

Significant Legislative Rule Analysis

WAC 246-933-240 (Supplemental)
a Rule Concerning Complementary Alternative
Veterinary Medicine Continuing Education

June 28, 2016

SECTION 1:

Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.

The proposed rule is supplemental to rules originally proposed as WSR 16-01-043 in December 2015. After the public hearing on March 7, 2016, the Veterinary Board of Governors (board) decided to revise the proposal.

The board proposes to amend WAC 246-933-420 to establish a 20-hour limit on the number of continuing education hours that can be earned through complementary and alternative veterinary medicine (CAVM) courses in any three year continuing education (CE) reporting period. The board also proposes to establish a 10-hour minimum for the number of continuing education courses that must be earned through conventional veterinary medicine CE, and allow up to 10 hours of veterinary practice management CE. CAVM may include veterinary acupuncture, homeopathy, chiropractic, nutraceutical and other philosophies that differ from the conventional medicine. The proposed rule does not change the total 30-hour three year CE requirement.

The board has seen an increase in the number of continuing education courses related to complementary and alternative veterinary medicine. Current rules do not address criteria for the approval of CAVM continuing education courses. Establishing these criteria clarifies to licensees and continuing education providers how much CAVM continuing education is allowed. The board is proposing rules that limit how much CAVM continuing education is allowed and set a minimum requirement for conventional medicine continuing education. The board's intent in this rule change is to ensure practitioners receive continuing education that includes a foundation in conventional medicine, with opportunities to pursue complementary and alternative coursework.

SECTION 2:

Is a Significant Analysis required for this rule?

The proposed rule changes a requirement for renewing a license, and as defined in RCW 34.05.328 a Significant Analysis is required.

SECTION 3:

Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

The Veterinary Board of Governors has authority to adopt rules necessary to carry out the purposes of chapter 18.92 RCW related to the practice of veterinary medicine, surgery and dentistry. The intent of this authority is to ensure the provision of quality veterinary services to

the general public. This authority includes setting minimum standards of continuing veterinary medical education. The proposed rule provides clear direction to veterinarians and continuing education providers on the allowance of CAVM CE and the minimum required conventional CE for each reporting period.

SECTION 4:

Explain how the department determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.

The proposed rule will achieve the authorizing statute's goals and objectives by providing up-to-date requirements that are clear, concise, and necessary to ensure patient safety. The rule establishes a clear boundary regarding how much CAVM a practitioner can earn and how much conventional CE is required for each reporting period.

The Department of Health has assessed and determined that there are no feasible alternatives to rulemaking as rules are required by statute.

These standards need to be established in rule to be enforced. If rulemaking is not adopted, there will be ongoing confusion and controversy about the CE requirements for CAVM and conventional medicine.

SECTION 5:

Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

The proposed rule will establish required and allowed hours of continuing education by category. The proposal sets:

- A 20-hour limit on the number of continuing education hours that can be earned in any three year CE reporting period through CAVM courses, which may include veterinary acupuncture, homeopathy, chiropractic, nutraceutical and other philosophies that differ from the current conventional veterinary curriculum.
- A 10-hour minimum for the number of continuing education courses that must be earned through conventional veterinary medicine CE; and
- A maximum of 10 hours allowed in veterinary practice management CE.

The proposed rule does not change the current requirement that veterinarians complete a total of 30 hours of CE requirement every three years.

Cost/Benefit Analysis:

Currently, the number CE hours a veterinarian can earn during a continuing education period is not defined by category. This proposed rule would establish three categories of CE and the minimum required or maximum allowed hours for each category in each three-year CE period:

- Conventional veterinary medicine
- Complementary and Alternative Medicine (CAVM)
- Practice Management

Conventional medicine CE and practice management CE are often less expensive than CAVM-CE hours. Practitioners often travel further to obtain CAVM coursework and incur additional costs associated with extra travel. There are no additional compliance costs associated with this rule as practitioners can choose how many CAVM hours they achieve (or choose to take no CAVM-CE) up to the limit set in the proposed rule, as long as they complete 10 hours of conventional medicine CE.

Some practitioners who have previously sought CAVM for all of their continuing education will be limited to 20 hours, which could reduce the overall demand for CAVM education providers. Although the proposed rule may reduce demand for CAVM education providers, the benefit of the rule is that veterinarians will have a continuing education foundation in conventional courses with opportunities to pursue complementary and alternative coursework as well. The proposed rule also offers greater clarity for veterinarians regarding minimum and maximum hours of CE by category. Therefore the total probable benefits of the rule exceed the total probable costs.

SECTION 6:

Identify alternative versions of the rule that were considered, and explain how the department determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.

The board debated a number of options for the limit of hours on CAVM continuing education. The original proposed rule limited CAVM CE to 10 hours per continuing education period and up to 10 hours of practice management CE. After substantial stakeholder input, they decided to establish a 20 hour limit and include a 10 hour minimum in conventional medicine CE. No material burden exists with this rule. Practitioners who wish to pursue CAVM education are not precluded from doing so. However, they must earn a portion of their continuing education in conventional medicine.

SECTION 7:

Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

SECTION 8:

Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The rule does not impose more stringent performance requirements on private entities than on public entities.

SECTION 9:

Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The rule does not differ from any applicable federal regulation or statute.

SECTION 10:

Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

The rule is coordinated to the maximum extent practicable with other applicable laws.