The Department of Financial and Professional Regulation is posting these proposed amendments in an effort to make the public aware of possible changes that may have an impact on the profession.

The general public may submit written comments to the Department during the first 45 day public comment period. Any suggested changes will be considered by the Department and the appropriate Board.

These proposed amendments will be published in the April 27, 2012 Illinois Register. The 45 day comment period will end June 11, 2012.

Please submit written comments to Craig Cellini as stated in the attached notice.

THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.

1) Heading of the Part: Certified Veterinary Technicians

2) Code Citation: 68 Ill. Adm. Code 1505

3) Section Number: Proposed Action:
   
   1505.40 Amendment
   1505.52 Amendment
   1505.55 Amendment


5) A Complete Description of the Subjects and Issues Involved: Section 1505.40 adds a means for individuals not actively practicing in another jurisdiction to restore an Illinois license by taking CE courses. The fee for restoring a lapsed license is also being increased due to the considerable time and resources involved in their processing. The United States Department of Agriculture (USDA) is being added as a pre-approved CE sponsor, as well as any organization approved by the USDA to offer the USDA Recertification Course.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
7) Will these proposed amendments replace emergency rules currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this proposed rulemaking contain incorporations by reference? No

10) Are there any other proposed amendments pending on this Part? No

11) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

   Department of Financial and Professional Regulation
   Attention: Craig Cellini
   320 West Washington, 3rd Floor
   Springfield, IL  62786
   217/785-0813   FAX: 217/557-4451

All written comments received within 45 days after this issue of the Illinois Register will be considered.

13) Initial Regulatory Flexibility Analysis:

   A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of veterinary technicians.

   B) Reporting, bookkeeping or other procedures required for compliance: None

   C) Types of professional skills necessary for compliance: Veterinary skills are required for licensure.

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1505
CERTIFIED VETERINARY TECHNICIANS

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AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].


Section 1505.40 Restoration

a) A veterinary technician seeking restoration of a certificate that has expired for less than 5 years shall have the certificate restored upon payment of the fees required by Section 1505.52(c)(1). However, a veterinary technician seeking restoration of a certification within 2 years after termination of military service as provided in Section 15 of the Act shall, upon submission of an affidavit attesting to such service, be excused from the payment of any fees.
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b) A veterinary technician seeking restoration of a certificate that has expired or been on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the fee required by Section 1505.52(c)(1) and proof of 15 hours of continuing education (e.g., certificate of attendance or completion) in accordance with Section 1505.55. The veterinary technician shall also submit:

1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the person was authorized to practice during the term of the active practice; or

2) Two affidavits attesting to the applicant's practice as a veterinary technician in a jurisdiction where licensure is not required; or

3) An affidavit attesting to military service as provided in Section 15 of the Act; or

4) Evidence of experience within the profession other than active practice (such as research, teaching or publishing) during the time in which the certificate was expired; or

5) 8 hours of approved continuing education for each year the license was expired completed during the 2 years proceeding application for restoration. These hours will be in addition to the 15 hours stated in subsection (b).

c) A veterinary technician seeking restoration of a certificate that has been on inactive status for less than 5 years shall have the certificate restored upon filing an application, on forms provided by the Division, and paying the current renewal fee.

d) After January 31, 1997, a veterinary technician seeking restoration of a license shall be required to complete the continuing education requirements set forth in Section 1505.55 for one renewal period.

e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be
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requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Board to explain the relevance or sufficiency of course work or experience, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 36 Ill. Reg. _____, effective ________________)

Section 1505.52 Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees. The fee for application for a certificate as a veterinary technician is $50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.

b) Renewal Fees. The fee for the renewal of a certificate shall be calculated at the rate of $25 per year.

c) General Fees

1) The fee for the restoration of a certificate other than from inactive status is $50 plus payment of all lapsed renewal fees, but not to exceed $150.

2) The fee for the issuance of a duplicate certificate, for the issuance of a replacement certificate for a certificate that has been lost or destroyed, or for the issuance of a certificate with a change of name or address, other than during the renewal period, is $20. No fee is required for name and address changes on Division records when no duplicate certificate is issued.

3) The fee for a certification of a registrant's record for any purpose is $20.
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4) The fee to have the scoring of an examination authorized by the Division reviewed and verified is $20 plus any fees charged by the applicable testing service.

5) The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.

6) The fee for a roster of persons certified as veterinary technicians in this State shall be the actual cost of producing the roster.

(Source: Amended at 36 Ill. Reg. _____, effective ________________)

Section 1505.55 Continuing Education

a) Continuing Education Hours Requirements

1) Each person who applies for renewal of a certificate as a veterinarian technician is required to complete 15 hours of continuing education (CE) relevant to veterinary medicine and surgery during the prerenewal period.

2) A prerenewal period is the 24 months preceding January 1 in the year of the renewal.

3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the certificate.

4) CE credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.

5) CE credit hours used to satisfy this requirement may be achieved through self study courses offered by an approved provider.

b) Approved CE Providers

1) CE credit may be earned for verified attendance at or participation in any program given by one of the following:

   A) An approved veterinary program, as provided in 68 Ill. Adm. Code 1500.5, or a veterinary technician program;
B) The American Veterinary Medical Association Committee on Veterinary Technician Education and Activities (CVTEA);

C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association or any of its constituent organizations;

D) The American Animal Hospital Association;

E) National Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB);

F) Programs provided by, or appropriate for, veterinary specialty organizations;

G) United States Department of Agriculture (USDA), or any organization approved by USDA to offer the USDA Recertification Course.

2) Courses Requirements

A) All courses or programs shall:

   i) Be a minimum of 1 hour in duration. An hour is defined as 50 to 60 minutes of contact time;

   ii) Contribute to the advancement, extension and enhancement of professional skills and/or scientific knowledge in the practice of veterinarian medicine;

   iii) Provide experiences that contain scientific integrity, relevant subject matter and course materials;

   iv) Be developed and presented by persons with education and/or experience in the subject matter of the program; and

   v) Specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
B) The Division may periodically review approved providers to ensure compliance.

c) The certificate holder shall maintain CE records for 4 years.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on a renewal application, full compliance with the CE requirements set forth in subsection (a).

2) The Division may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

e) Continuing Education Earned in Other Jurisdictions

1) If an individual has earned or is seeking CE hours offered in another jurisdiction for a program not approved by the Division for which the individual will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a $25 processing fee, prior to participation in the program or within 90 days prior to expiration of the certificate. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.

2) If an individual fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the $25 processing fee plus a $50 per hour of CE late fee not to exceed $250. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.

f) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of those facts and, if desired, a request for an interview before the Board. If the Division finds from the statement or any other evidence submitted,
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that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.

2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full time service in the armed forces of the United States of America during a substantial part of the prerenewal period;

B) An incapacitating illness; or

C) Undue hardship (e.g., prolonged hospitalization, being disabled or unable to practice as a veterinary technician for a majority of the duration of the renewal cycle) as determined by the Board. Every attempt should be made by the applicant to comply with CE through self-study.

3) If an interview is requested at the time the request for waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 36 Ill. Reg. _____, effective _________________)