

VETERINARY MEDICINE BOARD[811]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 811—Chapter 1
“Description of Organization and Definitions”

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 1 provides the public with information about the organization, headquarters, and meetings of the Board. It also includes definitions to assist the public in understanding and interpreting the Board’s rules.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

There are no costs because this chapter does not impose any requirements on the public or regulated community.

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

The public and regulated community will benefit from the proposed rules because the rules provide definitions to assist with understanding the Board’s rules.

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 is little, if any, quantitative impact from the proposed rules because there are no costs since this chapter does not impose any requirements on the public or regulated community.

- Qualitative description of impact:

There is little, if any, qualitative impact from the proposed rules because there are no costs since this chapter does not impose any requirements on the public or regulated community.

3. Costs to the State:

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

This chapter does not contain any requirements to enforce, only definitions, so there are no costs incurred by the Board to implement or enforce these rules.

- Anticipated effect on state revenues:
There is no anticipated effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:
Failure to have definitions could lead to increased costs to the Board and State as more staff time will be required to answer questions from the public and regulated community about compliance with the Board's rules.

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

There does not appear to be any less costly method because the definitions need to be included in Chapter 1 to properly inform the public and regulated community about the Board's requirements.

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?

There are no costs since this chapter does not impose any requirements on the public or regulated community, so the rules do not have a substantial impact on small business.

Text of Proposed Rulemaking

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

CHAPTER 1 DESCRIPTION OF ORGANIZATION AND DEFINITIONS

811—1.1(17A,169) Organization and duties. The board of veterinary medicine has a membership as established in Iowa Code section 169.5(1) "a." One public member may be a graduate of an AVMA-accredited school of veterinary technology and be credentialed in Iowa as a veterinary technician. The state veterinarian serves as secretary. The board may administer examinations to applicants for a license or temporary permit to practice veterinary medicine and to applicants for licenses or certificates for auxiliary personnel. The board investigates and disciplines, as necessary, persons for whom credentials have been issued or who are engaged in an activity regulated by the board.

811—1.2(17A,169) Headquarters of the board. The official mailing address of the board is: Iowa Board of Veterinary Medicine, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053.

811—1.3(17A,169) Meetings. The board meets once a year at its headquarters and may hold additional meetings as necessary for the purpose of administering examinations and conducting its duties. The organizational meeting is the first board meeting of the fiscal year. The fiscal year begins July 1. Three members constitute a quorum authorized to act in the name of the board.

811—1.4(17A,169) Definitions. As used in the rules of the board, unless the context otherwise entails:

“*AAVSB*” means the American Association of Veterinary State Boards.

“*AVMA*” means the American Veterinary Medical Association.

“*AVMA-accredited*” means colleges in the United States and foreign colleges evaluated by the AVMA Council on Education and found to meet accreditation standards as published.

“*AVMA-listed*” means a foreign college recognized by the World Health Organization or the government of its own country whose graduates are eligible to practice veterinary medicine in that country and whose graduates may qualify for entrance in the ECFVG certification program.

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

“*Certificate*” means a credential issued by the board to practice on an animal as a certified veterinary student pursuant to 811—subrule 6.7(3).

“*Certificate holder*” means a person issued a certificate by the board.

“*Client*” means the patient’s owner, owner’s designee, or other person responsible for the patient.

“*Client consent*” means that the licensed veterinarian has informed the client of the reasonable and usual diagnostic and treatment options available and provides an assessment of the risks and benefits of such choices, the prognosis and an estimate of the fees expected for the provision of services. The consent of the client shall be provided in verbal or written form prior to initiation of diagnostic and treatment procedures and documented in the medical record by the licensed veterinarian or staff. Consent is valid if it indicates that the client’s questions have been answered to the client’s satisfaction and that the client consents to the recommended treatments or procedures.

“*Credential*” means, as applicable, a certificate, license, or permit issued by the board.

“*Credential holder*” means a person who holds a certificate, license, or permit issued by the board.

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

“*Direct supervision*” means that a licensed veterinarian is on the premises and is readily available.

“*ECFVG*” means the Educational Commission for Foreign Veterinary Graduates.

“*Emergency*” means that an animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain life, or that death is imminent and action is necessary to relieve extreme pain or suffering.

“*ICVA*” means the International Council for Veterinary Assessment.

“*License*” means a credential issued by the board that permits a person to practice veterinary medicine.

“*Licensee*” means a person holding a license issued by the board.

“*NAVLE*” means the North American Veterinary Licensing Examination.

“*Patient*” means an animal or group of animals examined or treated by a licensed veterinarian.

“*PAVE*” means the Program for the Assessment of Veterinary Education Equivalence.

“*Permit*” means a temporary educational permit or a temporary in-state practice permit issued by the board pursuant to rule 811—9.1(169).

“*Permit holder*” means a person holding a permit issued by the board.

“*Physical examination*” means a veterinarian is physically proximate, hands-on to the patient and subjectively and objectively evaluates the patient’s health status through the use of observation, auscultation, palpation, percussion or manipulations, or, for a group of patients, the veterinarian is physically proximate to the group of patients and has subjectively and objectively assessed a representative sample of the patients.

“*Premises*” means the land, buildings, enclosures, and facilities operated or owned by the client where the patient or representative patients are housed, kept, located, or grazed.

“*Qualifying military service personnel*” means a person, or the spouse of that person, who is currently or who has been during the past 12 months on federal active duty, state active duty, or national guard duty and has provided sufficient documentation to the board concerning the service and, if applicable, marriage.

“*RACE*” means the Registry of Approved Continuing Education, which is the national clearinghouse for approval of continuing education providers and their programs. All RACE-approved continuing education providers and programs are listed on the American Association of Veterinary State Boards website.

“*Veterinarian*” means the same as defined in Iowa Code section 169.3(11).

“*VTNE*” means the Veterinary Technician National Examination.

These rules are intended to implement Iowa Code section 17A.3 and chapter 169.