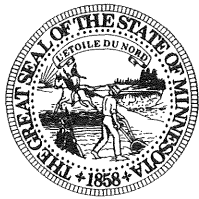


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MINNESOTA BOARD OF VETERINARY MEDICINE

2700 University Avenue West #102 • St. Paul, MN 55114-1081

(612) 642-0597

JUN 8 1995

June 6, 1995

TO: Legislative Commission to Review Administrative Rules

FROM: Roland C. Olson, DVM
Executive Director

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In accordance with the requirements of Minn. Stat. 14.23 (1994), a copy of the Proposed Rules of the Board of Veterinary Medicine Relating to Continuing Education and the accompanying Statement of Need and Reasonableness is forwarded for your review.

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STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA BOARD OF

VETERINARY MEDICINE

In the Matter of the Proposed Permanent
Rules Relating to Continuing Education

STATEMENT OF NEED
AND REASONABLENESS

I. Introduction

The purpose of the Board of Veterinary Medicine is to examine and license qualified individuals desiring to practice veterinary medicine in Minnesota and to ensure that licensees meet and maintain competency standards.

The Board of Veterinary Medicine is proposing new rules requiring veterinary continuing education for licensees as a prerequisite for relicensure.

Minn. Stat. 156 establishes the Minnesota Board of Veterinary Medicine. Authority for the Board to effectuate Chapter 156 and develop the details of its programs through rulemaking is contained in Minn. Stat. 156.01, Subd. 3. The authority to promulgate by rule requirements for continuing professional education is set forth at Minn. Stat. 214.12.

II. Small Business Considerations

Minn. Stat. 14.115, Subd. 2, requires that when an agency proposes new or amended rules, it must consider "methods for reducing the impact of the rule on small business", "document how it has considered these methods" and "provide an opportunity for small businesses to participate in the rulemaking process."

The Board does not believe that the requirements of section 14.115 apply to the proposed rules, because that section does not apply to "agency rules that do not affect small business directly." The proposed rules relate only to the qualification of its licensees to provide professional services, not the veterinary businesses the licensee may work in.

In the event of disagreement with the board's position, the board has reviewed the five suggested methods listed in section 14.115, subd. 2, for reducing the impact of the rules on small businesses. The suggested methods are as follows:

Methods (a), (b), and (c) all relate to compliance or reporting requirements for small business; either establishing less stringent requirements (a), establishing less stringent schedules for compliance (b), or simplifying compliance or reporting requirements (c). Since the Board is

not proposing any compliance or reporting requirements for either small or large businesses, it follows that there are no such requirements for the Board to lessen. If, however, these proposed rules are viewed as compliance or reporting requirements for businesses, then the Board finds that it would be unworkable to lessen the requirements for those veterinarians who practice in a solo or group setting of fewer than 50 employees, since that would include the vast majority of licensees.

Method (d) suggests replacing design or operational standards with performance standards for small businesses. The proposed rules address individual continuing education and do not affect design or operational standards for businesses; therefore, there is no reason to implement performance standards as a replacement for design or operational standards that do not exist.

Method (e) suggests exempting small businesses from any or all requirements of the rule. The Board's view is that the proposed continuing education rules do not regulate the business operation of veterinarians; therefore, there are no rule requirements from which to exempt small businesses. It is also the Board's view that it is their statutory duty to establish licensure requirements which apply to all licensees, regardless of their practice in a large or small business.

III. Expenditure of Public Money by Local Public Bodies

There is no requirement in the proposed rules requiring the expenditure of money by any public body.

IV. Impact on Agricultural Lands

The proposed rules relate only to veterinary continuing education and there is no impact on agricultural land.

V. 9100.0100 Definitions

The definitions, beginning with Subp. 1, are needed to provide consistent terminology for use by persons affected by the rules and to identify and clarify terms used in parts 9100.0100 through 9100.1000. Words or phrases used in a manner consistent with common usage are not defined.

Subp. 1c. A. Continuing education. In the context of the proposed rules, it is necessary to define continuing education as strictly related to the development of veterinary skills and knowledge.

Subp. 1c. B. Approved continuing education. This definition is necessary to establish the identity and authority of the body responsible for determining the acceptability of a specific learning activity for professional skill and knowledge enhancement.

Subp. 3b. Licensure renewal period. The board is changing the length of time a veterinary license is valid from one year to two years. A definition of that two-year period, specifying beginning and end points, is reasonable and necessary.

Subp. 4b. A. Sponsor. This definition is necessary to clarify who, in the context of the proposed rules, offers and presents continuing education activities.

4b. B. Approved sponsor. Necessary definition to establish who is the approving body for determining the acceptability of continuing education activities that meet the requirements for relicensure in Minnesota.

Subp. 7. A. Veterinary facility. The board has determined that it is necessary and reasonable to add "mobile unit" to this definition so there is no question that mobile units must meet the same standards as fixed facilities.

Subp. 7. B, 7. C., 7. D., 7. E. Because of ongoing changes and specialization occurring in the types of veterinary clinics and hospitals currently being established, it is necessary to define the distinctions between types of facilities for the purpose of establishing different requirements for the various facilities based on their services provided.

VI. 9100.1000 Continuing Education (CE)

Subpart 1. Continuing Education Required.

Under the authority granted in Minn. Stat. 214.12, the Board has determined that to promote continuing professional competence of licensees, it is necessary to establish a requirement for continuing education as a prerequisite for relicensure. The Board feels that a minimum requirement of 40 hours of CE in a two-year period is a reasonable amount and would not be burdensome to licensees from a time or cost standpoint.

Subp. 2. Purpose. This subpart is included to state the purpose of a CE requirement.

Subp. 3. Approved CE Programs.

A. The board feels it is necessary and reasonable to automatically approve CE courses provided by recognized educational entities and professional societies to lessen administrative burdens on the staff and inform licensees that programs presented by the listed organizations will meet board CE approval.

B. For organizations not listed in A above, it is necessary that approval of CE course offerings be determined by the CE advisory committee. It is reasonable to require an application for approval to contain sufficient information for the CE committee to determine the acceptability of a program and for the approval request to be submitted at least 90 days prior to presentation. A modest fee to defray administrative costs for program approval is necessary and \$50 is reasonable. Approval for this fee by the Department of Finance has been requested.

C. Program Approval Criteria

1) For the information of potential sponsors of CE programs, it is necessary to list the basic criteria upon which the acceptability of a CE program will be judged. The criteria listed--significant content related to veterinary medicine, qualified presenters, suitable setting and available to all licensees--are reasonable.

2) There needs to be a mechanism whereby individual licensees can apply for credit for a CE course not previously approved by the CE committee and permitting this by rule is reasonable.

3) It is reasonable not to allow CE credit for courses not related to veterinary medicine.

4) It is necessary and reasonable to standardize the approval statement that approved sponsors may use to advertise their course.

5) It is necessary and reasonable to require sponsors to maintain attendance records and provide attendance verification to the Board.

Subpart 4. Continuing Education Advisory Committee

A. The Board has determined that an advisory committee made up of individuals from organizations experienced with working in the delivery and evaluation of CE programs is necessary to assist in administering the CE program and that the committee makeup, as stated, is reasonable.

B. It is necessary to state the basic duties of the CE committee and the duties as stated are reasonable.

Subpart 5. Requirement for Relicensure

A, B, C. The requirement of 40 hours of approved CE credit is a reasonable overall amount, as is the requirement that at least 30 of the 40 hours must be obtained from interactive sources and not more than 10 hours are acceptable for courses on management.

Subpart 6. Credit Determination

A, B, C. These three paragraphs outline the credit awarded to licensees for CE activities. It is necessary to specify these numbers for the guidance of the CE committee and licensees.

Subpart 7. Extension and Waivers of CE Requirements

A. A provision for waiver of CE requirements is necessary and the guidelines provided are felt to be reasonable.

B. It is reasonable to waive CE requirements for licensees enrolled in graduate or residency programs.

C. To reduce board administrative functions and to encourage licensees to participate in academies or specialty boards having stringent CE requirements for membership, the board felt it was necessary and reasonable to waive CE requirements for those licensees who are members of such groups.

D. Many individuals licensed in Minnesota are licensed and practice in other states that have CE requirements equal to Minnesota's. In these cases, to reduce reporting requirements for out of state licensees, the board has determined that it is reasonable to waive reporting of CE attendance to the Minnesota board.

E, F. The board feels it is reasonable to waive CE reporting for newly licensed veterinarians and for retired licensees no longer practicing.

Subpart 8. Certification Procedure

A, B. The board has determined that it is necessary and reasonable for licensees to maintain their own CE records, and to produce those records upon request of the board.

C. Fulfilling CE requirements will be a mandatory part of the biennial relicensure process. The board attaches significant importance to this requirement and feels it is necessary and reasonable to make failure to meet the requirements, failure to provide adequate proof, or falsifying documentation, all grounds for discipline for unprofessional conduct.

D. Self-explanatory.

E. Clarifies that the board can require additional CE of a licensee.

Subpart 9. Reinstatement of Expired License

A. Under Minn. Stat. 156.071, an expired license can be reinstated by paying all back fees and penalties. This paragraph is necessary to add proof of CE attendance as an additional requirement for license reinstatement. The board feel this is a reasonable requirement.