

S T A T E O F N E W Y O R K

7203

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. ABBATE -- Multi-Sponsored by -- M. of A. KOON,
SALADINO, TOWNSEND -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to continuing education for veterinarians and veterinary technicians

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new section 6704-a
2 to read as follows:
3 S 6704-A. MANDATORY CONTINUING EDUCATION FOR VETERINARIANS. 1. (A)
4 EACH VETERINARIAN, LICENSED PURSUANT TO THIS ARTICLE, REQUIRED TO REGISTER
5 TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THIS STATE SHALL
6 COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING EDUCATION
7 REQUIREMENTS, EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS
8 SUBDIVISION. VETERINARIANS WHO DO NOT SATISFY THE MANDATORY CONTINUING
9 EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH
10 REQUIREMENTS AND HAVE BEEN ISSUED A REGISTRATION OR CONDITIONAL REGIS-
11 TRATION CERTIFICATE.
12 (B) VETERINARIANS SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION
13 REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH THEY
14 ARE FIRST LICENSED. IN ACCORDANCE WITH THE INTENT OF THIS SECTION,
15 ADJUSTMENTS TO THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE
16 GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH, CERTIFIED BY A PHYSICIAN,
17 FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES,
18 OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT
19 COMPLIANCE. VETERINARIANS ENGAGED ON A FULL-TIME BASIS IN THE TEACHING OF
20 VETERINARY MEDICINE AT A VETERINARY EDUCATION PROGRAM REGISTERED BY THE
21 DEPARTMENT OR ACCREDITED OR APPROVED BY AN ACCEPTABLE ACCREDITING
22 ORGANIZATION SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.
23

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 (C) A LICENSED VETERINARIAN NOT ENGAGED IN PUBLIC PRACTICE AS AN INDI-
2 VIDUAL PRACTITIONER, A PARTNER OF A PARTNERSHIP, A SHAREHOLDER OF A
3 PROFESSIONAL SERVICE CORPORATION, MEMBER OF A LIMITED LIABILITY COMPANY,
4 MEMBER OF A LIMITED LIABILITY PARTNERSHIP OR AN EMPLOYEE OF SUCH PRAC-
5 TICE UNITS, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION
6 REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING
7 SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PUBLIC PRACTICE OF VETERI-
8 NARY MEDICINE DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE
9 DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDA-
10 TORY CONTINUING EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGU-
11 LATION OF THE COMMISSIONER.

12 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
13 TRATION SHALL COMPLETE A MINIMUM OF FORTY-FIVE HOURS OF ACCEPTABLE
14 FORMAL CONTINUING EDUCATION, A MAXIMUM OF TWENTY-TWO AND ONE-HALF HOURS
15 OF WHICH MAY BE SELF-INSTRUCTIONAL COURSEWORK AS APPROVED BY THE DEPART-
16 MENT. ANY VETERINARIAN WHOSE FIRST REGISTRATION DATE FOLLOWING THE
17 EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH
18 EFFECTIVE DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN, SHALL
19 COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF
20 ONE AND ONE-QUARTER HOURS PER MONTH FOR THE PERIOD BEGINNING JANUARY
21 FIRST, TWO THOUSAND TEN UP TO THE FIRST REGISTRATION DATE THEREAFTER. A
22 LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION
23 REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY
24 THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL
25 REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED IN SUBDIVISION THREE OF
26 THIS SECTION. THE INDIVIDUAL LICENSEE SHALL DETERMINE THE SELECTION OF
27 COURSES OR PROGRAMS OF STUDY PURSUANT TO SUBDIVISION FOUR OF THIS
28 SECTION.

29 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
30 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
31 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
32 AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL EDUCATION
33 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
34 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
35 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
36 BE DETERMINED BY THE DEPARTMENT. ANY LICENSEE WHO IS NOTIFIED OF THE
37 DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO
38 THE DEPARTMENT, OF COMPLETION OF REQUIRED CONTINUING EDUCATION AND WHO
39 PRACTICES VETERINARY MEDICINE WITHOUT SUCH REGISTRATION, MAY BE SUBJECT
40 TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN
41 OF THIS TITLE.

42 4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION"
43 SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL
44 PRACTICE OF VETERINARY MEDICINE WHICH ARE SPONSORED OR PRESENTED BY A
45 VETERINARY MEDICAL PROGRAM REGISTERED BY THE DEPARTMENT OR ACCREDITED OR
46 APPROVED BY AN ACCEPTABLE ACCREDITING ORGANIZATION, ANY NEW YORK STATE
47 VETERINARY MEDICAL SOCIETY, REGIONAL VETERINARY MEDICAL SOCIETIES OR
48 THEIR AFFILIATES, NATIONAL VETERINARY MEDICAL ASSOCIATION OR THEIR
49 AFFILIATES, TEACHING HOSPITALS, RESEARCH AND/OR CLINICAL EXPERIENCES AND
50 WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER,
51 AS APPROVED BY THE BOARD FOR VETERINARY MEDICINE TO FULFILL THE MANDATO-
52 RY CONTINUING EDUCATION REQUIREMENT. SUCH LEARNING ACTIVITIES SHALL
53 INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT
54 COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING
55 ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOP-
56 MENT PROGRAMS AND TECHNICAL SESSIONS, THE PREPARATION AND DELIVERY OF

1 CONTINUING EDUCATION COURSES AND COURSES IN A VETERINARY MEDICAL PROGRAM
2 REGISTERED BY THE DEPARTMENT OR ACCREDITED OR APPROVED BY AN ACCEPTABLE
3 ACCREDITING ORGANIZATION AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNI-
4 CAL LEARNING ACTIVITIES ACCEPTABLE TO THE DEPARTMENT. SUCH PROGRAMS MAY
5 BE OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSO-
6 CIATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPART-
7 MENT. THE DEPARTMENT SHALL NOT, BY REGULATION OR OTHERWISE, IMPOSE ANY
8 REQUIREMENTS ON SUCH SPONSORING ORGANIZATIONS, INCLUDING STAFFING
9 REQUIREMENTS, OTHER THAN MAKING DETERMINATIONS REGARDING THE ACCEPTABIL-
10 ITY OF SUCH PROGRAMS FOR FULFILLMENT OF THE CONTINUING EDUCATION
11 REQUIREMENTS. NOTWITHSTANDING ANY PROVISION OF ANY LAW TO THE CONTRARY,
12 ANY ORGANIZATION OR SUBSIDIARY OF ANY SUCH ORGANIZATION, INCLUDING, BUT
13 NOT LIMITED TO AN ACCREDITED COLLEGE OF VETERINARY MEDICINE, A STATE OR
14 NATIONAL VETERINARY MEDICAL SOCIETY OR THE AMERICAN VETERINARY MEDICAL
15 ASSOCIATION OR BOARD SPECIALTY THEREOF, IF TAKEN BY A MEMBER OF SUCH
16 SPECIALTY BOARD, THAT SHALL HAVE PROVIDED CONTINUING EDUCATION SERVICES
17 TO VETERINARIANS ON OR BEFORE THE EFFECTIVE DATE OF THIS SECTION, SHALL
18 BE DEEMED TO MEET THE STANDARDS ESTABLISHED BY THE COMMISSIONER PURSUANT
19 TO THIS SUBDIVISION.

20 5. THE MANDATORY CONTINUING EDUCATION FEE SHALL BE FORTY-FIVE DOLLARS,
21 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-
22 TION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION
23 FEE REQUIRED BY SECTION SIXTY-SEVEN HUNDRED FOUR OF THIS ARTICLE.

24 S 2. The education law is amended by adding a new section 6711-b to
25 read as follows:

26 S 6711-B. MANDATORY CONTINUING EDUCATION FOR VETERINARY TECHNICIANS.
27 1. (A) EACH VETERINARY TECHNICIAN, LICENSED PURSUANT TO THIS ARTICLE AND
28 REQUIRED TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THIS
29 STATE SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING
30 EDUCATION REQUIREMENTS, EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C) OF
31 THIS SUBDIVISION. VETERINARY TECHNICIANS WHO DO NOT SATISFY THE MANDATO-
32 RY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL THEY HAVE
33 MET SUCH REQUIREMENT AND HAVE BEEN ISSUED A REGISTRATION OR CONDITIONAL
34 REGISTRATION CERTIFICATE.

35 (B) VETERINARY TECHNICIANS SHALL BE EXEMPT FROM THE MANDATORY CONTINU-
36 ING EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD DURING
37 WHICH THEY ARE FIRST LICENSED. IN ACCORDANCE WITH THE INTENT OF THIS
38 SECTION, ADJUSTMENTS TO THE MANDATORY CONTINUING EDUCATION REQUIREMENT
39 MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH, CERTIFIED BY A
40 PHYSICIAN, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED
41 STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY
42 PREVENT COMPLIANCE.

43 (C) A LICENSED VETERINARY TECHNICIAN, NOT ENGAGED IN THE PRACTICE OF
44 VETERINARY TECHNOLOGY SHALL BE EXEMPT FROM THE MANDATORY CONTINUING
45 EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT
46 DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF
47 VETERINARY TECHNOLOGY DURING THE TRIENNIAL REGISTRATION PERIOD SHALL
48 NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET
49 SUCH MANDATORY CONTINUING EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED
50 BY REGULATION OF THE COMMISSIONER.

51 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
52 TRATION SHALL COMPLETE A MINIMUM OF TWENTY-FOUR HOURS OF ACCEPTABLE
53 FORMAL CONTINUING EDUCATION AS APPROVED BY THE DEPARTMENT. OF THESE
54 TWENTY-FOUR HOURS A MAXIMUM OF TEN HOURS MAY BE SELF-INSTRUCTIONAL
55 COURSEWORK AS APPROVED BY THE DEPARTMENT. ANY VETERINARY TECHNICIAN
56 WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS

1 SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR
2 AFTER JANUARY FIRST, TWO THOUSAND TEN, SHALL COMPLETE CONTINUING EDUCA-
3 TION HOURS ON A PRORATED BASIS AT THE RATE OF TWO-THIRDS OF ONE HOUR PER
4 MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND TEN UP TO THE
5 FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED THE
6 MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A TRIEN-
7 NIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE
8 UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS
9 PROVIDED IN SUBDIVISION THREE OF THIS SECTION. THE INDIVIDUAL LICENSEE
10 SHALL DETERMINE THE SELECTION OF COURSES OR PROGRAMS OF STUDY PURSUANT
11 TO SUBDIVISION FOUR OF THIS SECTION.

12 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
13 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
14 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
15 AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL EDUCATION
16 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
17 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
18 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
19 BE DETERMINED BY THE DEPARTMENT. ANY LICENSEE WHO IS NOTIFIED OF THE
20 DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO
21 THE DEPARTMENT, OF COMPLETION OF REQUIRED CONTINUING EDUCATION AND WHO
22 PRACTICES VETERINARY TECHNOLOGY WITHOUT SUCH REGISTRATION, MAY BE
23 SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE
24 HUNDRED TEN OF THIS TITLE.

25 4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION"
26 SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL
27 PRACTICE OF VETERINARY MEDICINE WHICH ARE SPONSORED OR PRESENTED BY A
28 VETERINARY MEDICAL PROGRAM REGISTERED BY THE DEPARTMENT OR ACCREDITED OR
29 APPROVED BY AN ACCEPTABLE ACCREDITING ORGANIZATION, ANY NEW YORK STATE
30 VETERINARY MEDICAL SOCIETY, THE NEW YORK STATE ASSOCIATION OF VETERINARY
31 TECHNICIANS, ITS AFFILIATES OR EQUIVALENTS, THE NATIONAL VETERINARY
32 TECHNICIAN'S ASSOCIATION AND AMERICAN VETERINARY MEDICAL ASSOCIATION
33 APPROVED VETERINARY TECHNOLOGY COLLEGES, REGIONAL VETERINARY MEDICAL
34 SOCIETIES OR THEIR AFFILIATES, NATIONAL VETERINARY MEDICAL ASSOCIATIONS
35 OR THEIR AFFILIATES, TEACHING HOSPITALS, RESEARCH AND/OR CLINICAL EXPE-
36 RIENCES AND WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE
37 COMMISSIONER, AS APPROVED BY THE BOARD FOR VETERINARY MEDICINE TO
38 FULFILL THE MANDATORY CONTINUING EDUCATION REQUIREMENT. SUCH LEARNING
39 ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT
40 AND NON-CREDIT COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL
41 MENTORING ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFES-
42 SIONAL DEVELOPMENT PROGRAMS AND TECHNICAL SESSIONS, THE PREPARATION AND
43 DELIVERY OF CONTINUING EDUCATION COURSES AND COURSES IN A VETERINARY
44 MEDICAL PROGRAM REGISTERED BY THE DEPARTMENT OR ACCREDITED OR APPROVED
45 BY AN ACCEPTABLE ACCREDITING ORGANIZATION AND ANY OTHER ORGANIZED EDUCA-
46 TIONAL AND TECHNICAL LEARNING ACTIVITIES ACCEPTABLE TO THE DEPARTMENT.
47 SUCH PROGRAMS MAY BE OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL
48 PROFESSIONAL ASSOCIATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE
49 TO THE DEPARTMENT. THE DEPARTMENT SHALL NOT, BY REGULATION OR OTHERWISE,
50 IMPOSE ANY REQUIREMENTS ON SUCH SPONSORING ORGANIZATIONS, INCLUDING
51 STAFFING REQUIREMENTS, OTHER THAN MAKING DETERMINATIONS REGARDING THE
52 ACCEPTABILITY OF SUCH PROGRAMS FOR FULFILLMENT OF THE CONTINUING EDUCA-
53 TION REQUIREMENTS. NOTWITHSTANDING ANY PROVISION OF ANY LAW TO THE
54 CONTRARY, ANY ORGANIZATION OR SUBSIDIARY OF ANY SUCH ORGANIZATION,
55 INCLUDING, BUT NOT LIMITED TO AN ACCREDITED COLLEGE OF VETERINARY MEDI-
56 CINE, A STATE OR NATIONAL VETERINARY MEDICAL SOCIETY OR THE AMERICAN

1 VETERINARY MEDICAL ASSOCIATION OR BOARD SPECIALTY THEREOF, IF TAKEN BY A
2 MEMBER OF SUCH SPECIALTY BOARD, THAT SHALL HAVE PROVIDED CONTINUING
3 EDUCATION SERVICES TO VETERINARIANS ON OR BEFORE THE EFFECTIVE DATE OF
4 THIS SECTION, SHALL BE DEEMED TO MEET THE STANDARDS ESTABLISHED BY THE
5 COMMISSIONER PURSUANT TO THIS SUBDIVISION.
6 5. THE MANDATORY CONTINUING EDUCATION FEE SHALL BE THIRTY DOLLARS,
7 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-
8 TION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION
9 FEE REQUIRED BY SECTION SIXTY-SEVEN HUNDRED ELEVEN OF THIS ARTICLE.
10 S 3. This act shall take effect on the first of January next succeed-
11 ing the date on which it shall have become a law.