



# Veterinary Regulation News

## A Look Ahead: The AAVSB Roadmap

by Robyn Kendrick, Executive Director

Over the years, the AAVSB has been strengthened by purposeful, strategic efforts in the interest of public protection. These efforts have been guided by a well formed strategic plan which sets multi-year priorities allowing the organization to effectively manage resources and continue to build a strong, flexible organization capable of adapting to the changing needs of the Member Boards. The strategic planning process stimulates forward thinking, and the AAVSB achieved great success implementing both the 2007-2010 and the 2011-2013 strategic plans.

Because of the focused planning efforts and leadership by the Board of Directors, as well as staff efforts in implementing the plan, the organization continues to achieve its priorities and build a stronger organization to better serve the membership. Of course, to remain viable and effective, organizations must be prepared to re-examine their strategic plans regularly and update them to address ever changing conditions. This re-examination helps the Board of Directors and staff focus on the organization's priorities while building commitment and promoting cooperation and innovation.

In January 2014, the AAVSB Board of Directors participated in an in-depth workshop to evaluate progress on the strategic priorities of the past and develop new priorities for the upcoming years. Their efforts and insight have been summarized in a roadmap informed by the AAVSB's significant mission and vision to effectively and reliably serve the membership while embracing the spirit of continuous quality improvement. The 2014-2016 Strategy Map reaffirms a continued commitment to three critical focus areas that set forth robust, clearly articulated priorities. Focus areas are: outreach, programs, and organizational health.

***Outreach:*** Increase awareness and improve access to services at the member level, and secure strong, active relationships with allied groups in furtherance of the AAVSB's mission. Priorities in support of this objective include education for jurisdictional board members, strengthening partnerships with allied groups, and consumer education.

***Programs:*** Focus on continuous quality improvement and be the leader in providing effective programs for the membership. Building on a strong foundation, the AAVSB will

focus on implementation of the Veterinary Continuing Education Tracking program (VCET), enhanced data gathering and management, and options for determining continued competency for licensees.

***Organizational Health:*** Optimize organizational performance to assure a proficient, sustainable organization that can change and cope appropriately, and be prepared for future growth. To promote the organization's continued growth, the AAVSB will focus on unification of testing and credentialing, establishment and support of collaborations with key industry partners, and creation of a Leadership Development task force.

Previous strategic plans led to significant improvements in the AAVSB's operations, including its financial position which has allowed the organization to sustain and develop quality, viable programs and services to meet the ongoing and developing needs of the Member Boards. The 2014-2016 strategic priorities position the AAVSB to continue down this successful path.

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The AAVSB Board of Directors. Pictured from left: Roger Redman, DVM; John Lawrence, DVM; Mark Olson, DVM; Tom Kendall, DVM; Beckey Malphus, DVM; Frank Walker, DVM; Robyn Kendrick; Anne Duffy, RVT; Michael Gotchey, DVM

## The Legal Corner *with Dale Atkinson*

### Oldie But Goodie

The authority of the states to regulate the professions is granted through the United States Constitution under the 10th Amendment which says that those powers not specifically granted to the federal government are reserved to the states. This states rights authority is sometimes referred to as “police powers” and has been the subject of numerous court cases dating back to the initial litigation interpreting the Constitution. The concept of federalism whereby conflicts between federal and state law are resolved in favor of the federal law also dates back to initial constitutional debate. Under this police power authority, states have enacted statutes creating and empowering regulatory boards and requiring licensure as a prerequisite to lawful practice. Indeed, practice without a license can, in addition to subjecting offenders to administrative sanctions, result in criminal prosecution. Consider the following.

A criminal complaint was filed against an individual (Respondent) alleging the unlicensed practice of veterinary medicine, surgery, and dentistry comprising treatment and prescriptions for a horse for compensation in Dallas County, Texas. The complaint alleged the Respondent also held himself out publicly to be a veterinary surgeon in spite of the fact that he was not licensed. In his defense, the Respondent argued that he was educated in veterinary medicine, could pass an examination, and had competently practiced for over 10 years without incident. He was convicted of the unlicensed practice and issued a fine. On appeal, he argued that the Texas Veterinary Licensing Act (Act) violated numerous United States and Texas constitutional principles, including protections of privileges and immunities, equal protection, and due process of law.

*The law created and empowered the board, allowed for the examination and licensure of applicants, set forth the duties and powers of such board, and identified the penalties for violations of the law.*

The Act creates and empowers the veterinary board and requires persons to obtain a license as a prerequisite to lawful practice of veterinary medicine as defined. Further, the Act makes the unlicensed practice of veterinary medicine a separate criminal offense subjecting violators to fines. At the time of this prosecution, the Act stated that it shall not be construed to interfere or punish veterinarians in the United States Army or Bureau of Animal Industry while so commissioned, “nor to any lawfully qualified veterinarians residing in other States ... from meeting veterinarians of this state in consultation, nor to any veterinarian residing on the border of a neighboring State and duly authorized under the laws thereof to practice, extending into the limits of this State; provided such practitioner shall not open any office or appoint a place to meet patients within this State... .”

On appeal, the Respondent argued that the Act exceeded the powers of the State. In short order, and based upon overwhelming support, the court found the Act to be within the police powers of the State. It held that the Act was not too general and, indeed, passed constitutional muster. The law created and empowered the board, allowed for the examination and licensure of applicants, set forth the duties and powers of such board, and identified the penalties for violations of the law. “In our opinion the title is in every way sufficient under the Constitution and many decisions of this court.”

The Respondent also argued that the Act violated the sections of the Texas Constitution that require all occupation taxes to be equal and uniform. Rejecting this argument, the court noted that the Act is not a tax measure, but rather is a police power requiring persons to

## Oldie But Goodie (cont'd from page 2)

procure a license before being permitted to practice veterinary medicine. Thus, this contention by the respondent was rejected.

Next, the Respondent argued that his equal protection and due process rights were violated stating that his right to work was effected by the licensure requirement depriving him without due process of law. The court noted that such provisions were not violated. It found the Act to be a “most reasonable regulation in all of its provisions of the subject legislated upon and while it makes some classifications of those who have heretofore practiced, or who may hereinafter, desire to practice, they are very reasonable...” The court continued, “No one’s property thereby is taken, damaged or destroyed, but merely a reasonable and proper police regulation is made of the business legislated upon. Neither is anyone thereby deprived of life, liberty, property, privileges, or immunities, but the Act reasonably, and only reasonably, for the benefit of the whole people, undertakes and does properly regulate the license and practice of a veterinarian.”

The court summarized the law and noted that a license is required as a prerequisite to practice, the Governor appoints members of the board, such board shall notice up and meet periodically, what constitutes a quorum, that an examination shall be authorized by the board, and listed the qualifications required of applicants in order to become licensed. Addressing the examination, the court noted that differentiating between qualified and unqualified applicants is essential to identifying applicants able to practice. In fact, failure to distinguish

between qualified and unqualified applicants and the material differences that exist could potentially be argued as violative of the equal protection clause of the constitutions and raise questions as to the statute’s validity.

Finally, the court addressed the issue of exemptions and upheld the validity of the law while rejecting arguments that such exemptions implicated constitutional infirmities. In so doing, the Court of Criminal Appeals upheld the conviction and the imposition of a \$25 fine. This case was decided in 1912, one year after the enactment of the original Texas veterinary practice act. The long time practitioner argued that the licensure scheme violated his rights by requiring licensure in this “newly” regulated field. Interesting how the constitutional analysis is enduring.

**Pistole v. State of Texas**, 68 Tex. Crim. 127, 150 S. W. 618 (App. Ct. TX 1912)

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**Do you have a MyAAVSB account?**

**Having an account will give both administrators and board members of Member Boards access to exclusive members only content, forums and also allow you to upload license updates and disciplinary final action.**

**If you don't have an account, contact Chrissy Bagby at [cbagby@aavsb.org](mailto:cbagby@aavsb.org) or call 1.877.698.8482.**

## 2014 Annual Meeting & Conference

**WHEN: SEPTEMBER 11-13**

**WHERE: Vinoy Renaissance St. Petersburg Resort & Golf Club  
St. Petersburg, Florida**

**WHO SHOULD ATTEND:**

- Veterinary regulatory board members, administrators, and staff
- Veterinary professionals with an interest in regulatory issues
- Veterinary testing and certification agencies
- Veterinary medical and veterinary technician associations
- Colleges of veterinary medicine and veterinary technology programs



*The Yacht StarShip is our location for Thursday's networking event.*

The 2014 AAVSB Annual Meeting & Conference brings together Member Boards to collaborate, educate, network, and conduct business providing direction for the Association. Attendees are Board Members, Board Administrators, the AAVSB Board of Directors, the AAVSB Committee Members, the AAVSB staff and other key stakeholders in the veterinary regulatory industry. This is a prime opportunity for your collective voice to be heard and to stay abreast of the latest information in veterinary medicine regulation.

This year we are glad to introduce **online registration** for the first time. We hope this expedites your registration process. However, if you wish to submit a paper registration, you will find that form available for download on the Annual Meeting & Conference webpage - [aavsb.org/annualmeeting](http://aavsb.org/annualmeeting)



Don't forget about the AAVSB's **Delegate Funding Program**. Each Member Board is eligible to send one voting Delegate to the Annual Meeting -- the AAVSB will cover all reasonable travel expenses including airfare, three (3) nights at the conference hotel, and transportation to/from the airport in St. Petersburg.

Visit the conference webpage at [aavsb.org/annualmeeting](http://aavsb.org/annualmeeting) to:

- **Register** online
- Make hotel and transportation **reservations**
- Download the **event agenda**
- Find additional information about the event

**EARLY BIRD PRICING ENDS JULY 31st!**

Watch the AAVSB website, our Facebook page, and Twitter updates for more details.

**REGISTER ONLINE NOW AT [AAVSB.ORG/CONFERENCEREGISTRATION](http://AAVSB.ORG/CONFERENCEREGISTRATION)**

## In The News



Congratulations to **Nova Scotia Veterinary Medical Association** on becoming the AAVSB's 59th Member Board! Welcome aboard!

On February 21, the **California Veterinary Medical Board** became the 58th jurisdiction across the United States and Canada to adopt the Veterinary Technician National Examination (VTNE) as part of the licensure process for veterinary technicians in the state of California.



**VCET is coming!** Veterinary Continuing Education Tracking (VCET) is a centralized repository for veterinary CE information, an extension of VIVA with linkage to RACE approved programs. VCET is a free service and will offer online access for individual licensees to submit their CE courses and transmit reports to Member Boards in a uniform format. Future VCET development will include a CE audit service for the Member Boards. The first phase of the VCET will be available Summer 2014.



2013 was the second year for the annual **Member Board Profile Survey** and the response rate was excellent. The survey began at the request of a number of Member Boards who believed gathering information from the Member Boards annually and presenting it in a consolidated document would be very beneficial. As a result of discussions at last year's Annual Meeting, questions about board structure were revised and additional questions were composed regarding the complaint process and license and inspection of veterinary premises. The results of the additional questions and the original survey are posted at [aavsb.org/memberservices](http://aavsb.org/memberservices) as well as the secure online Member Board Administrators and Member Boards Members forums.



The AAVSB recently produced a series of **videos to help VTNE candidates** prepare to take the exam and understand the role of the AAVSB and veterinary regulators in the VTNE process. To check out these videos, visit: [aavsb.org/vtne/videos](http://aavsb.org/vtne/videos).

On July 1st, **Indiana become the 40th state to accept PAVE!**



## AAVSB Board of Directors & Administrative Committee Meetings

The Board of Directors met in-person on June 21-22, 2014 in Kansas City, Missouri. The Board of Directors approved the Association's draft financial statement audit and the draft Form 990, received an update on the investment accounts by the investment management representative, reviewed the status of the Strategic Priorities, approved the Nova Scotia membership application, and conducted the annual review of the Board of Directors policies and the Committee Roles and Responsibilities.

The Finance Committee met in-person on June 20, 2014 in Kansas City, Missouri. The Committee received reports from the Association's auditor, CPA consultant, invest-

ment management representative, and insurance broker.

The Bylaws and Resolution Committee last met by conference call in June 2014. Information on the proposed Bylaws amendments had been forwarded from the Committee to the Member Boards in May. This year, no Resolutions were received. The proposed Bylaws amendments will be voted on by the Delegates at the Annual Meeting in September.

The Nominating Committee is currently reviewing the nominations received and finalizing the slate. The slate will be voted on at the Annual Meeting in September.

## AAVSB Program Updates and Highlights



The three most recent administrations of the VTNE tested a total of 7,125 candidates as compared to 6,483 for the same administrations in the previous year. The pass rates for the criterion group of first time test takers for the last three VTNE administrations are as follows: July-August 2013 - 77.07%; November-December 2013 - 67.95%; and March-April 2014 - 68.60%. The new blueprint for the VTNE was first used in the July-August 2013 administration.

In continuing with annual development of the examination, the 2014 VTNE Item Writing and Review Workshop was held in Kansas City April 25 – 27 after the Remote Item Writing and Review Drive was completed. Sixteen veterinary technicians and veterinarians participated in the workshop and several more submitted examination questions remotely. The annual Exam Construction Workshop will be held in September to coincide with the 2014 AAVSB Annual Meeting.

At the end of June, the AAVSB introduced a five-part education video series to help guide candidates through the entire VTNE application and examination processes. The final video speaks to the AAVSB and regulation. The video series is available for viewing at <http://www.aavsb.org/vtne/videos>. California transitioned to the VTNE in the March-April 2014 exam window.

In February, VTNE Committee Member Dr. John Kaya gave an AAVSB/VTNE presentation to the Hawaii Association of Veterinary Technicians looking at options for offering credentialing. Dr. Kaya is also Chairperson of the Hawaii Board of Veterinary Medical Examiners.

Now available for candidates, sample VTNE questions can be accessed on the AAVSB website at <http://www.aavsb.org/VTNE/HowToStudy/>.

For more information, please contact Carol Sparrow at [vettech@aavsb.org](mailto:vettech@aavsb.org) or 1-877-698-8482, ext. 228; or Nancy Grittman, at [ngrittman@aavsb.org](mailto:ngrittman@aavsb.org) or 1-877-698-8482, ext. 226.



The RACE program is seeing an increase in new Provider applications and Providers renewing their status. Through May 2014:  
30 new Providers were approved by the RACE Committee (2013 = 25)  
80 Providers renewed their status (2013 = 49)

The RACE program has received 880 applications for Programs through May 2014 as compared to 770 through May 2013. The RACE Committee has approved 776 Program applications this year as compared to 673 for the same period in 2013.

The total Program hours on the received and approved Program applications are:  
7,080 hours were submitted on Program Applications (2013 = 7,846)  
7,251 hours were included on approved Program Applications (2013 = 9,323)

To date in 2014 (and for the same period in 2013), The RACE committee has denied 12 program applications either fully or in part (2013 = 3) and a total of 183 hours (2013 = 25).

Of those jurisdictions that require continuing education for re-licensure, the RACE Committee continues to be acknowledged in most of the U.S. (except North Carolina and New York) and by four Canadian provinces (Alberta, British Columbia, Ontario and Prince Edward Island).

For more information, please contact Jess Klein at [race@aavsb.org](mailto:race@aavsb.org) or 1-877-698-8482, ext. 224.

## AAVSB Program Updates and Highlights



The total number of jurisdictions that recognize PAVE certification as meeting the education component of their licensure requirements has increased to 40. Indiana became the 40th state to accept PAVE on July 1, 2014.

The first administration of the new basic science examination for Step 3 of the PAVE Program Process will occur on September 17, 2014. The PAVE Committee and other veterinarians from the U.S. and Canada have been busy with the development of the Qualifying Science Examination (QSE). In March, an Item Writer and Review Workshop was held in Kansas City to write and review questions for the QSE. In May, an Exam Construction Workshop was held also in Kansas City during which participants reviewed the exam form to be used in September. Examination development for the QSE will continue throughout 2014 with additional online item writing, a second in-person Item Writer and Review Workshop, and a second Exam Construction.

Through May 2014, 19 PAVE certificates have been approved by the PAVE Committee. This is the same number issued by this time last year. Since the program's inception in 2002, a total of 2,021 PAVE certificates have been granted.

For more information, please contact Carol Sparrow at [pave@aavsb.org](mailto:pave@aavsb.org) or 1-877-698-8482, ext. 228; or Nancy Grittman, at [ngrittman@aavsb.org](mailto:ngrittman@aavsb.org) or 1-877-698-8482, ext. 226.



The VIVA database has received license updates from 15 boards through May 2014 as compared to submissions by 18 boards in 2013. Discipline updates have been received from 22 boards through May 2014 as compared to submissions by 30 boards in 2013. In April, staff reached out to all Member Boards via email in an effort to solicit additional participation in VIVA's license and disciplinary reporting services. Member Boards submit updates through an online portal as well as by email, mail, and fax.

The VIVA program will be adding a new service this summer – the Veterinary Continuing Education Tracking (VCET) program. VCET is a centralized repository for veterinary CE information and is an extension of the VIVA database with linkage to RACE approved programs. A free service, VCET will offer online access for individual licensees to uniformly submit their CE courses and transmit reports to Member Boards. Future VCET development will include a CE audit service for the Member Boards.

The VIVA score transfer service is utilized by a veterinarian or veterinary technician usually to fulfill a licensure requirement by a Member Board. Through May 2014, 3,347 score transfer service requests have been received in 2014 as compared to 3,269 in 2013.

Along with score transfers for veterinarians and veterinary technicians, the VIVA program offers a Credential Service for veterinarians. Through May 2014, 88 credential service requests have been received in 2014 which is the same number in this time period in 2013.

As a Member Board service, the AAVSB evaluates the qualifications of candidates who apply to take the NAVLE. Currently, the AAVSB is the designated agent for NAVLE eligibility for the California Veterinary Medical Board. For the April 2014 NAVLE, the VIVA program evaluated 66 California candidates as compared to 54 for the April 2013 exam.

For more information, please contact Monika Whitmore, at [viva@aavsb.org](mailto:viva@aavsb.org) or 1-877-698-8482, ext. 231.

## AAVSB Welcomes New Staff Member

**Adriana Luna** joined the AAVSB staff in March as part-time VTNE & PAVE Program Assistant. She is responsible for application processing, data entry and special projects. Adriana has an excellent customer service and data entry background having worked in administrative capacities for H&R Block and Kansas City's Nelson Atkins Museum of Art. Having graduated from Kansas City Art Institute, she holds a degree in Printmaking. Adriana works part-time for a local artist and is an established artist herself. Adriana enjoys making art, cooking and traveling.



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### AAVSB MISSION

To reliably provide quality resources and accurate information for veterinary regulatory agencies and professionals and allied groups in the interest of public protection.

### AAVSB VISION

To inspire active participation of all veterinary regulatory agencies in North America and to be their collective voice.

### AAVSB VALUES

Responsive, resourceful service while striving for continuous improvement.

## AAVSB Board of Directors

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Georgia

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Robyn Kendrick

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