

285--C

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sens. LITTLE, AUBERTINE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 REGIS-
5 TER 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 EDUCA-
13 TION 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 PHYSI-
17 CIAN, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED
18 STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY

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

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1 PREVENT COMPLIANCE. VETERINARIANS ENGAGED ON A FULL-TIME BASIS IN THE
2 TEACHING OF VETERINARY MEDICINE AT A VETERINARY EDUCATION PROGRAM REGIS-
3 TERED BY THE DEPARTMENT OR ACCREDITED OR APPROVED BY AN ACCEPTABLE
4 ACCREDITING ORGANIZATION SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS
5 SECTION.

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

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

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

44 4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION"
45 SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL
46 PRACTICE OF VETERINARY MEDICINE WHICH ARE OFFERED BY SPONSORS OF VETERI-
47 NARY CONTINUING EDUCATION APPROVED BY THE DEPARTMENT, IN CONSULTATION
48 WITH THE STATE BOARD FOR VETERINARY MEDICINE, TO FULFILL THE MANDATORY
49 CONTINUING EDUCATION REQUIREMENT. SPONSORS OF VETERINARY CONTINUING
50 EDUCATION SHALL INCLUDE STATE OR NATIONAL PROFESSIONAL ASSOCIATIONS
51 ESTABLISHED TO FURTHER THE VETERINARY PROFESSIONS, AND SHALL INCLUDE ANY
52 AFFILIATES OF SUCH ASSOCIATIONS INCLUDING LOCAL VETERINARY MEDICAL SOCI-
53 ETIES AND GENERALLY RECOGNIZED STATE, NATIONAL AND INTERNATIONAL VETERI-
54 NARY CONFERENCES AT WHICH PROFESSIONAL CONTINUING EDUCATION IS A MAJOR
55 COMPONENT OF SUCH CONFERENCES, AS WELL AS UNIVERSITIES AND COLLEGES
56 OFFERING PROGRAMS LEADING TO LICENSURE IN THE VETERINARY MEDICAL

1 PROFESSIONS. SPONSORS OF VETERINARY MEDICINE CONTINUING EDUCATION SHALL
2 FILE AN APPLICATION WITH THE DEPARTMENT AND PAY A FEE OF NINE HUNDRED
3 DOLLARS.

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

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

11 S 6711-B. MANDATORY CONTINUING EDUCATION FOR VETERINARY TECHNICIANS.

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

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

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

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

55 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
56 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION

1 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
2 AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL EDUCATION
3 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
4 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
5 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
6 BE DETERMINED BY THE DEPARTMENT. ANY LICENSEE WHO IS NOTIFIED OF THE
7 DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO
8 THE DEPARTMENT, OF COMPLETION OF REQUIRED CONTINUING EDUCATION AND WHO
9 PRACTICES VETERINARY TECHNOLOGY WITHOUT SUCH REGISTRATION, MAY BE
10 SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE
11 HUNDRED TEN OF THIS TITLE.

12 4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION"
13 SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL
14 PRACTICE OF VETERINARY TECHNOLOGY WHICH ARE OFFERED BY SPONSORS OF
15 VETERINARY TECHNICIAN CONTINUING EDUCATION APPROVED BY THE DEPARTMENT,
16 IN CONSULTATION WITH THE STATE BOARD FOR VETERINARY MEDICINE, TO FULFILL
17 THE MANDATORY CONTINUING EDUCATION REQUIREMENT. SPONSORS OF VETERINARY
18 TECHNICIAN CONTINUING EDUCATION SHALL INCLUDE STATE OR NATIONAL PROFES-
19 SIONAL ASSOCIATIONS ESTABLISHED TO FURTHER THE VETERINARY PROFESSIONS
20 AND SHALL INCLUDE ANY AFFILIATES OF SUCH ASSOCIATIONS INCLUDING LOCAL
21 VETERINARY MEDICAL SOCIETIES AND LOCAL VETERINARY TECHNICIAN SOCIETIES
22 AND GENERALLY RECOGNIZED STATE, NATIONAL AND INTERNATIONAL VETERINARY
23 AND VETERINARY TECHNICIAN CONFERENCES AT WHICH PROFESSIONAL CONTINUING
24 EDUCATION IS A MAJOR COMPONENT OF SUCH CONFERENCES, AS WELL AS UNIVERSI-
25 TIES AND COLLEGES OFFERING PROGRAMS LEADING TO LICENSURE IN THE VETERI-
26 NARY MEDICAL PROFESSIONS. SPONSORS OF VETERINARY TECHNICIAN CONTINUING
27 EDUCATION SHALL FILE AN APPLICATION WITH THE DEPARTMENT AND PAY A FEE OF
28 NINE HUNDRED DOLLARS.

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

34 S 3. This act shall take effect on the first of January next succeed-
35 ing the date on which it shall have become a law.