

VETERINARY MEDICINE BOARD[811]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 811—Chapter 8
“Auxiliary Personnel”

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

Chapter 8 includes the process for obtaining a license or certificate from the Board of Veterinary Medicine to be veterinary assistants/auxiliary personnel and describes the authority and limitations of what veterinary assistants/auxiliary personnel are allowed to perform. The Iowa Legislature recently enacted 2023 Iowa Acts, House File 670, significantly overhauling the authority/limitations of veterinary assistants/auxiliary personnel, which renders most, if not all, of Chapter 8 obsolete. The Board is in the process of engaging stakeholders and preparing proposed rules to implement House File 670 by December 31, 2023, which is required by House File 670. Because nearly all of Chapter 8 will be rescinded and replaced as part of the rulemaking process under House File 670, the Board has limited its analysis of the current rules in Chapter 8 as being obsolete but will conduct its rulemaking process under House File 670 consistent with the requirements of Executive Order 10.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
See discussion in Purpose and Summary section.
 - Classes of persons that will benefit from the proposed rulemaking:
See discussion in Purpose and Summary section.

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:
See discussion in Purpose and Summary section.
 - Qualitative description of impact:
See discussion in Purpose and Summary section.

3. Costs to the State:

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

See discussion in Purpose and Summary section.

- Anticipated effect on state revenues:

See discussion in Purpose and Summary section.

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

See discussion in Purpose and Summary section.

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

See discussion in Purpose and Summary section.

6. Alternative methods considered by the agency:

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

See discussion in Purpose and Summary section.

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

See discussion in Purpose and Summary section.

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?

See discussion in Purpose and Summary section.

Text of Proposed Rulemaking

ITEM 1. Rescind 811—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
AUXILIARY PERSONNEL

811—8.1(169,17A) Definitions. As used in these rules, the following terms mean:

“*Accredited school of veterinary technology*” means a two-year college level training program providing basic training leading to a certificate of completion of a two-year program recognized and approved by the AVMA committee on accreditation of training for veterinary technicians or recognized and approved by the board.

“*Board*” means the same as defined in Iowa Code section 169.3(4).

“*Department*” means the Iowa department of agriculture and land stewardship.

“*Veterinary assistant*” means the same as defined in Iowa Code section 169.3(12).

“*Veterinary technician*” means any citizen of the United States who has graduated in veterinary technology from a two-year AVMA accredited school of veterinary technology; or in lieu thereof has assisted a licensed veterinarian for five years prior to 1980, or worked under the direction of a licensed veterinarian for at least three years, including at least one year of formal training approved by the board, in veterinary technology prior to 1981; and who has successfully passed an examination prescribed by the board.

811—8.2(169) Registration of veterinary technicians. All veterinary technicians are under the direct control of the board and are registered with the state veterinarian, bureau of animal industry, Iowa department of agriculture and land stewardship. Each veterinary technician is to pass both the veterinary technician national examination and a veterinary technician state examination as approved by the board. Applications for registration are obtained from and remitted to the board. Applicants who have passed both examinations are issued a certificate by the board stating that the named candidate is registered as a veterinary technician.

811—8.3(169) Examination. The veterinary technician state examination is given at least once annually at a site or sites to be designated by the board at least 60 days before the date of the examination. The board may provide for additional veterinary technician state examinations as deemed appropriate. In the event the board provides for additional examinations, the site or sites of the examination are designated by the board at least 60 days prior to the date of the examination.

8.3(1) An application fee in an amount determined by the board not to exceed \$45 is to accompany the application to take the veterinary technician state examination; both the fee and the application must be received by the board at least 30 days before the examination. An additional fee is to be submitted for the veterinary technician examination when a professional examination service is utilized by the board. The additional fees are the charges for the examination by the professional examination service plus administrative costs in an amount determined by the board. The fee for the veterinary technician state examination may be waived for qualifying military service personnel upon request.

8.3(2) An applicant who fails to earn a passing score on the veterinary technician state examination is entitled to retake the examination not earlier than 90 days since the applicant last took the examination. The applicant is to submit a new application and the application fee in accordance with subrule 8.3(1) to retake the veterinary technician state examination. An applicant is limited to five total attempts at the veterinary technician state examination; any additional applications to retake the examination beyond the five allowable attempts may be considered by the board and may be granted at the board's discretion.

811—8.4 Reserved.

811—8.5(169) Supervision. All veterinary assistants, including veterinary technicians, are employed by and receive compensation from and are under the direct supervision of a licensed or license exempt veterinarian, and function at the same place of business as the veterinarian. Such supervision includes, but is not limited to, the availability of the veterinarian on the premises.

8.5(1) Veterinarian's responsibility:

- a. To personally examine the animal within 12 hours before the assistant carries out any procedures.
- b. To direct, control and supervise the conduct of the assistant in the assistant's work.

8.5(2) Veterinary assistant's responsibility:

- a. The veterinary assistant, including registered veterinarian technicians, will not perform surgery; not make a diagnosis and prognosis of animal diseases; not prescribe drugs, medicine and appliances, and not administer rabies vaccine.
- b. Under conditions of an emergency, a veterinary assistant including a registered veterinary technician may render without supervision such lifesaving aid and treatment as follows: administration of oxygen; maintenance of airways including the nonsurgical insertion of an endotracheal tube; and control of hemorrhage. Under conditions of emergency, a registered veterinary technician but not an unregistered veterinary assistant may render such additional lifesaving aid and treatment as follows: placement of an IV catheter and the administration of fluids; external cardiac massage; and the administration of corticosteroids. Emergency aid and treatment, if rendered to an animal not in the presence of a licensed veterinarian, may only be continued under the direction of a licensed veterinarian, which in the case of emergency may include telephone or radio contact by a veterinarian en route to the site, until the veterinarian arrives in a timely manner. "Emergency" for the purpose of this rule means that the animal has been placed in a life-threatening condition where immediate treatment is necessary to sustain life.

811—8.6(169) Revocation or suspension of veterinary technician's certificate. The following are grounds for revocation or suspension of a certificate at the discretion of the board:

1. Fraud, misrepresentation or deception in obtaining a certificate.
2. Conviction of a felony, in which case the record of such conviction will be conclusive evidence.
3. Chronic inebriety or habitual use of drugs.

4. For having professional connection with, or lending one's name to any illegal practice of veterinary medicine and the various branches thereof.
5. Conduct reflecting unfavorably on the vocation of veterinary technology.
6. Conviction on the charge of cruelty to animals.
7. Failure to satisfy the continuing education requirements of rule 811—8.10(169,272C).

811—8.7(169) Action against veterinarians. The board of veterinary medicine will take action against any veterinarian licensed to practice in the state of Iowa who:

1. Permits or directs any veterinary assistant, including a registered veterinary technician, to perform veterinary duties involving diagnosis, prescription or surgery.
2. Permits or directs any veterinary assistant, including a registered veterinary technician, to perform any act which would be a legal or ethical violation if committed by the veterinarian.

811—8.8(169,272C) Disciplinary procedure. Disciplinary action taken under rule 811—8.6(169) or 811—8.7(169) follows the procedure established by rule 811—10.50(169,272C). Where appropriate, references in rule 811—10.50(169,272C) to a person licensed to practice veterinary medicine are construed to mean persons certified as a veterinary assistant or technician.

811—8.9(169,272C) Certification by endorsement. On a case-by-case basis, the board may issue certification by endorsement and without examination to applicants who hold certification or licensure as veterinary technicians in another jurisdiction.

811—8.10(169,272C) Continuing education.

8.10(1) Each registered veterinary technician completes, triennially, at least 30 hours of continuing education in courses approved by the board. The registrant has the responsibility for financing continuing education. These credit hours may be obtained by attending approved scientific seminars and meetings on the basis of one credit hour for each hour of attendance. Attendance at any board-approved national, state or regional meeting will be acceptable. Credit for qualified graduate college courses may be approved on the basis of multiplying each college credit hour by 10, to a maximum of 15 hours during any one triennial. A maximum of 10 hours during any one triennial may be achieved by the completion of approved home study courses.

8.10(2) Each registrant is to obtain the 30 credit hours between the registrant's certificate anniversary date and the last day of the following three-year period. However, a registrant who graduated from an accredited college of veterinary technology within three years of the issuance of an Iowa certificate has to obtain only 20 credit hours for the first triennial. Continuing education credits in excess of 30 hours for any three-year period may be carried over to the next triennial period, but the total number of credits carried over cannot exceed 10 hours.

8.10(3) Completion of the continuing education will be reported to the secretary of the board of veterinary medicine on forms provided by the board by December 31 of the triennial anniversary year. The registrant will sign the reporting form and include an administration fee of \$15.

8.10(4) The board may waive continuing education requirements for qualifying military service personnel upon request.

811—8.11(272C) Registration as veterinary technician by verification. Registration by verification for a veterinary technician is available in accordance with the following:

8.11(1) Eligibility. A person may seek registration by verification if the person is registered or licensed in at least one other jurisdiction and in circumstances set forth by Iowa Code section 272C.12(1).

8.11(2) Board application. The applicant is to submit the following:

- a. A completed application for registration by verification.
- b. Payment of the application fee.
- c. A verification form, completed by the licensing/registration authority in the jurisdiction that issued the applicant's license or registration, verifying that the applicant's license or registration in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form is sent directly from the licensing/registration authority to the board. This form is available on the board's website.
- d. Proof of passing Iowa's veterinary technician state examination.

e. A copy of the relevant disciplinary documents if another jurisdiction has taken disciplinary action against the applicant.

8.11(3) Applicants with prior discipline or pending licensing complaints or investigations. If another jurisdiction has taken disciplinary action against an applicant or if the applicant has a complaint, allegation, or investigation relating to unprofessional conduct pending before any regulating entity in another jurisdiction, the board will proceed according to Iowa Code section 272C.12(1)“f.”

8.11(4) Limitations. A person who has had a license/registration revoked, or who has voluntarily surrendered a license/registration while under investigation for unprofessional conduct in another jurisdiction, is ineligible for registration by verification.

811—8.12(272C) Applicants with work experience in jurisdictions without licensure requirements.

8.12(1) Work experience. An applicant for initial registration who has relocated to Iowa from another jurisdiction where the applicant did not need a professional license/registration to practice in the profession may be considered to have met any educational and training requirements if the person meets the requirements detailed in Iowa Code section 272C.13(1). The applicant is to satisfy all other requirements, including passing any necessary examinations, to receive a license.

8.12(2) Board application. The applicant submits the following:

- a. A completed application for registration through work experience.
- b. Payment of the application fee.
- c. Proof of passing both the veterinary technician national examination and Iowa’s veterinary technician state examination.

8.12(3) Mandatory documentation. An applicant who wishes to substitute work experience in lieu of satisfying applicable education or training requirements carries the burden of providing all of the following by submitting relevant documents as part of a completed registration application:

- a. Proof of Iowa residency, which may include one or more of the following:
 - (1) A residential mortgage, lease, or rental agreement;
 - (2) A utility bill;
 - (3) A bank statement;
 - (4) A paycheck or pay stub;
 - (5) A property tax statement;
 - (6) A document issued by the federal or state government; or
 - (7) Any other board-approved document that reliably confirms Iowa residency.
- b. Proof of three or more years of work experience within the four years preceding the application for registration, which may include one or more of the following:
 - (1) A letter from the applicant’s prior employer documenting the dates of employment;
 - (2) Paychecks or pay stubs; or
 - (3) Any other board-approved evidence of sufficient work experience.
- c. Proof that the work experience was in a practice with a scope of practice substantially similar to that for the registration sought in Iowa, which includes:
 - (1) A written statement by the applicant detailing the scope of practice; and
 - (2) Business or marketing materials detailing the services provided.
- d. Proof that a professional license/registration was not mandatory in the other state, which may include:
 - (1) Copies of applicable laws;
 - (2) Materials from a website operated by a governmental entity; or
 - (3) Materials from a national professional association.

These rules are intended to implement Iowa Code sections 17A.3, 169.4, 169.5, 169.9, 169.12, 169.20 and 272C.4.