**NOTICE OF INTENT**

**Department of Health and Hospitals**

**Board of Veterinary Medicine**

License Procedures (LAC 46:LXXXV.303)

The Louisiana Board of Veterinary Medicine proposes to adopt LAC 46:LXXXV.303.E in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1518(A)(9) and 37:1533. The board is vested with the authority to regulate the practice of veterinary medicine to insure the health, welfare, and protection of the animals and the public. The proposed Rule is being adopted to require a faculty license when a veterinarian faculty member engages in the direct (hands-on) practice of veterinary medicine on an animal owned by a member of the public whether by referral from a private practice veterinarian, or by direct patient solicitation/access without referral, as part of his employment at the school. Administrative regulatory accountability is required to insure the health, welfare, and protection of the animals and the public. This proposed Rule regarding the veterinary faculty license shall become effective for the 2016-2017 annual license period (beginning October 1, 2016), and for every annual license renewal period thereafter.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL**

**STANDARDS**

**Part LXXXV. Veterinarian**

**Chapter 3. Licensure Procedures**

**§303. Examinations**

1. - D. ...

 E. Veterinary Faculty License

1. Pursuant to section 1533 of the Veterinary Practice Act, a faculty license to practice veterinary medicine issued by the board to a veterinarian member of the faculty at LSUSVM is required when the conduct extends to the direct (hands-on) practice of veterinary medicine on an animal owned by the public whether by referral from another veterinarian, or by direct patient access without referral, as part of his employment at the school. The licensed faculty veterinarian shall be ultimately responsible for the proper veterinary care of the animal and held administratively accountable by the board per its regulatory authority.

2. A faculty license shall not be used to practice veterinary medicine beyond the holder’s employment at the school. A faculty license cannot be used to practice veterinary medicine at a private or another public facility where veterinary care is provided, or to practice veterinary medicine at an emergency veterinary care facility. However, an active license to practice veterinary medicine issued by the board to a qualified faculty veterinarian may be used by the holder for all aspects of his employment and practice at the school.

3. Further criteria for issuance of a faculty license is when the applicant: a. provides proof of graduation from a school of veterinary medicine with a degree of doctor of veterinary medicine or its equivalent and: i. has possessed an active license in good standing issued by another state, territory, or district in the United States at some time within the five years prior to the date of application for a faculty license; or ii. has a current certificate or other documentation indicating successful completion of a residency or program in a specialty field of veterinary medicine accepted by the board at the time of application for a faculty license; or iii. has a current certification, or is in the process of attaining certification, in a specialty area of veterinary medicine by the American Board of Veterinary Specialty Colleges, or its international equivalents accepted by the board; b. prior to commencement of practice at the school, the submission of the board approved application for a faculty license and the payment of the initial application fee of $100 for issuance of the license to the board are applicable; and thereafter, for annual renewal, the submission of the renewal application with the payment of the annual renewal fee of $100 are required.

4. The faculty license shall be subject to cancellation for any of the reasons and under the same conditions and costs set forth in R.S. 37:1526 and the board’s rules, or if the holder permanently moves out of Louisiana, or leaves the employment of LSU-SVM.

5. Pending issuance of a faculty license or an active license, an intern, who is a graduate of a board approved school of veterinary medicine, may practice veterinary medicine at LSU-SVM, provided the practice is limited to such duties as intern, and is under the supervision of a veterinarian who holds a faculty license issued by the board (or a faculty veterinarian with an active license issued by the board). Supervision as used in this rule shall mean the supervising, faculty licensed veterinarian (or a faculty veterinarian with an active license issued by the board) is on the premises or available by telephone for prompt consultation and treatment. The supervising, faculty licensed veterinarian (or a faculty veterinarian with an active license issued by the board) shall be ultimately responsible for and held accountable by the board for the duties, actions, or work performed by the intern.

6. For purposes of this rule, an intern is an employee of LSU-SVM, who is a graduate from a school of veterinary medicine with a degree of doctor of veterinary medicine or its equivalent as accepted by the board, and is undergoing training at the school for a one year period, and rotates in various specialties during such period. For purposes of this rule, a resident is an employee of LSU-SVM, who is a graduate from a school of veterinary medicine with a degree of doctor of veterinary medicine or its equivalent as accepted by the board, and has satisfied the one year internship requirement, or was in private practice for at least one year, and is thereafter working towards a certification in a specialty area of veterinary medicine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended LR 8:144 (March 1982), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:343 (March 1993), LR 19:1327 (October 1993), LR 23:964 (August 1997), LR 25:2232 (November 1999), LR 28:1982 (September 2002), LR 38:1592 (July 2012), LR 40:308 (February 2014), LR 41:

**Family Impact Statement**

In accordance with section 953 of title 49 of the Louisiana Revised Statutes, the following family impact statements will be published in the Louisiana Register with the Rules.

1. The Effect on the Stability of the Family. We anticipate no effect on the stability of the family. 2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. We anticipate no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. We anticipate no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The Rules regarding application and renewal fees should have no significant adverse effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. We anticipate no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rules. We anticipate no effect on the ability of the family or a local government to perform the function as contained in the Rules.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, the following poverty impact statements will be published in the Louisiana Register with the rules.

1. The Effect on Household Income, Assets, and Financial Security. The Rule regarding application and renewal fees should have no significant adverse effect on household income, assets, and financial security.

2. The Effect on Early Childhood Development and Pre-school through Post-secondary Education Development. We anticipate no effect on early childhood development and pre-school through post-secondary education development regarding the Rule.

3. The Effect on Employment and Workforce Development. The Rule regarding application and renewal fees should have no significant effect on employment and workforce development.

 4. The Effect on Taxes and Tax Credits. We anticipate no effect on taxes and tax credits regarding the Rule.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. We anticipate no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance regarding the Rule.

**Small Business Statement**

In accordance with section 965 of title 49 of the Louisiana Revised Statutes, the following regulatory flexibility analysis will be published in the Louisiana Register with the rules.

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. There are no changes in record keeping or reporting requirements for small businesses.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. There are no changes in the deadlines for compliance or reporting requirements for small businesses.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The rules regarding application and renewal fees have no adverse effect on compliance or reporting requirements for small businesses.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards in the Proposed Rules. There are no design or operational standards in the Rule.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Rules. There are no exemptions for small businesses in the Rule, however, the Rule does not apply to small businesses.

**Provider Impact Statement**

In accordance with HCR 170 of the 2014 Regular Legislative Session, the following provider impact statement will be published in the Louisiana Register with the Rule.

1. Staffing Level Requirements or Qualifications. It is not anticipated that the Rule will have any significant impact on the effect on the staffing level requirements or qualifications required to provide the same level of service.

2. Direct and Indirect Effect of Costs. It is not anticipated that the Rule will have any significant impact on the total direct and indirect effect on the cost to providers to provide the same level of service.

3. Ability to Provide Same Level of Service. It is not anticipated that this Rule will have any significant impact on the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested parties may submit written comments to Wendy D. Parrish, Executive Director, Louisiana Board of Veterinary Medicine, 301 Main Street, Suite 1050, Baton Rouge, LA 70801, or by facsimile to (225) 342-2142. Comments will be accepted through the close of business on Friday, July 24, 2015.

**Public Hearing**

If it becomes necessary to convene a public hearing to receive comments in accordance with the Administrative Procedure Act, the hearing will be held on Monday, July 27, 2015, at 10 a.m. at the office of the Louisiana Board of Veterinary Medicine, 301 Main St., Suite 1050, Baton Rouge, LA (new office address effective 7/6/2015).

Wendy Parrish

Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

**RULE TITLE: License Procedures**

1. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

 The proposed rule changes will result in an expenditure of approximately $800 Fees and Self-Generated Revenues in FY 15 for the Board of Veterinary Medicine and will result in no estimated costs (savings) to other state or local governmental units. This cost is routinely included in the board’s annual operating budget. The proposed rules amend Louisiana Administrative Code (LAC) Title 46, Part LXXXV, Section 303.E regarding clarification of the Louisiana veterinary faculty license. The proposed rule creates a veterinary faculty license, requires licensure for veterinary school faculty, and details permissible practices under such license as well as requirements for licensure.

1. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Board of Veterinary Medicine anticipates an increase of approximately $5,500 in self-generated revenues in FY 16, and increasing to approximately $7,000 above current revenue levels beginning in FY 17 and beyond. The proposed increase in annual license renewal fees shall become effective for the 2016-2017 license renewal period (October 1, 2016-September 30, 2017) and annually thereafter.

1. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed fees regarding faculty license application, original license and license renewal will create an annual cost of $100 for each faculty veterinarian. The proposed rule will create administrative oversight by the Board regarding the treatment of animals at veterinary schools by faculty veterinarians. There will be no costs and/or economic benefits to non-governmental groups with regards to the proposed Rules.

1. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules are anticipated to have no effect on competition and employment in the public and private sectors.

Wendy D. Parrish Evan Brasseaux

Executive Director Staff Director

1506#014 Legislative Fiscal Office