

# IDAPA 46 – BOARD OF VETERINARY MEDICINE

## 46.01.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

### DOCKET NO. 46-0101-1601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-2105, Idaho Code.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows:

A public meeting is scheduled by the Idaho Board of Veterinary Medicine for Monday, June 20, 2016 at 10:30 a.m. (MT), at the Idaho Department of Agriculture Building, 2270 Old Penitentiary Rd., Boise, Idaho 83712.

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following:

All written comments received on or before Friday, June 17, 2016, will be included in the Board's distributed meeting materials for consideration. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

**DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Board of Veterinary Medicine will be considering amendments to the following administrative rule provisions:

1. IDAPA 46.01.01.004 to insert information about the dates and location of Board meetings.
2. IDAPA 46.01.01.102 to reorganize and provide clarity to CE requirements for CVTs.
3. IDAPA 46.01.01.200 to eliminate the requirement that a Board member sit on the Committee on Humane Euthanasia.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Jodie Ellis, Executive Director, at (208) 332-8588 or at [jodie.ellis@agri.idaho.gov](mailto:jodie.ellis@agri.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Veterinary Medicine's web site at the following web address: <http://bovm.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be received on or before Friday, June 17, 2016, for inclusion in the Board's distributed meeting materials for consideration. Written comments may also be submitted in person on the day of the meeting at the location listed above.

DATED the 5<sup>th</sup> day of May 2016.

Jodie Ellis  
Executive Director  
Board of Veterinary Medicine  
2270 Old Penitentiary Rd.  
P. O. Box 7249  
Boise, ID 83707  
Phone: 332-8588  
Fax: (208) 332-8645

IDAPA 46  
TITLE 01  
CHAPTER 01

IDAPA 46 - BOARD OF VETERINARY MEDICINE

46.01.01 - RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

004. GENERAL PROVISIONS.

01. **Office.** (7-1-97)
- a. The office of the Board is located at 2230 Old Penitentiary Road, Boise, Idaho 83712. (7-1-97)
- b. The office mailing address is P.O. Box 7249, Boise, Idaho 83707. (7-1-97)
- c. The office telephone number is (208) 332-8588. (7-1-97)
- d. The Board's facsimile (FAX) number is (208) 332-8645. (4-7-11)
- e. The Board's e-mail address is [bovminfo@agri.idaho.gov](mailto:bovminfo@agri.idaho.gov). (4-4-13)
- f. The Board's website address is <http://www.bovm.idaho.gov>. (4-4-13)
- g. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (7-1-97)
02. **Communications.** All written communications and documents concerning any matter covered by these rules should be addressed to the office of the Board, and not to individual members of the Board or the Board's staff. All communications and documents are deemed to be officially received only when delivered to the Board office during office hours. (7-1-97)
03. **Filing of Documents.** All written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case must be filed with the executive director of the Board. Filing can be accomplished by personal delivery, mail, facsimile transmission (FAX), or electronic mail (e-mail). FAX and e-mail filings submitted after Board office hours will be deemed filed as of the next business day the Board office is open. (4-4-13)
- a. In a rulemaking submission, the original and one (1) copy of all documents must be filed with the Board. (4-4-13)
- b. In a contested case proceeding, filing is sufficient if one (1) original is delivered to the executive director, one (1) copy for the Board, one (1) copy for the hearing officer, and one (1) copy submitted to the opposing party, as applicable. Whenever documents are filed by FAX or e-mail, originals and copies required under this rule shall be deposited in the mail the same day or hand delivered the following business day to the executive director, the Board, the hearing officer, and opposing parties, as applicable. (4-4-13)
04. **Board Meetings.** The Board will meet each year in the months of January and June, and at such other times as requested by the Board or Board president. Unless otherwise stated in the meeting notices, all meetings will be held in Boise, Idaho. ( )

*(BREAK IN CONTINUITY OF SECTIONS)*

104. ~~EXPIRATION OF VETERINARY TECHNICIAN CERTIFICATION -- NOTICE --- RENEWAL INACTIVE STATUS REACTIVATION.~~

~~01. **Term of Certification.** A certification to practice veterinary technology in the state of Idaho shall be valid for a period of one (1) year. (3-30-01)~~

~~02. Expiration and Renewal. **Unless renewed on or before June 30, all certifications will expire annually on July 1.** All certificates shall expire annually on July 1, but may be renewed by submission of the completed and signed renewal form prescribed by the Board, submission of a continuing education report as outlined in Paragraph 015.03.d. of these rules for the appropriate hours of continuing education, by meeting other requirements as defined in the rules adopted by the Board, and payment of all applicable fees. The form for renewal of a veterinary technician certificate shall include, but not be limited to: An “active” or “inactive” veterinary technician certification may be renewed by submission of the completed annual renewal form prescribed by the Board, submission of a continuing education report as outlined in Section 102 of these rules for the appropriate hours of continuing education, and payment of all applicable fees. (3-30-01)~~

~~a. Name and social security number; (3-30-01)~~

~~b. Current employment status; (3-30-01)~~

~~c. Current employment address and phone number; (3-30-01)~~

~~d. Current home address and phone number; and (3-30-01)~~

~~e. Continuing education credits earned. (3-30-01)~~

~~03. Notice and Form for Renewal. On or about May 1, the Board shall mail a notice to each certified veterinary technician whose certification expires on July 1 of that year, and shall also provide a form for renewal. In the alternative, the Board may provide the notice and renewal form electronically or make them accessible to technicians from the board’s website. The Board shall issue a new certificate to all qualified veterinary technicians certified under Title 54, Chapter 21, Idaho Code.~~

~~04. Return to “Active” Certification Status. A technician may place a certification on “inactive” status by complying with the applicable provisions of Section 54-2112, Idaho Code. A technician whose certification is on inactive status shall not practice veterinary technology or technician duties in this state. A technician may convert from “inactive” status to “active” status by:~~

~~a. Submitting to the board office a completed application form approved by the board;~~

~~b. Providing evidence satisfactory to the board of completion of required continuing education credits;~~

~~c. Providing any additional evidence deemed necessary by the board to demonstrate the technician’s continued competency in veterinary technology; and~~

~~d. Paying all applicable fees.~~

~~05. Expired Certification Fees. Within thirty (30) days after of the date a certification expires due to nonrenewal, the certification may be reinstated by paying the established late fee, the renewal fee, and by fulfilling any other requirements of this Section and Section 54-2112, Idaho Code. Once a certification has expired, a veterinary technician may not perform technician duties until the certification has been reinstated or until the technician has applied for and received a new certification.(3-30-01)~~

~~056. Failure to Renew or Reinstatement Certification. Any person who shall practice as a veterinary technician after the expiration of a certification and who fails to renew or reinstate the certification shall be practicing in violation of Title 54, Chapter 21, Idaho Code. (3-30-01)~~

~~067. Change of Address. It is the responsibility of each certified veterinary technician to notify the Board office of any change of address. Failure to receive a renewal form from the Board shall not constitute an excuse for failure to pay the renewal fee and completion of the prescribed form. (3-30-01)~~

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**04. Board Meetings.** The Board will meet each year in the months of January and June, and at such other times as requested by the Board or Board president. Unless otherwise stated in the meeting notices, all meetings will be held in Boise, Idaho. ( )

*(BREAK IN CONTINUITY OF SECTIONS)*

**102. MANDATORY CONTINUING EDUCATION FOR CERTIFIED VETERINARY TECHNICIANS ~~MANDATORY CONTINUING EDUCATION.~~**

**01. Statement of Purpose.** ~~In order to best serve the citizens of Idaho and their animals, each~~ It is of primary importance to the public that certified veterinary technicians shall be required to complete a minimum of fourteen (14) hours of ongoing continuing education in the field of continue their veterinary technology in each and every two (2) year education throughout the period following the date of his certification. A maximum of four (4) credit hours of their active practice of veterinary technology.

These rules establish the minimum continuing veterinary technology education in management may be used toward the fulfillment of the CE requirements necessary for certified veterinary technicians to maintain a license to engage in the practice of veterinary technology in the state of Idaho.

~~(3-20-14)~~( )

**02. Approved Courses.** ( )

a. Approved courses, attendance period, content of report, exemptions, and credit for attendance are the same as outlined in Section 015 of these rules, mandatory continuing veterinary education with the exception of Subparagraph 015.03.d.i.(5) of these rules, which shall be the veterinary technician's signature, under penalty of perjury, and Subparagraph 015.03.b.iii. of these rules, which shall be include: ~~(3-20-14)~~( )

i. Those courses and providers listed on the American Association of Veterinary State Board's Continuing Education Registry; and ( )

ii. Those courses and providers approved by the Board. ( )

b. Board approval for a continuing education course may be obtained by sending a written request to the Board office and enclosing copies of the course agenda, dates, times, locations, and requested number of credit hours in management and veterinary technology. Copies of the sign-in and sign-out sheets for each approved course are to be supplied to the Board office following completion of the course by the course provider. ( )

**03. Education Requirements.** ( )

a. Minimum Requirement. Each active certified veterinary technician in the state of Idaho shall complete a minimum of fourteen (14) credit hours of accredited continuing veterinary technology education activity in each and every two (2) year period following the date of his admission to the practice of veterinary technology in this state. ( )

b. Credit Requirements. The following are minimum and maximum credits that may be earned for each reporting period and the number of credits that may be obtained by participating in on-line or correspondence courses. ( )

i. A minimum of ten (10) hours of continuing education in veterinary technology. ( )

ii. A maximum of four (4) hours of continuing education in management. ( )

iii. Certified veterinary technicians may obtain a maximum of ten (10) credit hours credit for through approved on-line or correspondence courses. No credit for attending approved courses in the field of veterinary technology shall be applicable to any reporting period other than that during which the credit is actually earned.

~~(3-20-14)~~( )

c. Attendance Period. The attendance period shall be based upon the fiscal year (July 1 through June 30). ( )

d. Report. Each certified veterinary technician subject to these rules shall file a written report with the Board executive director on a form prescribed by the Board, as provided in this rule. ( )

i. Contents of Report. the report shall set forth the record of the certified veterinary technician's compliance with these rules during the two (2)-year attendance period and shall contain at least: ( )

- (1) A list of the approved courses attended or taken; ( )
- (2) The dates of attendance or completion of the courses; ( )
- (3) The sponsoring organization; ( )
- (4) The hours attended or completed for each course, rounded to the nearest one-half (1/2) of an hour; ( )
- (5) Any other information requested by the Board; and ( )
- (6) The technician's signature, under penalty of perjury. ( )

ii. Time of Filing. The report shall be submitted or postmarked no later than June 30 in the year the certified veterinary technician is required to complete the continuing education requirement. ( )

iii. Retention of Original Documentation. The supporting documentation for compliance with continuing education requirements shall not be submitted with the report. Rather, the certified veterinary technician shall retain original documentation of attendance or completion of fourteen (14) credit hours or approved courses at least until December 31 following the two (2) year renewal period covered by the course. ( )

e. Auditing. Each year the Board will conduct an audit of renewals. ( )

i. The percentage of renewals audited in any given year will be determined by the Board in its sound discretion. ( )

ii. Within thirty (30) days of notification of an audit, a certified veterinary technician shall provide to the Board all documentation supporting completion of the courses reported. ( )

**04. Exemptions.** Upon a showing of good cause by a certificant to the Board, the Board may exempt such person from any, all or part of the continuing education requirement or may grant an extension of the required period. Written requests for exemptions from continuing education credits shall be sent to the Board office. ( )

**05. Credit for Attendance.** Continuing veterinary technology education credits may be earned by attending or presenting approved continuing veterinary technology education. ( )

**a. Credits.** One (1) credit hour shall be given for each fifty (50) minutes actually spent by the active member in attendance at an accredited, domestic or foreign, course. No credit shall be given for: ( )

i. Time spent in introductory remarks, coffee and lunch breaks, business meetings or other activities not involving the educational aspects of the courses; ( )

ii. Any course attended before admission to practice veterinary technology in Idaho; or ( )

iii. Journal and magazine articles, videos or correspondence courses, unless specially approved by the Board. ( )

**b.** In cases of solo presentation, the presenter of an approved course shall be entitled to claim one (1) credit hour for each fifty (50) minutes of actual course instruction. By way of limitation, in no case shall the presenter be allowed more than eight (8) credit hours for any particular course or substantially related topic during the applicable two (2) year reporting period, regardless of how many times the course is offered or given. ( )

**c.** In cases of panel presentations, the number of continuing credit hours each panel member is entitled to claim shall be calculated by multiplying the actual number of course hours by two (2) and dividing that number by the number of panel members involved. ( )

**d.** Carryover Credit. No credit for attending approved courses in continuing veterinary technology education shall be applicable to any reporting period other than that during which the credit is actually earned. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. COMMITTEE ON HUMANE EUTHANASIA.**

Pursuant to Section 54-2105(8), Idaho Code, a Committee on Humane Euthanasia (COHE) is established for the purpose of training, examining, and certifying euthanasia agencies and euthanasia technicians. The COHE shall consist of no fewer than five (5) members appointed by the Board. At its discretion, the Board may appoint itself as the COHE. ~~The membership of the COHE shall always include at least one (1) member of the Board.~~ New members shall be nominated by either the Board or the COHE and be confirmed by the Board. Applicants for a COHE position shall be certified euthanasia technicians (CETs) as defined by Section 54-2103(9), Idaho Code, and employed by a certified euthanasia agency as defined by Section 54-2103(8), Idaho Code, or be an Idaho licensed veterinarian.

~~(4-2-08)~~( )

**01. Term.** Each member shall serve for three (3) years, at the pleasure of the Board. A COHE member may be eligible for reappointment. If there is a vacancy for any cause, the COHE or the Board shall nominate and the Board shall confirm a successor to fill the unexpired term. (4-7-11)

**02. Duties.** The duties of COHE members shall include, but not be limited to, the following: (7-1-93)

**a.** Coordinate and provide euthanasia training classes as needed. (7-1-97)

**b.** Inspect and certify agencies. (3-30-01)

**c.** Review the applications, records, performance, methods and procedures used by agencies and persons seeking to be certified or to renew their certification as a Certified Euthanasia Agency (CEA) or Certified Euthanasia Technician (CET). (3-30-01)

**d.** Conduct written and practical examinations for applicants applying for certification and authorize certification through the Board. (3-30-01)

**e.** Recommend suspension or revocation of a certification when necessary. (3-30-01)

**03. Compensation.** Members of the COHE shall be compensated as provided by Section 59-509(n), Idaho Code. (7-1-97)