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

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I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. ABBATE, PHEFFER -- Multi-Sponsored by -- M. of A. KOON, SALADINO, TOWNSEND -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

Section 1. The education law is amended by adding a new section 6704-a to read as follows:

S 6704-A. MANDATORY CONTINUING EDUCATION FOR VETERINARIANS. 1. (A) EACH VETERINARIAN, LICENSED PURSUANT TO THIS ARTICLE, REQUIRED TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THIS STATE SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING EDUCATION REQUIREMENTS, EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. VETERINARIANS WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS AND HAVE BEEN ISSUED A REGISTRATION OR CONDITIONAL REGISTRATION CERTIFICATE.

(B) VETERINARIANS SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH THEY ARE FIRST LICENSED. IN ACCORDANCE WITH THE INTENT OF THIS SECTION, ADJUSTMENTS TO THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH, CERTIFIED BY A PHYSICIAN, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE. VETERINARIANS ENGAGED ON A FULL-TIME BASIS IN THE

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

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TEACHING OF VETERINARY MEDICINE AT A VETERINARY EDUCATION PROGRAM REGISTERED BY THE DEPARTMENT OR ACCREDITED OR APPROVED BY AN ACCEPTABLE ACCREDITING ORGANIZATION SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.

(C) A LICENSED VETERINARIAN NOT ENGAGED IN PROFESSIONAL PRACTICE SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF VETERINARY MEDICINE SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY CONTINUING EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATION OF THE COMMISSIONER.

2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION SHALL COMPLETE A MINIMUM OF FORTY-FIVE HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION, A MAXIMUM OF TWENTY-TWO AND ONE-HALF HOURS OF WHICH MAY BE SELF-INSTRUCTIONAL COURSEWORK ACCEPTABLE TO THE DEPARTMENT. ANY VETERINARIAN WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND TWELVE, SHALL COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE AND ONE-QUARTER HOURS PER MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND TWELVE UP TO THE FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION, OR UNTIL HE OR SHE HAS OTHERWISE MET THE REQUIREMENTS OF THIS SECTION. THE INDIVIDUAL LICENSEE SHALL DETERMINE THE SELECTION OF COURSES OR PROGRAMS OF STUDY PURSUANT TO SUBDIVISION FOUR OF THIS SECTION.

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

4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION" SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE OF VETERINARY MEDICINE WHICH ARE OFFERED BY SPONSORS OF VETERINARY CONTINUING EDUCATION APPROVED BY THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD FOR VETERINARY MEDICINE, TO FULFILL THE MANDATORY CONTINUING EDUCATION REQUIREMENT. SPONSORS OF VETERINARY CONTINUING EDUCATION SHALL INCLUDE STATE OR NATIONAL PROFESSIONAL ASSOCIATIONS ESTABLISHED TO FURTHER THE VETERINARY PROFESSIONS, AND SHALL INCLUDE ANY AFFILIATES OF SUCH ASSOCIATIONS INCLUDING LOCAL VETERINARY MEDICAL SOCIETIES AND GENERALLY RECOGNIZED STATE, NATIONAL AND INTERNATIONAL VETERINARY CONFERENCES AT WHICH PROFESSIONAL CONTINUING EDUCATION IS A MAJOR COMPONENT OF SUCH CONFERENCES, AS WELL AS UNIVERSITIES AND COLLEGES OFFERING PROGRAMS LEADING TO LICENSURE IN THE VETERINARY MEDICAL PROFESSIONS. SPONSORS OF VETERINARY MEDICINE CONTINUING EDUCATION SHALL

FILE AN APPLICATION WITH THE DEPARTMENT AND PAY A FEE OF NINE HUNDRED DOLLARS.

5. THE MANDATORY CONTINUING EDUCATION FEE SHALL BE ESTABLISHED BY THE DEPARTMENT, AND SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION FEE REQUIRED BY SECTION SIXTY-SEVEN HUNDRED FOUR OF THIS ARTICLE.

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

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

(B) VETERINARY TECHNICIANS SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH THEY ARE FIRST LICENSED. IN ACCORDANCE WITH THE INTENT OF THIS SECTION, ADJUSTMENTS TO THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH, CERTIFIED BY A PHYSICIAN, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE. VETERINARY TECHNICIANS ENGAGED ON A FULL-TIME BASIS IN THE TEACHING OF VETERINARY MEDICINE AT A VETERINARY EDUCATION PROGRAM REGISTERED BY THE DEPARTMENT OR AN ACCREDITING ORGANIZATION ACCEPTABLE TO THE DEPARTMENT SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.

(C) A LICENSED VETERINARY TECHNICIAN, NOT ENGAGED IN PROFESSIONAL PRACTICE SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF VETERINARY TECHNOLOGY SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY CONTINUING EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATION OF THE COMMISSIONER.

2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION SHALL COMPLETE A MINIMUM OF TWENTY-FOUR HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION, A MAXIMUM OF TWELVE HOURS OF WHICH MAY BE SELF-INSTRUCTIONAL COURSEWORK ACCEPTABLE TO THE DEPARTMENT. ANY VETERINARY TECHNICIAN WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND TWELVE, SHALL COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE AND ONE-QUARTER HOURS PER MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND TWELVE UP TO THE FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION, OR UNTIL HE OR SHE HAS OTHERWISE MET THE REQUIREMENTS OF THIS SECTION. THE INDIVIDUAL LICENSEE SHALL DETERMINE THE SELECTION OF COURSES OR PROGRAMS OF STUDY PURSUANT TO SUBDIVISION FOUR OF THIS SECTION.

3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO

AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL EDUCATION WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF COMPLETION OF REQUIRED CONTINUING EDUCATION AND WHO PRACTICES VETERINARY TECHNOLOGY WITHOUT SUCH REGISTRATION, MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION" SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE OF VETERINARY TECHNOLOGY WHICH ARE OFFERED BY SPONSORS OF VETERINARY TECHNICIAN CONTINUING EDUCATION APPROVED BY THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD FOR VETERINARY MEDICINE, TO FULFILL THE MANDATORY CONTINUING EDUCATION REQUIREMENT. SPONSORS OF VETERINARY TECHNICIAN CONTINUING EDUCATION SHALL INCLUDE STATE OR NATIONAL PROFESSIONAL ASSOCIATIONS ESTABLISHED TO FURTHER THE VETERINARY PROFESSIONS AND SHALL INCLUDE ANY AFFILIATES OF SUCH ASSOCIATIONS INCLUDING LOCAL VETERINARY MEDICAL SOCIETIES AND LOCAL VETERINARY TECHNICIAN SOCIETIES AND GENERALLY RECOGNIZED STATE, NATIONAL AND INTERNATIONAL VETERINARY AND VETERINARY TECHNICIAN CONFERENCES AT WHICH PROFESSIONAL CONTINUING EDUCATION IS A MAJOR COMPONENT OF SUCH CONFERENCES, AS WELL AS UNIVERSITIES AND COLLEGES OFFERING PROGRAMS LEADING TO LICENSURE IN THE VETERINARY MEDICAL PROFESSIONS. SPONSORS OF VETERINARY TECHNICIAN CONTINUING EDUCATION SHALL FILE AN APPLICATION WITH THE DEPARTMENT AND PAY A FEE OF NINE HUNDRED DOLLARS.

5. THE MANDATORY CONTINUING EDUCATION FEE SHALL BE ESTABLISHED BY THE DEPARTMENT, AND SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION FEE REQUIRED BY SECTION SIXTY-SEVEN HUNDRED ELEVEN OF THIS ARTICLE.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.