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ISSUE DATE: **AUGUST** 20, 2012

RULE ADOPTIONS

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

44 N.J.R. 2130(a)

Adopted Amendment: N.J.A.C. 13:44-4.10

Continuing Education

Proposed: August 15, 2011 at 43 N.J.R. 2150(a).

Adopted: December 21, 2011 by the State Board of Veterinary Medical Examiners, Mark Logan, VMD, President.

Filed: July 23, 2012 as R.2012 d.147, **with a substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:16-3.

Effective Date: August 20, 2012.

Expiration Date: December 14, 2017.

Summary of Public Comments and Agency Responses:

The official comment period ended October 14, 2011. The Board received one comment from Kathleen Schatsmann, New Jersey State Director, Humane Society of the United States.

COMMENT: The commenter supports the amendments to N.J.A.C. 13:44-4.10. The commenter recommends that the rule be amended to clarify that a licensee will obtain one continuing education credit for completing four spay surgeries or eight neuter surgeries.

RESPONSE: The Board thanks the commenter for her support. Depending on the experience of the licensee and the way a facility is organized, four spay surgeries or eight neuter surgeries could take significantly more time than two hours. This could result in a licensee receiving less credit for the hours he or she spends providing such surgeries than he or she would receive for providing other voluntary veterinary services. The Board believes that all

volunteer veterinary services should be awarded the same amount of continuing education credit hours and will not amend N.J.A.C. 13:44-4.10 as the commenter recommends.

COMMENT: The commenter recommends that N.J.A.C. 13:44-4.10 be amended so that licensees will not be able to obtain continuing education credits for tail docking, ear cropping, or declawing of felines. The commenter contends that these procedures are cosmetic and do not benefit animals. The commenter points out that the American Medical Veterinary Association opposes ear and tail docking.

RESPONSE: P.L. 2010, c. 89 does not differentiate between the types of services that may be provided as voluntary veterinary services. Absent such a differentiation in the law, the Board does not believe it is appropriate to exclude the services identified by the commenter. The Board points out that some of these services, such as ear cropping for dogs with bite injuries, can be medically necessary and are not automatically cosmetic procedures that do not benefit animals.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendment.

Summary of Agency-Initiated Changes:

The Board has reviewed the proposed increase of continuing education credit hours from 20 to 22 and has determined that this increase would not lead to a substantial increase in a licensee's competence to safely and effectively practice veterinary medicine. This increase would impose costs on licensees who would have to pay a fee to complete the two additional credit hours. As the proposed increase would not have a substantial benefit and would impose costs on licensees, the Board will not adopt the proposed increase.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 4. GENERAL RULES OF PRACTICE

13:44-4.10 Continuing education

(a) (No change.)

(b) Each applicant for biennial license renewal shall complete *[22]* ***20*** credit hours of continuing education in the preceding biennial license period. Of these *[22]* ***20*** credit hours, at least 17 shall be in surgery, medicine*,* or dentistry and no more than four shall be in courses related solely to business management.

(c) An applicant who is licensed in the second year of a biennial renewal period shall be required to complete *[11]* ***10*** credit hours of continuing education in the preceding biennial license period.

(d)-(h) (No change.)

(i) The Board may direct or order a licensee to complete continuing education credit hours:

1. As part of a disciplinary or remedial measure in addition to the required *[22]* ***20*** hours of continuing education credit; or

2. (No change.)

(j) (No change.)

(k) A licensee may obtain up to two continuing education credit hours per biennial period by providing veterinary care without charge:

1. To an animal owned by a person eligible for:

i. The New Jersey Supplemental Nutrition Assistance Program authorized by the Food, Conservation and Energy Act of 2008, Pub.L. 110-246 (7 U.S.C. §§2011 et seq.);

ii. The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§1381 et seq.;

iii. The program for aid to families with dependent children, pursuant to P.L. 1959, c. 86 (N.J.S.A. 44:10-1 et seq.);

iv. The program for general public assistance, pursuant to the provisions of the "General Public Assistance Law," P.L. 1947, c. 156 (N.J.S.A. 44:8-107 et seq.);

v. The program of medical assistance pursuant to P.L. 1968, c. 413 (N.J.S.A. 30:4D-1 et seq.);

vi. The program of "Pharmaceutical Assistance to the Aged and Disabled," established pursuant to P.L. 1975, c. 194 (N.J.S.A. 30:4D-20 et seq.);

vii. The rental assistance program authorized pursuant to section 8 of the United States Housing Act of 1937 as added by the Housing and Community Development Act of 1974, Pub.L. 93-383 (42 U.S.C. §1437(f));

viii. The "Lifeline Credit Program" established pursuant to P.L. 1979, c. 197 (N.J.S.A. 48:2-29.15 et seq.); or

ix. The "Tenants' Lifeline Assistance Program" established pursuant to P.L. 1981, c. 210 (N.J.S.A. 48:2-29.30 et seq.);

2. To a feral or stray cat with no known owner in a shelter or pound licensed by the Department of Health and Senior Services provided that the shelter or pound attests to the licensee that the cat being treated is feral or stray with no known owner; or

3. To a cat in a municipally approved managed cat colony provided the colony attests to the licensee that the cat being treated is feral or stray with no known owner.

(l) A licensee shall obtain one continuing education credit hour for every two hours spent providing volunteer veterinary services pursuant to (k) above.

(m) Continuing education credit hours obtained pursuant to (k) above shall not count towards any of the 17 credit hours of continuing education in surgery, medicine or dentistry required by (b) above.

(n) The Board may deny a licensee an opportunity to obtain any or all continuing education credit hours pursuant to (k) above if the Board determines that:

1. The licensee must complete continuing education credit hours in order to maintain or restore professional competence pursuant to (i) above; or

2. All licensees must complete continuing education credit hours in order to address developments in science or technology.