

7203

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 26, 2009

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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 TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THIS STATE SHALL  
5     COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING EDUCATION  
6     REQUIREMENTS, EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS  
7     SUBDIVISION. VETERINARIANS WHO DO NOT SATISFY THE MANDATORY CONTINUING  
8     EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH  
9     REQUIREMENTS AND HAVE BEEN ISSUED A REGISTRATION OR CONDITIONAL REGISTRATION CERTIFICATE.  
10    (B) VETERINARIANS SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH THEY  
11    ARE FIRST LICENSED. IN ACCORDANCE WITH THE INTENT OF THIS SECTION,  
12    ADJUSTMENTS TO THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE  
13    GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH, CERTIFIED BY A PHYSICIAN, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED  
14    STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY  
15    PREVENT COMPLIANCE. VETERINARIANS ENGAGED ON A FULL-TIME BASIS IN THE  
16    TEACHING OF VETERINARY MEDICINE AT A VETERINARY EDUCATION PROGRAM REGISTERED BY THE DEPARTMENT OR ACCREDITED OR APPROVED BY AN ACCEPTABLE  
17    ACCREDITING ORGANIZATION SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS  
18    SECTION.

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.