

State of Utah
Administrative Rule Analysis
Revised May 2023

DAR FILE NO. 59594

DATES FILED: 8-8-2023, 8-10-2023,

8-21-2023

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Title No. - Rule No. - Section No.

Rule or Section Number:

R156-28

Filing ID: Office Use Only

Agency Information

1. Department:	Department of Commerce	
Agency:	Division of Professional Licensing	
Room number:		
Building:	Heber M. Wells Building	
Street address:	160 East 300 South	
City, state and zip:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Lisa Martin	801-530-7632	lmartin@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

Veterinary Practice Act Rule

3. Purpose of the new rule or reason for the change:

The Division in collaboration with the Veterinary Licensing Board is filing these proposed amendments to update the rule and clarify existing continuing education requirements.

4. Summary of the new rule or change:

The proposed amendments to Section R156-28-304a clarify the continuing education requirements to obtain one hour of communication-specific continuing education. The remaining amendments are clerical in nature to update the rule to conform to the current Rulewriting Manual for Utah.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget because the proposed amendments only update and clarify existing continuing education requirements and will not impact any state agency practices or procedures.

B) Local governments:

There is no anticipated cost or savings to local governments because the proposed amendments only clarify existing continuing education requirements and will not impact any local government practices or procedures.

C) Small businesses ("small business" means a business employing 1-49 persons):

There are approximately 231 small businesses in Utah owned by individuals in the veterinary industry (NAICS 541940). As described below for other persons, small businesses are not expected to be impacted by this filing because the proposed amendments only update and clarify existing continuing education requirements.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are approximately five non-small businesses in Utah owned by individuals in the veterinary industry (NAICS 541940). As described below for other persons, non-small businesses are not expected to be impacted by this filing because the proposed amendments only update and clarify existing continuing education requirements.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There are approximately 1,148 licensed veterinarians and 232 state certified veterinary technicians who will be impacted by these proposed amendments, but they are not expected to experience any cost or savings from the proposed amendments because the amendments only update and clarify existing continuing education requirements.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

As described above for other persons in Box 5.E, no compliance costs are anticipated for any affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.

Comments: The Division of Professional Licensing ("Division") proposes amendments to update R156-28, the Veterinary Practice Act Rule. The proposed amendments are to clarify the continuing education requirements to obtain one hour of communication-specific continuing education. The remaining amendments are clerical. The Division has made formatting changes throughout the rule to conform the rule to the Office of Administrative Rules' Formatting Manual in accordance with Executive Orders 2021-1 and 2021-12.

Small Businesses (less than 50 employees):

The Division does not foresee any foreseeable impact on small businesses since these amendments are made to make the rule comport to the Office of Administrative Rules Rule Writing Manual. There are approximately 231 small businesses in Utah performing veterinary services (NAICS 541940). There are no substantial changes to the rule beyond clarification to language.

Regulatory Impact to Non-Small Businesses (50 or more employees):

There are approximately five non-small businesses in Utah performing veterinary services (NAICS 541940). These amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-28-101
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Incorporations by Reference Information

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/02/2023

B) A public hearing (optional) will be held:

Date (mm/dd/yyyy): 09/05/2023	Time (hh:mm AM/PM): 9:00 AM	Place (physical address or URL): 160 East 300 South - Conference Room 474 and via Google Meet information below Google Meeting link meet.google.com/ugu-zhub-wwy Join by phone (US) +1 208-820-4330 PIN: 676547280
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To the agency: If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.

9. This rule change MAY become effective on: 10/09/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	08/08/2023
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R156. Commerce, [~~Occupational and~~] Professional Licensing.

R156-28. Veterinary Practice Act Rule.

R156-28-101. Title - Authority - Organization and Relationship to Rule R156-1.

(1) This rule is known as the "Veterinary Practice Act Rule."

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 28, Veterinary Practice Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-28-102. Definitions.

[~~The following definitions supplement~~] In addition to the definitions in Title 58, Chapter 1, Division of [~~Occupational and~~] Professional Licensing Act, and Title 58, Chapter 28, Veterinary Practice Act:

(1) "In association with licensed veterinarians[7]" as used in Subsection 58-28-307(6), means an out of state licensed veterinarian who performs veterinarian services in this state at the request of a Utah licensed veterinarian regarding a specific client or patient, and the services provided by the out of state licensed veterinarian are limited to that specific request.

(2) "NBEC" means the National Board Examination Committee of the American Veterinary Medical Association.

(3) "Patient" means any animal receiving veterinarian services.

(4) "Practice of veterinary medicine, surgery, and dentistry" as defined in Subsection 58-28-102(11) does not include implanting an electronic device to establish and maintain positive identification of animals.

(5) "Unprofessional conduct," as defined in Title 58, Chapter 1, Division of [~~Occupational and~~] Professional Licensing Act, and Title 58, Chapter 28, Veterinary Practice Act, is further defined in accordance with Subsection 58-1-203(1)(e), in Section R156-28-502.

(6) "Working under[7]" as used in Subsection 58-28-102(17)[7] means:

(a) unlicensed assistive personnel perform the delegated tasks in Utah, while supervised by a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act;

(b) the manner and means of performance of the delegated tasks are subject to the right of control of, or are controlled by, the supervising veterinarian; and

(c) the delegated tasks are recorded in the supervising veterinarian's medical records. [

~~R156-28-103. Authority Purpose.~~

~~This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 28, Veterinary Practice Act.~~

~~R156-28-104. Organization Relationship to Rule R156-1.~~

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.]~~

R156-28-302b. Qualifications for Licensure - Experience Requirements.

Under Subsection 58-1-203(1), the experience requirements for licensure in Subsection 58-28-302(1) are defined, clarified, or established as follows:

(1)(a) Each applicant for licensure as a veterinarian shall complete 1,000 hours of experience while licensed as a veterinarian intern under the supervision of a licensed veterinarian.

(b) Experience shall be earned in not less than six months and completed within two years of the date of the application.

(c) Experience in the following settings may not fulfill this experience requirement:

(i) temporary employment experiences of less than eight weeks in duration;

(ii) part-time experience of fewer than 20 hours per week; or

(iii) experience completed while employed as unlicensed assistive personnel.

(d) If the experience is completed in a jurisdiction outside of Utah that does not issue veterinarian, veterinarian intern, or comparable licenses, or completed in a setting that does not require licensure, the applicant shall demonstrate that the experience was:

(i) lawfully obtained;

(ii) obtained after the applicant met the education requirement in Subsection 58-28-302(1)(b);

(iii) supervised by a licensed veterinarian, or by a person who was exempted from licensure but possessed substantially equivalent qualifications; and

(iv) comparable to experience that would be obtained in a standard veterinarian practice setting in Utah.

(e) Supervision may be obtained by [u]indirect supervision[u] as defined in Section 58-28-102, if the supervisor supplements the indirect supervision with routine face to face contact as the supervisor considers appropriate in the supervisor's professional judgment.

(f) Each applicant shall demonstrate completion of the experience required by submitting a verification of experience signed by the applicant and by the applicant's supervisor on forms approved by the Division.

(g) If a supervisor is unavailable or refuses to provide a verification of experience, the applicant shall:

(i) submit a complete explanation of why the supervisor is unavailable; and

(ii) submit verification of the experience by alternative means acceptable to the Board, which shall demonstrate that the experience was:

(A) profession-related work;

(B) competently performed; and

(C) sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety, or welfare.

(2) Under Subsection 58-37-6(1)(a), a veterinary intern is not eligible to obtain a controlled substance license during the internship.

R156-28-304a. Continuing Education - Veterinarian.

Under Section 58-28-306, there is created a continuing education requirement as a condition for renewal or reinstatement of licenses issued

under Title 58, Chapter 28, Veterinary Practice Act. Continuing education shall comply with the following criteria:

(1) (a) During each two-year period commencing on September 30 of each even-numbered year, a licensee shall complete at least 24 hours of qualified continuing education directly related to the licensee's professional practice.

(b) At least one hour of the 24 hours shall be specifically related to recognizing opioid use and dependency in office staff, clients, and co[-]workers.

(c) ~~(i)~~ At least one hour of the 24 hours shall be devoted to topics that improve ~~[diversity, equity, and inclusion in the veterinary workplace for clients, employees, and recruitment.~~

~~(ii) Topics may relate to race, ethnicity, religion, gender, gender identity, sexual orientation, and disability, and may include issues such as:~~

~~(A) unconscious bias;~~

~~(B) cross-cultural communication; and~~

~~(C) access and legal aspects of anti-discrimination.]~~ communication in the veterinary workplace for clients, employees, or recruitment, such as for example:

(i) clinician-patient relationships;

(ii) employee engagement and team building;

(iii) diversity, equity, and inclusion, such as topics relating to culture, race, ethnicity, religion, gender, gender identity, sexual orientation, disability, or issues such as unconscious bias, cross-culture communication, or access and legal aspects of anti-discrimination;

(iv) business writing or other professional communication; or

(v) communication skills training, such as topics relating to active listening, non-verbal communication, or communication styles.

(2) If a licensee is initially licensed during the two-year period, the licensee's required number of continuing education hours shall be decreased proportionately according to the date of licensure.

(3) Continuing education shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a veterinarian;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience; and

(e) have a competent method of registration of individuals who ~~[actually]~~ completed the professional education program, with records of that registration and completion available for review.

(4) The Division shall recognize continuing education as follows:

(a) unlimited hours for continuing education as a student or presenter, completed in blocks of time of not less than one hour in formally established classroom courses, seminars, lectures, wet labs, or specific veterinary conferences approved or sponsored by one or more of the following:

(i) the American Veterinary Medical Association;

(ii) the Utah Veterinary Medical Association;

- (iii) the American Animal Hospital Association;
 - (iv) the American Association of Equine Practitioners;
 - (v) the American Association of Bovine Practitioners;
 - (vi) certifying boards recognized by the AVMA;
 - (vii) other state veterinary medical associations or state licensing boards; or
 - (viii) the Registry of Continuing Education (RACE) of the AASVB;
- (b) up to five continuing education hours for being the primary author of an article published in a peer reviewed scientific journal, and up to two continuing education hours for being a secondary author;
- (c) up to six continuing education hours in practice management courses; and
- (d) if the course has no instructor or the instructor is not physically present, such as for internet, audio and visual recordings, broadcast seminars, mail, or other correspondence courses, the course shall assure the licensee's participation and acquisition of the knowledge and skills intended by an examination.

(5) A licensee shall maintain documentation sufficient to prove compliance with this section for ~~[a period of]~~ two years after the end of the two-year renewal cycle ~~[that]~~ for which the continuing education is due.

(6) A licensee who cannot complete the continuing education requirement for reasons such as a medical or related condition, humanitarian or ecclesiastical services, or extended presence in a geographical area where continuing education is not available, may be excused from the requirement for ~~[a period of]~~ up to three years under Section R156-1-308d.

R156-28-304b. Continuing Education - State Certified Veterinary Technician.

Under Section 58-28-310, there is created a continuing education requirement as a condition for renewal or reinstatement of a state certification issued under Title 58, Chapter 28, Veterinary Practice Act. Continuing education shall comply with the following criteria:

(1) (a) During each two-year period commencing on September 30 of each even-numbered year, a state certified veterinary technician shall complete at least 12 hours of qualified continuing education directly related to their professional practice.

(b) At least nine of the 12 continuing education hours shall be specific to medical practices.

(2) The Division shall recognize continuing education as outlined in Subsection R156-28-304a(4).

(3) A state certified veterinary technician shall maintain documentation sufficient to prove compliance with this section for two years after the end of the two-year renewal cycle for which the continuing education is due.

(4) A state certified veterinary technician who cannot complete the continuing education requirement for reasons such as a medical or related condition, humanitarian or ecclesiastical services, or extended presence in a geographical area where continuing education is not available, may be excused from the requirement for up to three years under Section R156-1-308d.

R156-28-502. Unprofessional Conduct.

(1) Unprofessional conduct includes:

(~~[1]~~a) deviating from the minimum standards of veterinary practice [~~set forth~~] in Section R156-28-503;

(~~[2]~~b) permitting unlicensed assistive personnel to perform duties that the individual is not competent by education, training, or experience to perform; [~~and~~] or

(~~[3]~~c) failing to conform to the generally accepted and recognized standards and ethics of the profession, including[+]

~~—(a)—~~ the Principles of Veterinary Medical Ethics of the American Veterinarian Medical Association (AVMA), as approved by the AVMA Executive Board, revised August 2019, which are [~~hereby~~] incorporated by reference ([~~u~~]Principles[~~u~~]) [~~+~~and].

(~~[b]~~2) [~~if~~] If a licensee fails to establish the veterinarian-client-patient relationship as required in Section II of the Principles, [~~such~~]the failure [~~shall~~]may not excuse the veterinarian from complying with other duties that would be imposed on the veterinarian if the veterinarian had properly established the veterinarian-client-patient relationship.

R156-28-503. Minimum Standards of Practice.

[~~In accordance with~~] Under Subsection 58-28-102(18) and Section 58-28-603, a veterinarian shall comply with the following minimum standards of practice in addition to the generally recognized standards and ethics of the profession:

(1) A veterinarian shall compile and maintain records on each patient [~~to minimally include~~]that include at least the following information:

(a) client's name, address, and phone number, if telephone is available;

(b) patient's identification, such as name, number, tag, species, age, and gender, except for herds, flocks, or other large groups of animals, [~~that~~]which may be more generally defined;

(c) veterinarian's diagnosis or evaluation of the patient;

(d) treatments [~~rendered~~]provided, including drugs used and dosages; and

(e) date of service.

(2) A veterinarian shall:

(a) maintain veterinary medical records under Subsection (1) so that any veterinarian coming into a veterinary practice may, by reading the veterinary medical record of a particular animal, be able to proceed with the proper care and treatment of the animal; and

(b) maintain veterinary medical records under Subsection (1) for at least five years from the date that the veterinarian last treated the animal.

(3) A veterinarian shall maintain a sanitary environment to avoid sources and transmission of infection, including:

(a) proper routine disposal of waste materials; and

(b) proper sterilization or sanitation of equipment used in diagnosis and treatment.

(4) A veterinarian who holds a controlled substance license shall comply with Title 58, Chapter 37, Utah Controlled Substances Act, and Rule R156-37, Utah Controlled Substances Act Rule.

KEY: veterinary medicine, licensing, veterinarian

Date of Enactment or Last Substantive Amendment: [~~February 9, 2022~~]2023

Notice of Continuation: June 22, 2021

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-28-101