

BEFORE THE BOARD OF VETERINARY MEDICINE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 24.225.401 fees, 24.225.503)
examination application)
requirements, 24.225.504)
examination for licensure, 24.225.907)
board-approved training program)
criteria, 24.225.910 certified)
euthanasia technician test criteria,)
and 24.225.921 certified euthanasia)
agency inspection criteria)

TO: All Concerned Persons

1. On March 24, 2011, the Board of Veterinary Medicine (board) published MAR notice no. 24-225-35 regarding the public hearing on the proposed amendment of the above-stated rules, at page 371 of the 2011 Montana Administrative Register, issue no. 6.

2. On April 18, 2011, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the April 26, 2011, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments received and the board's response is as follows:

COMMENT 1: Four individuals commented regarding ARM 24.225.401, amending the fee schedule. All four opined that the proposed near doubling of the license renewal fees is significant and burdensome to veterinarians in the current economic climate. Regarding the board's stated reasons for the fee increases, three commenters stated that the computer upgrade needed to be better explained and suggested that lower-cost alternatives had not been explored. One commenter suggested that the increased fees might cause older veterinarians to drop their licenses and lose corresponding revenue, and that younger veterinarians may increase their debt load. One commenter proposed an incremental fee increase over the coming years.

Response 1: The board appreciates all comments made during the rulemaking process. However, the board does not agree that the increases are unreasonable at this time and notes that the board must be fiscally self-sufficient and set fees commensurate with the program costs.

The board licenses veterinarians, embryo transfer technicians, euthanasia agencies, and euthanasia technicians; tests applicants; adjudicates complaints; administers continuing education requirements; and updates statutes and rules that

regulate its licensees. The board must pay for legal counsel, computer support, compliance and administrative staff support, division administrative personnel, etc. By law, the board can retain in cash no more than two times its budget authority. Any revenue in excess of that amount would be rebated to licensees if these fee increases created an unexpected excess reserve. Expenses have exceeded the board's revenue for several years, thus the increase in fees can be delayed no longer. The board is projected to have a negative cash balance in FY12 without the proposed fee increases.

The scanning and electronic storage of all records and the new division computer licensing database are decisions made by the Business Standards Division of the Department of Labor and Industry and affects all boards. The decision to purchase a new computer database that includes all 34 boards and licensing programs has been exhaustively researched and in process for several years. The current licensing database is obsolete and no longer technically supported.

4. The board has amended ARM 24.225.401, 24.225.503, 24.225.504, 24.225.907, 24.225.910, and 24.225.921 exactly as proposed.

BOARD OF VETERINARY MEDICINE
ROBERT SAGER, DVM, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 13, 2011