

**Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

Initial Statement of Reasons

Hearing Date: Wednesday, April 21, 2010

Subject Matter of Proposed Regulations: Mandatory Continuing Education for Registered Veterinary Technicians

Sections Affected: Title 16, Division 20, California Code of Regulations sections 2086, 2086.1, 2086.2, 2086.3, 2086.4, 2086.5, 2086.6, 2086.7, 2086.8

Specific Purpose of each adoption, amendment, or repeal:

The purpose of the proposed language is to establish requirements for registered veterinary technicians to continue their education beyond those required for initial registration. The proposed language would also require registered veterinary technicians to submit, as a condition of renewal, assurance to the Veterinary Medical Board (Board) they have completed their required continuing education. Specifically, this proposal would:

Adopt section 2086.

There are no existing regulations requiring continuing education as a condition for renewal for registered veterinary technicians. This regulatory proposal implements a requirement for 20 hours of continuing education in the preceding two years as a condition for renewal for registration as a registered veterinary technician; would establish requirements for approved providers; sets a four hour limit on "self-study; establishes the start dates for collecting the verification of continuing education; establishes an audit procedure; and sets parameters for civil penalties for non-compliance.

Adopt section 2086.1.

There are no existing regulations that define the terms relevant to continuing education requirements. This regulatory proposal would define the terms "registrant," "continuing education," "approved provider," "qualifying continuing education," "qualifying course," "self-study course" and "AAVSB."

Adopt section 2086.2.

Existing regulations do not require continuing education requirements for registered veterinary technicians renewing their registration. This regulatory proposal would establish specific requirements for licensees taking continuing education courses regarding the number of required hours, reporting and record requirements, and the Board's authority to audit a licensee's continuing education hours. It also establishes fingerprinting requirements as per section 2010.05.

Adopt section 2086.3.

There are no existing regulations that specify guidelines for exemptions or waivers to the 20 hours of continuing education contact hours for license renewal. This regulatory proposal would identify specific reasons upon which basis a waiver would be granted.

Adopt section 2086.4.

There are no existing regulations that specify any form of continuing education credit or amount of continuing education credit for those licensees that are taking courses at a college or university, teaching an approved course, participating in an examination preparation workshop, serving as an expert examiner or giving a presentation. This regulatory proposal would establish parameters for licensees enrolled in a college or university course or who assist the VMB with examination workshops or serve as expert examiners. This proposal will specify how much continuing education credit can be earned and also how much of those hours can be applied towards the amount needed for license renewal.

Adopt section 2086.5.

There are no existing regulations that specify the content of the approved courses. This proposed regulation establishes the requirements for course content and what courses would not be acceptable.

Adopt section 2086.6.

There are no existing regulations that define the qualifications of the instructors of the continuing education courses. This regulatory proposal specifies the licensure, education, training, and experience requirements of each continuing education course instructor.

Adopt section 2086.7.

There are no existing regulations that specify the criteria required for recordkeeping and the content of the records. This regulatory proposal would require that providers keep records and specifies the content of those records. This regulatory proposal would require course providers to give each continuing education course attendee a record of completion and would outline what type of record is accepted and what information is required to be on each record of attendance.

Adopt section 2086.8.

Existing regulations do not outline the parameters for denial or withdrawal of Board-approved provider status. This regulatory proposal would specify the reasons for which an application for approved-provider status would be denied and also the reasons for which a provider's approval could be withdrawn.

Factual Basis/Rationale

Section 2086.

This regulation is necessary to establish that registered veterinary technicians, who apply for license renewal or to reactivate an inactive license on or after July 1, 2013, must certify to completion of 20 hours of approved continuing education and that the approved continuing education is completed during the preceding two years. The intent of the law is to maintain skills and competence at a minimum level to ensure consumer protection. Without this requirement, registered veterinary technicians could submit continuing education from any period during their licensure.

This regulation also allows a waiver for registered veterinary technicians who are renewing for the first time. Only registered veterinary technicians who are renewing for the second and subsequent renewals are subject to the continuing education requirements.

There are three ways to become registered in California. The first is through graduation from an approved college. The second approach is through an alternate route, which requires a

registered veterinary technician to complete a combination of a prescribed number of hours of education and a prescribed number of years of directed clinical practical experience and the third approach is to obtain a specific number of hours in directed clinical practical experience as a registered veterinary technician in another state. Once qualified through one of these three pathways, all candidates must take and pass the state licensing examination prior to initial registration.

Section 2086.1.

The term “registrant” is defined to establish who is required to take the 20 hours of continuing education for registration renewal. The Board currently has three types of licenses that are issued and defining “registrant” as a California registered veterinary technician limits the continuing education requirements to registered veterinary technicians for clarification purposes.

The term “continuing education” is defined to establish the purpose of continuing education. It is education needed to maintain competence and skills consistent with current standards beyond initial studies. This definition is critical to registered veterinary technicians, to establish the need for continuing education.

The term “statutorily recognized provider” is established to define that those entities specifically named in statute (Business and Professions Code section 4846.5) do not need to be approved by either the Board or the Board-recognized national approval entity. It is necessary to establish that these providers are automatically approved, so registered veterinary technicians know that courses from these providers will count towards the continuing education needed for license renewal. The providers named in the state consist of local and state associations and entities associated with the American Veterinary Medical Association. The list also grants approval to government agencies that offer continuing education.

The term “approved provider” is established to designate the types of groups or organizations who offer approved continuing education. This definition is necessary, as registrants need to know that only approved providers can offer continuing education that can be applied towards license renewal. An approved provider can be either statutorily approved or American Association of Veterinary State Boards (AAVSB) approved through its Registry of Approved Continuing Education (RACE). Courses taken from unapproved providers will not count towards the license renewal requirements.

The terms “qualifying continuing education” or “qualifying course” establishes the various formats that continuing education is given and that all courses must be presented by an approved provider to count towards registration renewal. This is critical to the veterinary technician profession so a registrant knows what type of course qualifies towards registration renewal requirements. This is necessary so the registrant can avoid taking courses from unapproved providers and then submitting those courses towards license renewal.

The terms “AAVSB” and “RACE” are established to designate the name of the Board-recognized national approval entity, the American Association of Veterinary State Boards that will serve as the national continuing education provider approval group. This term is necessary to inform registered veterinary technicians that continuing education courses taken from a provider approved by the AAVSB through its RACE will count towards the continuing education requirements needed for registration renewal. The statute allows courses taken from a statutorily-approved provider or a provider approved through RACE, the national Board-recognized provider approval entity. Establishment of the term brings clarity throughout the regulation and conforms to the requirements in the statute.

The term “self-study course” is established to define what forms of continuing education qualify as self-study material. With technology, there are many avenues by which to obtain continuing education, e.g., video conferencing, Internet, and journals. Video conferencing and the Internet can be both self-study and non self-study, depending on the form in which it is being administered. Because of potential confusion to licensees, the Board established that courses that do not offer participatory interaction between both parties are considered self-study. Because of the limit on self-study courses, registered veterinary technicians need to understand which courses constitute self-study.

The term “approval entity” is established to define who is responsible for approving providers of continuing education. This term is necessary so that continuing education providers can identify to whom they need to apply in order to become approved.

Section 2086.2.

This regulation is necessary to establish that registered veterinary technicians, who apply for license renewal or to reactive an inactive license on or after July 2013, must certify to completion of 20 hours of approved continuing education and that the approved continuing education is completed during the preceding two years. The intent of the law is to maintain skills and competence at a minimum level to ensure consumer protection of health, safety, and welfare. Without this requirement, registered veterinary technicians could submit continuing education from any period during their licensure.

Section 2086.3.

The statute requires the Board to review requests from registered veterinary technicians to waive the continuing education requirements for license renewal, if the request meets specific criteria. The Board recognizes that special circumstances may not allow a registered veterinary technician to attend continuing education courses. The Board does not want to create a barrier to licensure and as outlined in the statute, has identified criteria that would prohibit a licensee from completing the continuing education requirements. The Board will grant a waiver if a registered veterinary technician can show evidence that he or she has been involved in military service, has a significant physical and/or mental disability or someone they have the responsibility to care for has a significant physical and/or mental disability.

The licensee will be required to complete an application and include any supporting documentation that will help justify their request for waiver. If the request for waiver is denied, continuing education will still be required.

Section 2086.4.

The Board recognizes that registered veterinary technicians may continue their veterinary studies at a college or university. Because this qualifies as education beyond the initial education needed for licensure, the Board is offering continuing education credit for completion of an academic quarter or an academic semester.

The Board selected the ratio of one academic quarter unit is equivalent to ten hours of continuing education credit and one academic semester unit is equivalent to 15 hours of continuing education credit because it is a professional industry standard. Both the Board of Psychology and the Board of Behavioral Sciences recognize the same ratio for continuing education accrual.

The regulation specifies that a qualifying course shall be at least one hour in length. One hour is equivalent to 50 minutes of actual instruction. This is based on an average continuing

education course, which typically allows a few minutes for sign-in and few minutes at the end of the course for questions. Fifty minutes of actual instruction is an industry standard for continuing education. The regulation also allows courses to be given half-hour credit if they are between 25 and 49 minutes over the one-hour course length. Many courses will run one and one half-hour in length. By allowing the incremental credit, the licensee will earn the credit for an entire course.

The regulations allow a teacher of a continuing education course to claim credit for that course one time during the renewal period. This is necessary because the intent of the law is to maintain skills and competence at a minimum level. The teacher is not learning any new information to maintain skills or competence by teaching the course repeatedly. The Board recognizes the amount of time and work that teachers put into a course; however, allowing multiple credits does not follow the intent of the law.

The regulations allow a registrant who participates with the Board as an expert examiner to receive a maximum of 16 hours of continuing education credit. This limitation is necessary to encourage registered veterinary technicians to complete a variety of continuing education to maintain the skills and competence relative to their specific practice type. Typically, an expert examiner will participate in daily increments, which is equivalent to eight-hours of continuing education per day. The Board is allowing a registered veterinary technician to receive credit for a maximum of two days of participation (sixteen hours) during the same renewal cycle.

The regulations allow a registrant to receive no more than 15 hours of continuing education credit for courses in business practice management or stress seminars. The Board recognizes that good practice management skills help in the everyday business of a veterinary facility. The Board receives numerous complaints regarding medical record inadequacies that may start with bad practice management. The Board also receives numerous complaints regarding negligence, which may be due to stress from the management of the business. In trying to curb the number of complaints and protect the safety of animals, the Board is allowing three-fourths of the required continuing education to be earned through this approach. The 15-hour limitation was selected based on the types of courses offered.

The Board is requiring that registrants, who are serving a probation period with a condition that they complete a specified number of continuing education hours, not use those hours to satisfy the renewal requirements. This is necessary because the disciplinary action that the Board takes is based on a violation of the Veterinary Medicine Practice Act, and typically the continuing education assigned as a condition of the probation is to help prevent future problems with the type of violation. The Board recognizes that registered veterinary technician's education courses pursuant to a probation order cannot be used for dual purposes.

Adopt section 2086.5.

This regulation is necessary to identify that all continuing education courses must be relevant to veterinary medicine. The intent of the law is to maintain a minimum level of competence and skill, in the field of veterinary medicine. If courses outside this field were taken, it would not benefit the registered veterinary technician or the consumer. The statute allows a variety of continuing education courses to count towards license renewal. Even those registered veterinary technicians who practice in extreme specialty areas will be able to take courses that are relevant to their needs. Courses outside veterinary medicine may increase knowledge in other areas of interest, but not to the intent of the law.

Section 2086.6.

This regulation is necessary to establish the qualifications of the instructors teaching the continuing education courses. It will ensure any continuing education course instructor has the applicable level of competence and skill, in the field of veterinary medicine in addition to requiring the instructor to be free of restrictions due to disciplinary action.

Section 2086.7.

This regulatory section establishes criteria for providers when distributing a record of course completion. A record of attendance is required upon completion of any continuing education course. Both the registrant and the course provider will maintain this record. This record is required so the Board may audit a registrant's attendance at a continuing education course. Without a record of completion, the Board or the licensee would have no way to verify attendance at a continuing education course.

Section 2086.8.

Record retention is critical for both the registrant and the provider. A registrant is required to keep the records of completion for four (4) years. Four (4) years was selected to allow the Board time to audit the licensee. Two (2) of the four (4) years precede license renewal and are used to earn the continuing education. The additional two (2) years would follow renewal, to give the Board the opportunity to request the records during an audit. For example, a registrant who expires on March 30, 2012, can start earning continuing education on April 1, 2012. They are required to have 20 hours of approved continuing education completed for license renewal on March 30, 2014. They would need to maintain the continuing education records from that renewal until March 30, 2018.

Providers have the same requirement. This is to be consistent with the registrant's requirements. In the event the registrant needs to request a new copy of the record to comply with an audit, the provider would have the information available. The four (4) years also is needed in the event the Board needs to investigate a complaint of the provider, the course, or an instructor.

Records that may be useful when performing an audit include the time and location of courses and the registration rosters. This would help verify the accuracy of a record of course completion submitted by the registrant. Other documents would be extremely important when investigating a complaint such as the syllabi and course outline. This would help to identify if the course subject was relevant to veterinary medicine. The course instructor's resume is necessary to identify if the instructor was qualified to teach the specific course. Documents such as sample evaluation forms are needed to verify that the provider is reviewing comments from attendees in order to keep a certain level of quality in the course. A sample record of course completion form is necessary to verify that the provider is complying with the requirements for record of course completion.

Section 2086.9.

The authority to withdraw approval is necessary to ensure that the providers and the national approval entity are complying with the provisions of the continuing education laws. It is also necessary to ensure that the provider or the national approval entity is not making any misrepresentations to the Board. The intent of the law is to maintain skills and competence. Registered veterinary technicians can achieve this by attending continuing education courses that comply with the regulations. Providers who do not comply with the requirements should not be approved. An approval group, that is not complying with the regulations should not be approving providers. Upon receipt of a complaint, the Board will investigate the complaint and if

proven, will withdrawal approval status. To ensure fairness to all parties involved, the Board is instituting a procedure to appeal the decision to ensure due process for the provider or the national approval body.

Underlying Data

1. Registered Veterinary Technician Committee Meeting Minutes dated April 2009 and July 2009.
2. Board Meeting Minutes dated October 2009
3. Board Meeting Minutes dated January 2010

Business Impact

The Board has determined that the proposed regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. Continuing education providers in California would presumably realize an increase in revenue due to the requirement.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.