

SUNRISE REVIEW
OF
VETERINARY TECHNICIANS

Submitted by
The Colorado Department of Regulatory Agencies
Office of Policy & Research

June 1994

August 31, 1994

The Honorable Vickie Agler, Chair
Joint Legislative Sunrise/Sunset Review Committee
State Capitol Building
Denver, Colorado 80203

Dear Representative Agler:

We have completed our evaluation of the sunrise application for licensure of veterinary technicians and are pleased to submit this written report which will be the basis for my office's oral testimony before the Sunrise and Sunset Review Committee. The report is submitted pursuant to section 24-34-104.1, Colorado Revised Statutes, 1988 Repl. Vol., (the "Sunrise Act") which provides that the Department of Regulatory Agencies shall conduct an analysis and evaluation of proposed regulation to determine whether the public needs, and would benefit from, the regulation.

The report discusses the question of whether there is a need for the regulation in order to protect the public from potential harm, whether regulation would serve to mitigate the potential harm, and whether the public can be adequately protected by other means in a more cost effective manner.

Sincerely,

Joseph A. Garcia
Executive Director

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INTRODUCTION

The Department of Regulatory Agencies has evaluated the proposal for regulation submitted by the Colorado Association of Certified Veterinary Technicians on December 7, 1993. The applicant seeks state licensure of veterinary technicians. Pursuant to the Colorado Sunrise Act, C.R.S. 24-34-104.1, the applicant must prove the benefit to the public of its proposal for regulation according to the following criteria:

1. whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public, and whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument,
2. whether the public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional or occupational competence; and
3. whether the public can be adequately protected by other means in a more cost effective manner.

The scope of this review was comprehensive in nature. As part of this sunrise process, the Department of Regulatory Agencies performed a review of the Veterinary Practice Act. Interviews were conducted with the board administrator, a representative from the Colorado Veterinary Medical Association, veterinarians, and applicants for certification of veterinary technicians. Results of this information are summarized in this report and are the basis for our recommendations.

PROFILE OF THE OCCUPATION

The Colorado Association of Certified Veterinary Technicians (CACVT) has approximately 800 members with about 500 people actually practicing in the state of Colorado. For the purposes of this report, the occupational group that is requesting licensure will be referred to as certified veterinary technicians. There are other individuals who perform relatively the same functions as certified veterinary technicians, and they are referred to as veterinary assistants, veterinary technicians, or veterinary nurses.

The Colorado Veterinary Practice Act defines "veterinary technician" as a person who has received a degree in animal technology or a comparable degree from a school, college, or university recognized by the board; or has received a diploma as an animal technician on or before July 1, 1975. C.R.S. 12-64-103(20). There is no definition of certified veterinary technician in the Veterinary Practice Act.

The applicant describes a certified veterinary technician as a person knowledgeable in the care and handling of animals, in the basic principles of normal and abnormal life processes, and in routine laboratory and animal health care procedures. This person must have graduated from an American Veterinary Medical Association (AVMA) accredited school and have passed an accredited written exam. As required by the CACVT, a certified veterinary technician is required to have 16 continuing education hours every two years in order to stay certified in Colorado.

Certified veterinary technician's work embodies a wide range of duties including nurse care, surgery assistance, administering anesthesia, taking X-rays, laboratory work, animal hospital management, as well as providing client education about their animals. In Colorado, both certified and non-certified veterinary technicians may only perform these functions under the direction and on-the-premises supervision of a licensed veterinarian who is responsible for their performance. Since Colorado law does not require that a veterinary technician be certified to perform these functions, it is not uncommon for a veterinarian to hire a non-certified technician and train him in the procedures appropriate to the veterinary practice.

Veterinary technician services are provided in various venues, including private veterinary practices, veterinary teaching hospitals, veterinary technician schools, research facilities, military bases, zoological gardens, wildlife facilities, industry, and other areas. A typical work setting for veterinary technicians includes any facility maintained to provide shelter or medical care for animals or instruction to individuals desiring to learn more about animal care.

PROPOSAL FOR REGULATION

The applicant proposes licensure of certified veterinary technicians. Licensure would restrict the practice of veterinary technicians to those who demonstrate competency and meet all of the requirements of the proposed act.

The applicant argues that state licensure of certified veterinary technicians would uphold and raise the standard of services given to animals and their owners by increasing the quality of veterinary technicians in the field.

Since the Colorado Veterinary Medical Association no longer administers the PES exam, certified veterinary technicians seek licensure to self-regulate, discipline, and issue a licensing examination. The applicant maintains that physical, emotional or financial harm occurs to clients when people are working for veterinarians who are not fully trained or qualified. The following are examples of possible harm:

- improperly restrained animals;
- incorrect or nonexistent client education;
- transmission of zoonotic diseases;
- unnecessary loss of family pet due to a medical miscalculation resulting in emotional harm;
- expensive prescriptions resulting from errors.

The applicant further argues that licensure will enhance the profession's work. State licensing will increase the quality of care provided to the animals as well as strengthen an educated and controlled veterinarian support staff. Licensure will also assist in developing a professional support group of peers with the ability to self-regulate, to require continuing education to maintain a licensed status, and to take disciplinary actions within the group.

PRIVATE CERTIFICATION

Certification is the process by which a governmental or non governmental agency or association grants authority to use a specified title to an individual who has met predetermined qualifications. Certification for veterinary technicians is granted through the Colorado Association of Certified Veterinary Technicians (CACVT), a private association. To be certified by CACVT, one must have notarized proof of three years of on-the-job training or complete an educational program at an American Veterinary Medical Association (AVMA) accredited educational institution. Generally, these are two year programs. There are currently two institutions in Colorado which have received accreditation. They are the Community College of Ft. Collins and the Bel-Rea Institute of Animal Technology in Denver.

In addition to the educational requirements, a candidate must pass a nationally accredited examination for certified veterinary technicians. This exam is designed and referred to as the Professional Examination Service (PES). There are both written and practical portions to the PES. Until June 30, 1994, the Colorado Veterinary Medical Association (CVMA) administered this annual examination, however, they no longer provide this service. CVMA decided not to administer this exam nor the biennial recertification exam because the insurance was too costly and the process was very time consuming. In addition, CVMA determined that CACVT was competent and willing to administer these examinations.

Since July 1994, the Colorado Association of Certified Veterinary Technicians has assumed responsibility for these examinations. CACVT has instituted a reciprocal policy whereby a certified veterinary technician submits their PES examination score from another state for review. If their examination score is commensurate with Colorado's mean score for that year, they are recognized by the CACVT as a certified veterinary technician.

REGULATION IN OTHER STATES

A majority of the states regulate veterinary technicians in some manner. In a survey published by the Council on Licensure, Enforcement and Regulation (CLEAR), 31 states have some type of regulation for veterinary technicians. The remaining 19 states have no occupational regulation for veterinary technicians. The Office of Policy and Research (OPR) conducted a telephone survey to various states regarding their regulation of veterinary technicians. OPR found that regulation occurred either by certification or registration. In addition, the survey did not reveal a single instance where a state brought disciplinary action against an individual for improper practices in the workplace.

The following chart illustrates the results of the survey conducted by OPR.

	Type of Regulation	Requirements	Scope of Practice	Disciplinary Action	Comments
Arizona	Certification	Work 2 years under supervision of a veterinarian or graduated from an approved program and passed exam	Under supervision of a veterinarian	Not available	Can be a veterinarian technician without certification
Georgia	Registration for "Veterinary Technician"	Must graduate from a AVMA accredited program and pass national exam	Under direct supervision of a veterinarian	Not available	
Idaho	None				
Indiana	Registration - title protection	Must graduate from approved AVMA program and pass accredited exam	Under direct supervision of a veterinarian	Not available	
Iowa	Registration	Must graduate from a 2 year accredited program and pass national and state exam	Under supervision of a veterinarian	None	

	Type of Regulation	Requirements	Scope of Practice	Disciplinary Action	Comments
Nebraska	Certification for "Approved Animal Technician"	Must graduate from an accredited program. No exam required.	Under direct supervision of a veterinarian	None	Can be a veterinary technician without certification
New Mexico	Registration for "Veterinary Technician"	Must graduate from an AVMA accredited program and pass the national and state exam	Under direct supervision of a veterinarian	None	
South Dakota	Registration	Must pass national and state exam	Under supervision of a veterinarian	None	May be a veterinary technician without being registered
Utah	None				
Wyoming	None				

CONCLUSION

The Department of Regulatory Agencies finds that there is little evidence to indicate that the public's health and safety is being compromised by the lack of licensure for certified veterinary technicians. Veterinary technicians can not practice their expertise except under the supervision of a licensed veterinarian and the state of Colorado does have a regulatory program for veterinarians.

The Board of Veterinary Medicine is empowered to take disciplinary action against a licensed veterinarian on the basis of any act or admission which fails to meet generally accepted standards of veterinary practice. Under section 12-64-104(J) of the Veterinary Practice Act, only licensed veterinarians may perform the duties of diagnosis, prescription, surgery, or initiating treatment. All other duties may be performed by any person who is under the direction and on-the-premises supervision of a licensed veterinarian. The supervising veterinarian is responsible for that person's performance. The Board of Veterinary Medicine does not have the power to discipline a veterinary technician. However, 12-64-104(J) provides assurance of good and competent work from veterinary technicians. Requiring licensed veterinarians to be responsible for duties they delegate to others creates an incentive only to delegate to competent people, otherwise disciplinary action may be taken against the veterinarian. Consequently, the public health and welfare are protected.

In addition to this statutory protection, there is no evidence that disciplinary problems exists with veterinarian technicians. The Colorado Board of Veterinary Medicine Administrator stated that to his knowledge there has never been any disciplinary actions taken against a licensed veterinarian due to error or negligence on behalf of an employed technician. This outcome is consistent with other states that regulate veterinarian technicians and suggests that the current system is functioning well.

No persuasive evidence has been submitted to justify the assertion that actual or potential measurable harm exists from veterinary technicians or assistants practicing in Colorado who are not certified. The supervision of veterinary technicians by licensed veterinarians and the authority of the Board of Veterinary Medicine to discipline licensees, coupled with the private credential available through the Colorado Association of Veterinary Technicians provides adequate oversight of this occupation. With these private regulatory schemes in existence, there is no evidence that the public will benefit from state regulation in any manner above and beyond the adequate protections which are already in place.

For these reasons, the Department of Regulatory Agencies recommends that no licensing or other regulation of veterinary technicians be promulgated at this time.

APPENDIX A

SUNRISE CRITERIA

Pursuant to the Colorado Sunrise Act, C.R.S. 24-4-104.1, the applicants must prove the benefit to the public of their proposal for regulation according to the following criteria:

1. Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public, whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument;
2. Whether the public needs, and can be reasonably expected to benefit from, an assurance of initial and continuing professional or occupational competence;
3. Whether the public can be adequately protected by other means in a more cost-effective manner.