

IDAPA 46 - BOARD OF VETERINARY MEDICINE

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

DOCKET NO. 46-0101-1102 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2105 and 54-2107, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

**Monday, October 24, 2011
12:00 p.m. (noon) MDT**

**Idaho State Department of Agriculture Building
2270 Old Penitentiary Road
Boise, ID 83712
Conference Rooms A and B**

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Budget projections show that the Board's Free Fund Balance will drop to an unacceptably low level in the next two (2) years. The Board's expenses have exceeded its revenue in four (4) of the past eight (8) years. In addition, the Board of Veterinary Medicine's licensing software must be replaced because it is obsolete, experiencing frequent malfunctions, and no longer meets the needs of the Board and its licensees and certificates; licensing software replacement is a substantial expense. The Board must be fiscally self-sufficient and set fees commensurate with its program costs.

The proposed rulemaking will amend Section 014 to increase most, but not all, of the initial application, renewal, and reinstatement licensing and certification fees for veterinarians, veterinary technicians, euthanasia agencies, and euthanasia technicians. Fees have not been increased since 1999.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

1. Veterinarian Application and Original License Fee increased from \$200 to \$275.
2. Veterinarian Active License Annual Renewal Fee increased from \$125 to \$200.
3. Veterinarian Application and Original License Fee (License Without Clinical Competency Test Fee) increased from \$200 to \$275.
4. Veterinarian Active License Annual Renewal Fee (License Without Clinical Competency Test Fee) increased from \$125 to \$200.
5. Veterinarian License Reinstatement/Late Fee increased from \$50 to \$200.
6. Veterinarian Reactivation Fee (restore inactive license to active status) – New fee of \$150.
7. Veterinarian Temporary Permit Fee increased from \$100 to \$150.
8. Veterinarian License Verifications increased from \$10 to \$20.
9. Veterinary Technician Certification Application and Original Certification Fee increased from \$100 to \$125.
10. Veterinary Technician Certification Annual Renewal Fee increased from \$50 to \$75.
11. Veterinary Technician Certification Reinstatement/Late Fee increased from \$25 to \$50.
12. Certified Euthanasia Agency Certification Annual Renewal Fee increased from \$100 to \$200.
13. Certified Euthanasia Agency Certification Reinstatement/Late Fee increased from \$25 to \$50.
14. Certified Euthanasia Technician Certification Annual Renewal Fee increased from \$50 to \$100.
15. Certified Euthanasia Technician Certification Reinstatement/Late Fee increased from \$25 to \$50.

Fees are established as authorized by Sections 54-2105 and 54-2107, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because of the need to establish and/or increase fees to rebuild the Board's reserve fund, cover expenses that have increased considerably since the last increase in 1999, and cover the costs of replacing the Board of Veterinary Medicine's licensing software. This will ensure that the Board remains fiscally self-sufficient and sets fees commensurate with its program costs. In essence, the proposed rulemaking has gone through a negotiated process since the fee increases have been on the Board's Agenda and discussed during at least two (2) regular Board meetings open to the public, the fee increases have been announced in numerous articles published in both the trade association newsletter and the Board's newsletter, and written comments received by the Board from affected licensees have been considered in the drafting of the rulemaking. Additionally, further public comment will be accepted at the Board's regularly scheduled meeting as noticed herein.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Karen Ewing, Executive Director, at (208) 332-8588.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2011.

DATED this 18th day of August, 2011.

Karen Ewing, Executive Director
Board of Veterinary Medicine
2270 Old Penitentiary Rd.
P. O. Box 7249
Boise, ID 83707
Phone: (208) 332-8588
Fax: (208) 334-2170

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET 46-0101-1102

014. FEES.

Fees are established as authorized under Title 54, Chapter 21, Idaho Code, by action of the Board as follows:

- (7-1-97)
- 01. Veterinarian:** (3-18-99)
 - a.** Application and Original License Fee (Section 54-2107, Idaho Code) - Two hundred ~~seventy-five~~ seventy-five dollars (\$~~200~~175). ~~(3-30-01)~~()
 - b.** Annual Renewal Fee (Section 54-2112, Idaho Code). (3-18-99)

- i. Active License -- ~~One~~ **Two** hundred ~~twenty-five~~ dollars (~~\$125~~**200**); ~~(3-18-99)~~()
- ii. Inactive License -- Fifty dollars (\$50). (3-18-99)
- c. License Without Clinical Competency Test Fee (Section 54-2110, Idaho Code): (3-30-01)
- i. Application and Original License Fee -- Two hundred ~~seventy-five~~ dollars (~~\$200~~**75**); ~~(3-30-01)~~()
- ii. Annual Renewal Fee: (3-30-01)
- (1) Active License -- ~~One~~ **Two** hundred ~~twenty-five~~ dollars (~~\$125~~**200**); ~~(3-30-01)~~()
- (2) Inactive License -- Fifty dollars (\$50). (3-30-01)
- d. Reinstatement/Late Fee (Section 54-2112, Idaho Code) -- ~~Fifty~~ **Two hundred** dollars (~~\$50~~**200**). ~~(3-30-01)~~()
- e.** Reactivation Fee (restore inactive license to active status) – One hundred fifty dollars (\$150); ()
- ef.** Temporary Permit Fee (Section 54-2111, Idaho Code) -- One hundred ~~fifty~~ dollars (~~\$105~~**0**). ~~(3-18-99)~~()
- fg.** License Verifications (Sections 54-2105(6) and 54-2112, Idaho Code) -- ~~Ten~~ **Twenty** dollars (~~\$10~~**20**). ~~(3-30-01)~~()
- g.** ~~National Qualification/Eligibility Review Fee (Section 54-2105(8)(d) and (f), Idaho Code) – Fifty dollars (\$50).~~ ~~(3-30-01)~~()
- 042.** **Veterinary Technician Certification Fee.** (Section 54-2105(6)(d), Idaho Code). (3-30-01)
- a. Application and Original Certification Fee -- One hundred ~~twenty-five~~ dollars (~~\$100~~**25**). ~~(3-30-01)~~()
- b. Annual Renewal Fee -- ~~Fifty~~ **Seventy-five** dollars (~~\$50~~**75**). ~~(3-18-99)~~()
- c. Reinstatement/Late Fee -- ~~Twenty-five~~ **Fifty** dollars (~~\$25~~**50**). ~~(3-18-99)~~()
- d. Temporary Permit Fee -- Fifty dollars (\$50). (3-18-99)
- 023.** **Certified Euthanasia Agency Certification Fee.** (Section 54-2105(6)(d), Idaho Code). (3-30-01)
- a. Application and Original Certification Fee -- One hundred dollars (\$100). (3-30-01)
- b. Annual Renewal Fee -- ~~One~~ **Two** hundred dollars (~~\$100~~**200**). ~~(7-1-97)~~()
- c. Reinstatement/Late Fee -- ~~Twenty-five~~ **Fifty** dollars (~~\$25~~**50**). ~~(3-30-01)~~()
- 034.** **Certified Euthanasia Technician Certification Fee.** (Section 54-2105(6)(d), Idaho Code). (3-30-01)
- a. Training and Certification Fee -- One hundred dollars (\$100). (3-30-01)
- b. Annual Renewal Fee -- ~~Fifty~~ **One hundred** dollars (~~\$50~~**100**). ~~(3-18-99)~~()
- c. Reinstatement/Late Fee -- ~~Twenty-five~~ **Fifty** dollars (~~\$25~~**50**). ~~(3-30-01)~~()

05. Duplicate License and Certificate Fee -- Twenty-Five Dollars (\$25). When a new license, wall certificate or certification is issued for the purpose of changing the license or certificate holder's name, the request for name change must be accompanied by a copy of the court order or marriage license authorizing the name change and the current license, certification or original wall certificate shall be returned to the Board office. (3-30-01)

~~**06. Adjustment of Renewal Fees.** *The Board may adjust renewal fees downward to a minimum of fifty dollars (\$50) for "active" license renewals and a minimum of twenty five (\$25) for "inactive" license renewals if, by majority vote of the Board members, the Board's free fund balance is sufficiently high.* (3-18-99)~~