or residency program, as reported by the dean of the school of veterinary medicine. An initial temporary educational permit may be issued by the board for a term of up to two years. An initial temporary educational permit may be renewed by the board for a term of up to one year. No more than two renewals will be granted to the same person.

9.1(2) Temporary in-state practice permit.

a. A temporary in-state practice permit may be issued upon application to a qualified applicant who does not also seek an Iowa license. For the purpose of this subrule, "qualified applicant" means a person who:

(1) Has graduated from an AVMA-accredited or AVMA-listed school of veterinary medicine or has received an ECFVG or PAVE certificate.

(2) Is licensed in good standing in another jurisdiction.

(3) Has, in the case of an applicant with a non-Iowa license seeking licensure under Iowa Code section 169.10(1):

1. Successfully completed the National Board Examination (NBE) if the applicant's non-Iowa license was issued between December 31, 1964, and December 31, 1979.

2. Successfully completed the NBE and the Clinical Competency Test (CCT) if the applicant's non-Iowa license was issued between January 1, 1980, and December 31, 2000.

3. Successfully completed the NAVLE in accordance with rule 811—7.1(169) if the applicant's non-Iowa license was issued on or after January 1, 2001.

b. The temporary permit is issued in accordance with Iowa Code section 169.11(2). The temporary in-state practice permit allows the permit holder to act as a licensed veterinarian in this state. A person cannot obtain more than three temporary permits.

811—9.2(169) Application.

9.2(1) An application for a temporary permit is to be made on a form provided by the board. The application will state whether the applicant is applying for a temporary educational permit or a temporary in-state practice permit. The applicant will provide a statement indicating all jurisdictions in which the applicant is or has ever been licensed to practice veterinary medicine and consent to the release of information to the board from jurisdictions in which the applicant is or has ever been licensed.

9.2(2) The board may require from an applicant or obtain from other sources such other information pertinent to character and education of the applicant as it may deem necessary in order to pass upon the applicant's qualifications.

9.2(3) In the case of an applicant under subrule 9.1(2), the applicant will provide evidence of approved continuing education totaling at least 60 hours obtained in the previous three years.

9.2(4) The temporary permit fee and the application fee will accompany the application.

811—9.3(169) Practice without benefit of temporary permit or Iowa license. An applicant for a temporary permit or an Iowa license cannot engage in the practice of veterinary medicine unless and until a temporary permit or Iowa license is granted by the board. Prior to the issuance of the temporary permit or Iowa license, an applicant who is otherwise qualified under rule 811—9.1(169) may perform within the same scope of authority as a licensed veterinary technician, as provided in 811—Chapter 8.

811—9.4(169) Grounds for discipline and disciplinary procedures. A disciplinary action against a permit holder, including grounds for disciplinary action, is governed by 811—Chapter 10. In addition to the applicable grounds set forth in 811—Chapter 10, an applicant for a temporary permit or an Iowa license who engages in the practice of veterinary medicine prior to the issuance of the temporary permit or Iowa license is subject to denial or revocation of the temporary permit, denial or revocation of the Iowa license, and referral for civil or criminal prosecution, at the board's discretion.

These rules are intended to implement Iowa Code chapter 169.