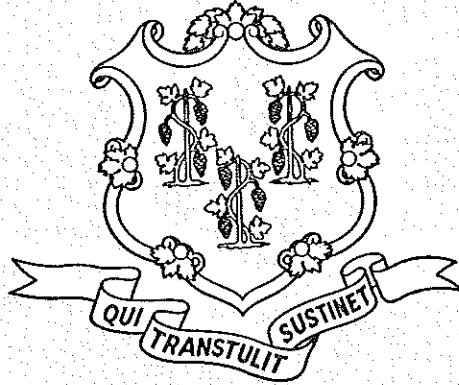


# Connecticut General Assembly



## Legislative Program Review and Investigations Committee

### SUNSET REVIEW

### Board of Veterinary Registration and Examination

Vol. I-15

January 1, 1980

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

The Committee is composed of twelve members, three each appointed by the Senate President Pro Tempore and Minority Leader, and the Speaker of the House and Minority Leader.

This is the first of five annual reviews emerging from the first round of "Sunset" research.

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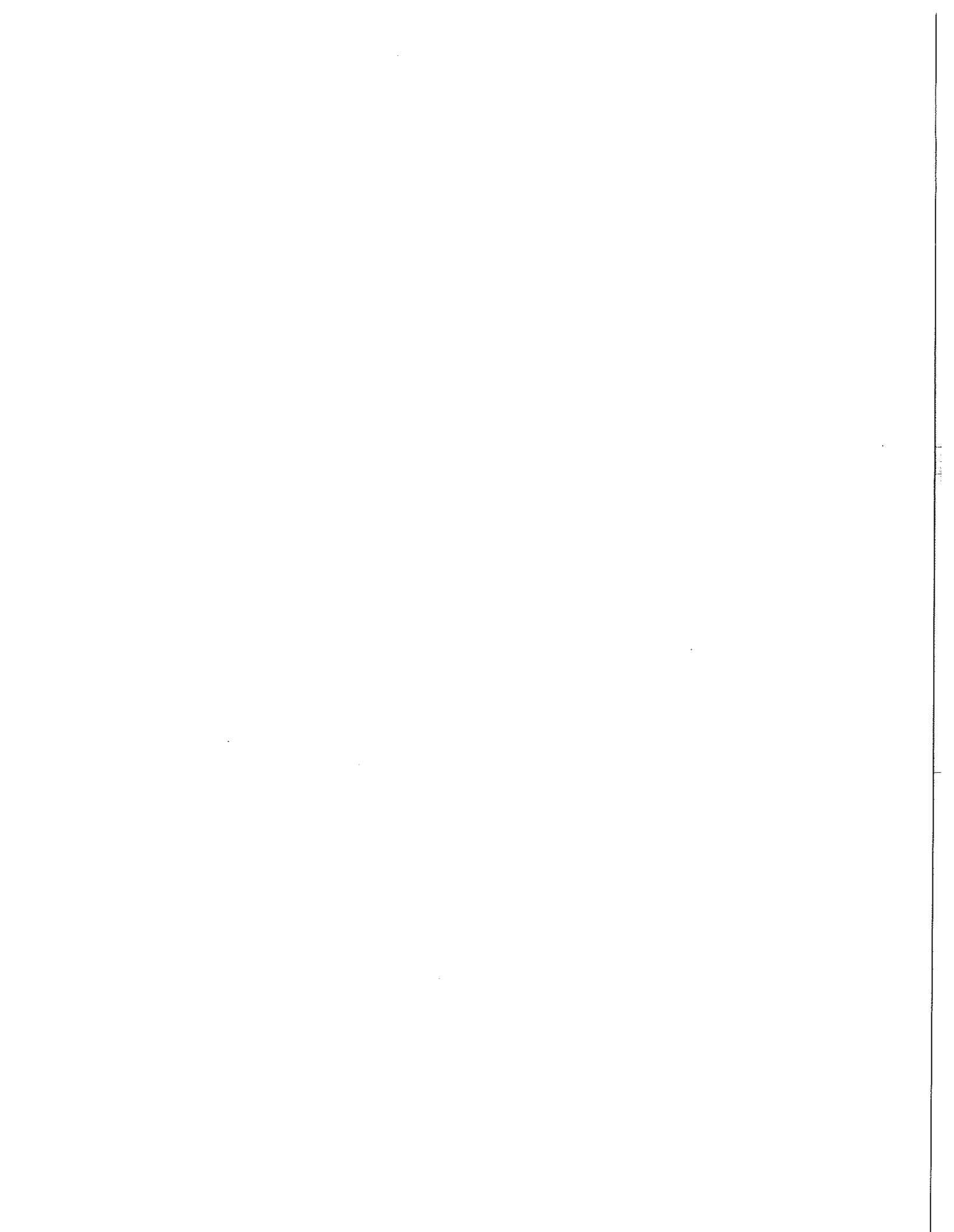
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SUNSET REVIEW 1980

STATE BOARD OF VETERINARY REGISTRATION  
AND EXAMINATION

Vol. I-15



STATE BOARD OF VETERINARY REGISTRATION  
AND EXAMINATION

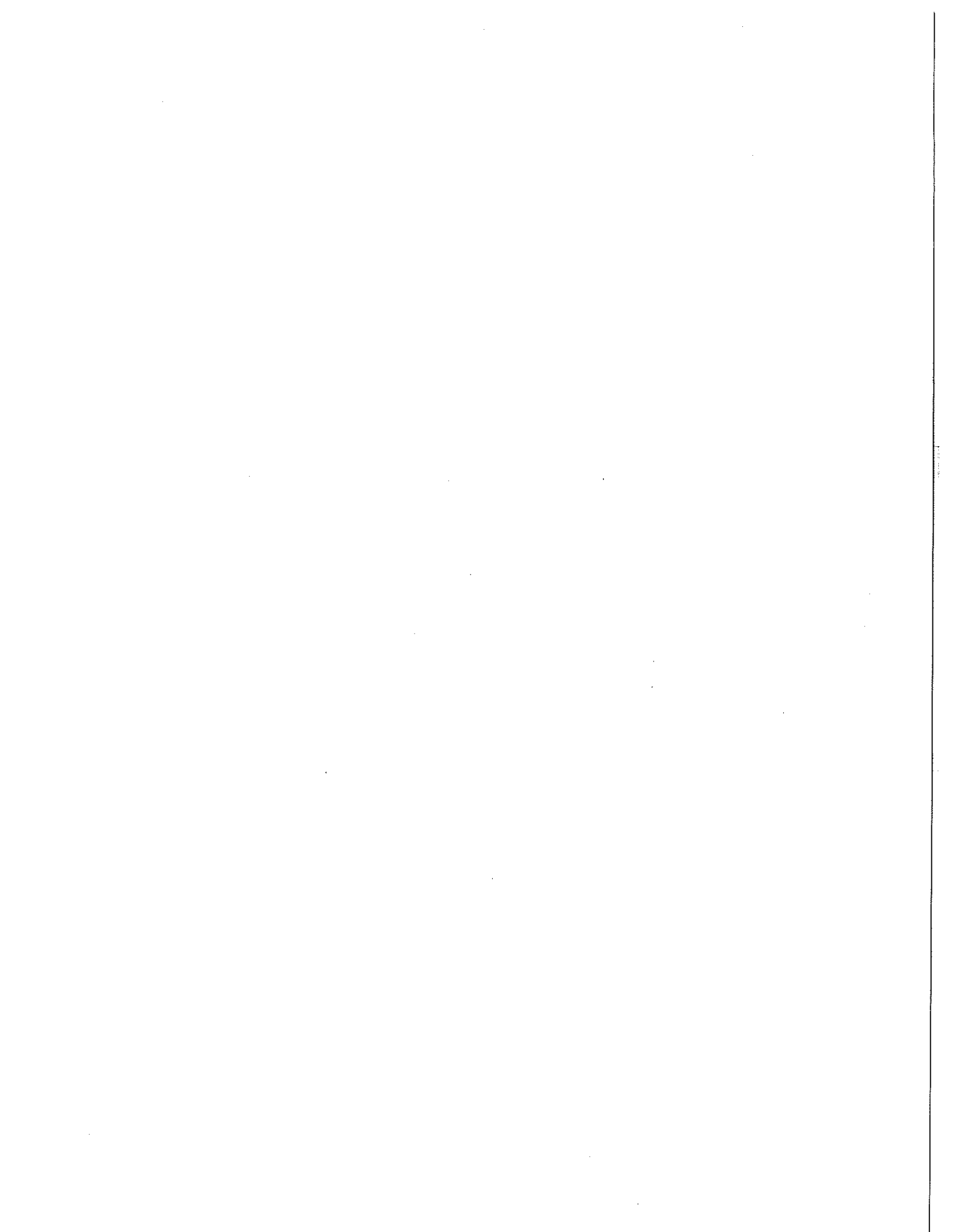
The State Board of Veterinary Registration and Examination was reviewed by the Legislative Program Review and Investigations Committee in compliance with the Sunset mandate of P.A. 77-614. The nine criteria outlined in that act (Title 2c, Chapter 28) provided the basis upon which committee decisions were made. These criteria required legislators to address three fundamental questions in evaluating the boards and commissions slated for 1980 Sunset review:

1. Is regulation of the occupation or profession necessary to protect the public from harm?
2. What is the appropriate level of regulation?
3. Who should regulate the occupation or profession and how should it be regulated?

This board-specific report is supplemental to the Sunset Review 1980 - General Report which contains the background, methods, and recommendations of Sunset Review 1980. To appreciate fully the contents of this board-specific report, it is necessary to review and refer to the General Report, particularly the section "Model Legislation" which provides a single statutory framework to be applied uniformly and consistently to all regulated entities under Sunset review.

This specific report contains the following sections:

- Description of entity reviewed;
- Recommendations and discussion for entity reviewed; and
- Entity survey and analysis.



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SECTION I

DESCRIPTION OF ENTITY

Definition and Background  
Structure  
Functions  
Entry Requirements

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## Definition and Background

Practitioners of veterinary medicine, surgery, and dentistry may diagnose, administer biologics for, treat, operate or prescribe for any animal or bird disease, pain, injury, deformity or physical condition. Care of poultry is not within the scope of defined veterinary practice in Connecticut.

The practice of veterinary medicine involves independent judgment and authority in a wide variety of diagnostic and treatment techniques including the use of drugs and controlled substances. Veterinarians also have a responsibility to public health for the detection and reporting of communicable disease. Abuse or incompetence in practice can result in serious harm not only to animals, but also to the general public.

Licensure is the appropriate level of regulation to insure and enforce minimum standards of competence in this profession which demands a high level of expertise.

Veterinary medicine has been regulated through licensure by a board of examiners since 1905. Though the initial staggered terms of board members have changed and entry standards have been upgraded, the original legislation continues to be the foundation for regulation of veterinary practice today. The Executive Reorganization Act (P.A. 77-614) removed the Board of Veterinary Registration and Examination from the Department of Agriculture and placed it within the aegis of the Department of Consumer Protection.

To date, approximately 400 veterinarians hold valid licenses to practice in Connecticut.

## Structure

The board is comprised of five members appointed by the Governor. Three of these members, who must be resident veterinarians with five years of licensed practice, may be appointed from a list submitted by the Connecticut Veterinary Medical Association. Two public members complete the board.

## Functions

To execute its regulatory powers and duties, the board is mandated to perform the following functions:

- Advise and assist the Commissioner of Consumer Protection in issuing regulations to insure proper veterinary care and the protection of public health;
- Administer the examination;
- Approve schools of veterinary medicine;
- Approve new and reciprocal licensure;
- Issue renewal licenses;
- Receive and screen complaints; and
- Preside over and prescribe sanctions in disciplinary hearings.

#### Requirements for Licensure

Applicants for the license in veterinary medicine must provide evidence of good moral character, be a graduate of an approved college of veterinary medicine, satisfactorily complete the prescribed examination before the board and submit an application fee of \$150.00.

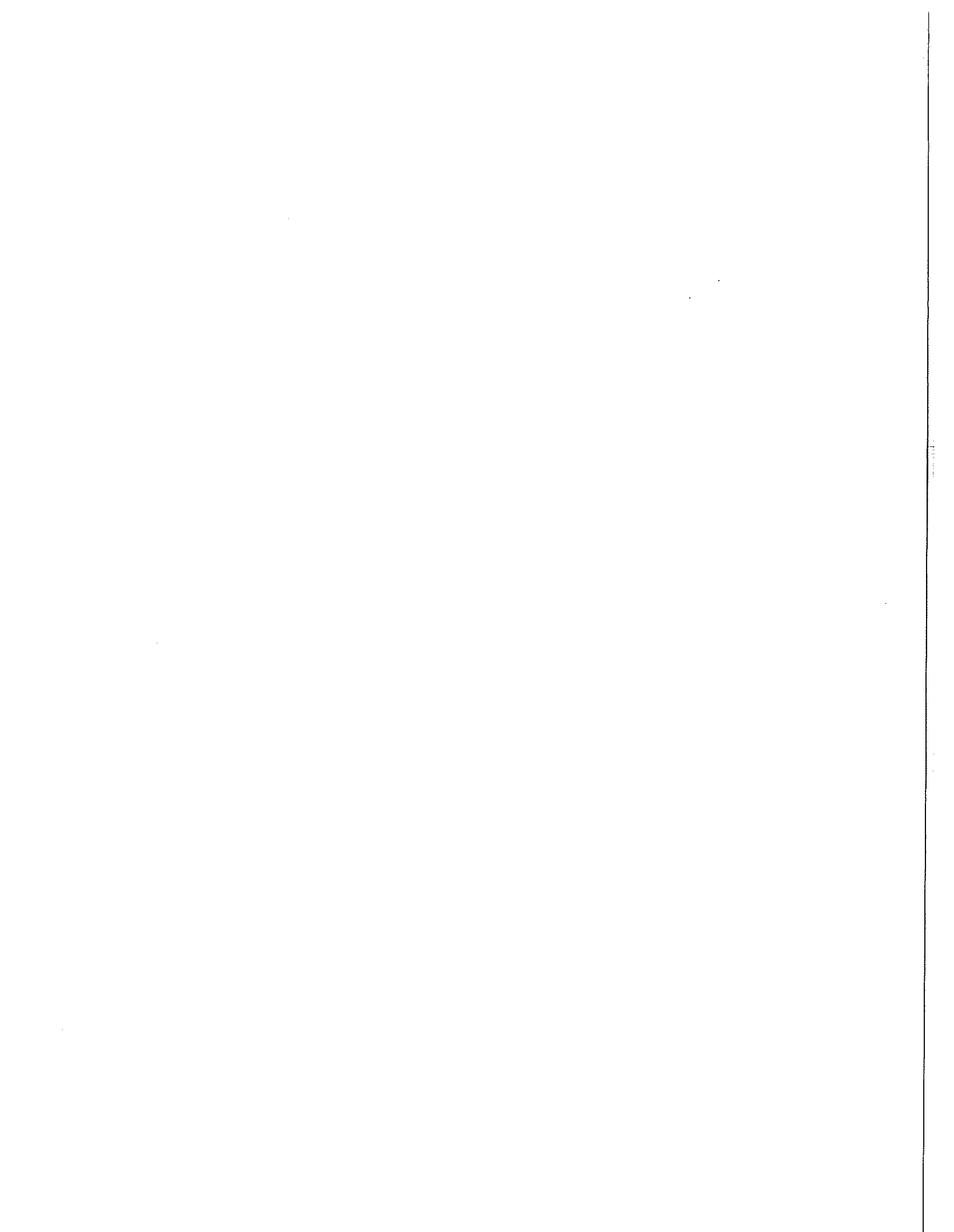
Applicants for licensure through reciprocity must have a license from a state which maintains reciprocity with Connecticut, and have certification from that licensing board of their good moral character and competent practice for five consecutive years preceding their application to Connecticut. Applicants also must satisfactorily complete a practical examination and submit an application fee of \$150.00.

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SECTION II

RECOMMENDATIONS AND DISCUSSION

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Recommendations for the Regulation of  
Veterinary Medicine (Chapter 384)

1. Continue license.

*The Legislative Program Review and Investigations Committee (LPR&IC) has found that licensing is the most appropriate and necessary level of regulation for this healing art.*

2. Continue Board of Veterinary Registration and Examination.

*Retention of this board is necessary to provide the professional expertise needed in the entry and enforcement functions of licensure. The board is to be retained as an individual regulatory entity to preserve the distinction between veterinary medicine and the other healing arts.*

3. Transfer Board to the Department of Health Services.

*The LPR&IC has found that this board which regulates practitioners who have responsibilities to general public health should be grouped more appropriately with the other healing arts boards under the aegis of DOHS (See questionnaire response #2).*

4. Amend Chapter 384 to include Model Legislation standards, procedure, responsibilities, appropriate repealed sections and all other relevant sections.

*Model Legislation addresses and ameliorates previous and potential concerns about regulatory procedures and policies. By providing a single regulatory framework for all boards under the aegis of the Department of Health Services (DOHS), the Model Legislation insures consistency, objectivity and uniformity in the execution of regulatory functions. Specific areas of concern in the Board of Veterinary Registration and Examination and the solution offered by the Model Legislation are listed below.*

a. Powers and Duties of the Department of Health Services -

*Professional board members and others expressed concern about the perceived unilateral control and authority by this single agency after Executive Reorganization. Model Legislation delineates the Commissioner's powers and duties relative to the regulatory boards and provides mechanisms for countervailing powers and board input where necessary.*

- b. Powers and Duties of the Boards - Critics of the boards prior to Executive Reorganization maintained that they had too much authority and lacked a necessary system of checks and balances in their powers and duties. After Executive Reorganization, however, board members and other professionals in particular believed that the board's regulatory role was overly diluted and not clearly specified with respect to the Department of Health Services.

*Model Legislation delineates the board's powers and duties and provides mechanisms to insure professional expertise and input where necessary.*

- c. Business Practices - The Committee found that regulation of business practices and statutory restrictions on business practices were not relevant to ensuring and enforcing minimum standards of competence. Such business practices are recommended for repeal in statutes and regulations (See Model Legislation - Business Practices):

- Sec. 20-202(7)-(11) - Advertising restrictions.

- d. Entry Requirements - The Committee found that the veterinary medicine statutes governing entry requirements contain certain qualifications not relevant to determining an applicant's competence. Such requirements--good moral character, state residency, and five consecutive years of practice for reciprocal license--are recommended for deletion.

*Model Legislation also provides for an intensive review and revision of entry requirements by the board and the Department of Health Services to bring them in conformance with the principles outlined in the Model Legislation and the current state of the art in the practice of veterinary medicine.*

- e. Renewal Standards - The Committee found that standards for licensure renewal required review and revision to bolster the enforcement of continued competence. Model Legislation (Required Reports) provides for such updating.
- f. Grounds for Professional Discipline - The Committee found a great variance among the statutes in this area. Model Legislation provides grounds for professional discipline which are focused on the delivery of service and quality of care rendered by the practitioner. Application of these grounds to all regulatory boards under the aegis of the DOHS insures a rational and uniform basis for peer review and imposition of disciplinary sanctions.

- g. Receiving and Processing Complaints - *An area of considerable controversy, mechanisms for receiving and processing complaints in the Model Legislation are delineated to provide the professional board with necessary information and input at appropriate states, while maintaining the separation of powers and duties necessary in this regulatory aspect.*
- h. Disciplinary Sanctions - *Model Legislation explicates a range of disciplinary sanctions and requires consistency and uniformity in their application.*





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SECTION III

ENTITY DATA AND ANALYSIS

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## ENTITY DATA AND ANALYSIS

Section 2c-6 of Connecticut's Sunset Law mandates that the entity reviewed demonstrate a "public need for (its) reestablishment" and that "it has served the public interest and not merely the interests of the persons regulated." All boards, commissions and departments evaluated in Sunset Review 1980 received a questionnaire which addressed the nine statutorily specified Sunset criteria.

This questionnaire, the primary instrument used to evaluate the entity's "burden of proof," was followed by staff interviews with key board members and members of the professional associations for further clarification and amplification.

The following section contains the questionnaire sent to the State Board of Veterinary Registration and Examination. Where appropriate, Committee staff has edited the agency response without altering or diluting the argument. Committee staff then analysed the agency response. Because of the methodological constraints posed by Sunset evaluation and implementation of Executive Reorganization occurring simultaneously, manageable quantitative data were difficult to obtain. Qualitative analysis, based on relevant information and data derived from a variety of sources, was used primarily in the Committee staff comment. This annotation appears in italics below the agency response.

1. WOULD THE TERMINATION OF LICENSING REQUIREMENTS FOR YOUR PROFESSION SIGNIFICANTLY ENDANGER THE PUBLIC HEALTH, SAFETY, OR WELFARE? PLEASE EXPLAIN.

Yes, very definitely. Assuring that only qualified veterinarians are responsible for the health of livestock, the source of foods of animal origin, the health and welfare of our pet population which not only make up an important part of many households but can be a source of diseases transmitted to man, and the control of drugs intended for animals, some which in the hands of unlicensed persons, might find their way into illicit channels.

*Committee staff concurs. The practice of veterinary medicine requires a high level of knowledge, skill and expertise. Licensure is the mechanism which assures the public that the doctor of veterinary medicine completed an educational program that meets accepted standards and passed written and oral examinations which demonstrate minimum levels of competency. Veterinary medicine is licensed in all 50 states.*

2. COULD THE PUBLIC BE ADEQUATELY PROTECTED BY ANOTHER STATUTE OFFICE, OR PROGRAM? IF SO, WHICH ONE(S)?

No.

*While the LPR&IC has found that retention of the board of examiners is necessary, it recommends the transfer of the board from the Department of Consumer Protection to the Department of Health Services.*

*It is acknowledged that this recommendation may cause some initial difficulty and confusion for the board which has recently been moved to the Department of Consumer Protection from the Department of Agriculture as part of Executive Reorganization. However, in light of one Sunset long-range goal--rationalization of the regulatory process--it is appropriate and necessary to group regulation of veterinary medicine with the other healing arts under the aegis of the Department of Health Services.*

*This issue spurred a conflict of opinion between the professional association, the Connecticut Veterinary Medical Association, and the state board of examiners. The only instance of association and state board division in this first year of Sunset review, the conflict provided a lively and informative dialectic. The board maintained that it would not be as easily subsumed within a large bureaucracy and it had a "stronger investigative arm" in the Department of Consumer Protection. The association, on the other hand, asserted that veterinary medicine is indeed a medical practice with responsibilities to the general public for the detection, prevention and reporting of communicable disease and should, therefore, be housed accordingly.*

*Unlike other regulatory bodies reformed under Executive Reorganization, the board of veterinary registration and examination retained its statutory authority to screen complaints (Sec. 20-204). This unique power is underscored in Sec. 19-171f(a), "Powers and duties of boards within the Department of Consumer Protection," which states that "Each board shall exercise its statutory functions, including licensing, certification, and registration...independent of the commissioner of consumer protection."*

*The transfer of the veterinary board to the Department of Health Services will bring it in statutory conformance with the procedures outlined for the other healing arts boards (see Model Legislation).*

3. COULD THE PUBLIC BE ADEQUATELY PROTECTED BY A LESS RESTRICTIVE METHOD OF REGULATION THAN THE CURRENT LICENSING REQUIREMENTS, SUCH AS CERTIFICATION OR REGISTRATION? PLEASE EXPLAIN.

No. Graduation from a school of veterinary medicine is not enough since there is no uniformity in the quality of schools world-wide or in the graduates thereof. Present statutes provide minimum standards to protect the public from unqualified practitioners. Much time and effort has been spent by the board in the past two years to upgrade these standards.

*Committee staff concurs. Licensing has been determined the most appropriate and necessary level of regulation for healing arts practitioners. The LPR&IC has found, however, that the entry requirement of good moral character is not relevant to determination of competence. This requirement is recommended for statutory deletion.*

4. DOES YOUR BOARD OR COMMISSION HAVE THE EFFECT OF INCREASING THE COSTS OF GOODS OR SERVICES TO THE PUBLIC EITHER DIRECTLY OR INDIRECTLY? PLEASE EXPLAIN THE BASIS FOR YOUR ANSWER.

No. This board has never failed to license qualified persons without regard to numbers.

*Studies have indicated that licensing does increase earnings in the licensed occupations and that licensing of an occupation reduces the number of practitioners in that occupation.<sup>1</sup>*

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<sup>1</sup> For an excellent overview of recent research on the topic, see Simon Rottenberg, A Review of the Professional Literature on Occupational Licensing, conference paper, Crotonville, New York, April 28, 1978.

*Advertising restrictions further exacerbate the restrained marketplace. In a recent report on advertising of veterinary goods and services it is noted that:*

*In most areas of our economy, competitive forces are relied upon to assure that supply balances demand, that quality is maintained or enhanced, and that prices are kept at an optimum level. Both producers and consumers derive benefits from this process; consumers are provided with products and services they need or want at prices they are willing to pay, while producers who are efficient enough to satisfy consumers' demands are assured a profit. Competitive forces also work to remove inefficient producers from the market.*

*In regulated professions like veterinary medicine, the forces of competition are not permitted to operate freely. First, entry into the profession is restricted in a way which does not allow balancing of supply and demand. Second, information systems which consumers normally require to make purchasing decisions among alternative sellers are absent or severely constrained. In this circumstance, the competitive pressures that would normally result from advertising cannot be relied upon to reward efficient producers and drive inefficient producers from the market.<sup>1</sup>*

*To stimulate competitive market mechanisms, restrictions on advertising are recommended for repeal (see Model Legislation--Business Practices).*

5. IF YOUR BOARD HAS THE EFFECT OF INCREASING COSTS, IS THE ADDITIONAL COST JUSTIFIED THROUGH PUBLIC BENEFITS ATTRIBUTABLE TO THE ACTIONS OF THE BOARD? PLEASE EXPLAIN.

Not applicable.

*Despite the above indications that licensing may increase costs, the public protection gained from this level of regulation is considered necessary.*

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<sup>1</sup> F. Kelly Smith, et al, Staff Report on Advertising of Veterinary Goods and Services, Federal Trade Commission. Denver Regional Office, December 1978, p. 29. Also, see Veterinary Supply and Demand in the United States, Arthur D. Little, Inc., July 1978.

6. IS THE EFFECTIVENESS OF YOUR BOARD OR COMMISSION HAMPERED BY EXISTING STATUTES, REGULATIONS OR POLICIES, INCLUDING BUDGET AND PERSONNEL POLICIES. IF SO, PLEASE BE SPECIFIC IN YOUR ANSWER.

Yes. We are provided one office secretary, a role which has been filled by three different people in the past two years. We have no investigative staff for complaints received. Attempts by us to make the statutes clearer and more enforceable fell on deaf legislative ears in the last session.

*Despite the board's reported staff turnover, it has executed its responsibilities expeditiously and efficiently. Executive Reorganization and the recommendations under this Sunset review are designed to systematize and strengthen the enforcement of professional standards. The Department of Health Services has trained investigative staff and the Commissioner has discretionary authority to seek the assistance of the board or another licensed veterinarian in investigations when needed.*

7. WHAT STATUTES AND REGULATIONS IMPINGE DIRECTLY ON THE OPERATIONS OF YOUR BOARD? PLEASE LIST OR ATTACH COPIES.
1. We have no investigative authority or personnel.
  2. Section 20-202, Numbers 7 through 11, Page 6. Attempts to modify advertising restrictions in line with recent Supreme Court decisions were not heeded by the recent legislature.
  3. Section 20-197, Page 3, Line 3. Changing the word "and" to "or" would make the basic section on license requirement enforceable. It is questionable whether it could be enforced as it reads now.
8. TO WHAT EXTENT HAVE QUALIFIED APPLICANTS BEEN PERMITTED TO ENGAGE IN THE PROFESSION(S) OR OCCUPATION(S) LICENSED BY YOUR BOARD? PLEASE COMMENT ON WAITING PERIODS, DELAYS, PAPERWORK, ETC.

Examinations are given every 90 days. Paperwork presents no problem on our part; any delay involves the applicant not supplying the required documents and not presenting himself for examination.

*The board is statutorily responsible to give an examination twice yearly. In 1978, it administered a total of two examinations in July and December. Seventy-five applicants took the examination,*

50 of whom passed. The board subscribes to a national board exam used by 48 state regulatory boards. Connecticut is one of approximately 17 states which use an additional practice examination.<sup>1</sup> The board accepts the approved schools of the American Veterinary Medical Association and, like 44 other states, licenses applicants by reciprocity. No evidence has been found to indicate that the board has violated any of its responsibilities or procedures.

Since Executive Reorganization, the Department of Health Services has hired a psychometrician whose duties include technical assistance to boards in developing examinations. This expertise will help minimize overly subjective evaluations of applicants.

Further, recommendations of this Sunset review for review and revision of standards and procedures will include an evaluation of the statutorily specified examination passing score (presently 75%) to encourage responsiveness to national trends in any one year. This is to insure that examinations are screening for quality, rather than supply.

9. WHAT ACTIONS HAS YOUR BOARD OR COMMISSION TAKEN TO INSURE COMPLIANCE WITH FEDERAL AND STATE AFFIRMATIVE ACTION POLICIES AND TO ENCOURAGE ACCESS BY WOMEN AND MINORITIES INTO YOUR PROFESSION?

Not applicable since we license all qualified applicants who pass the examination without regard to race, color, creed, sex, country of origin or place of education and always have done so.

10. WITHIN THE PAST FIVE (5) YEARS, WHAT CHANGES IN STATUTE, RULES OR REGULATIONS HAS YOUR BOARD OR COMMISSION RECOMMENDED WHICH WOULD BENEFIT THE PUBLIC AS OPPOSED TO LICENSEES?

We attempted to 1) liberalize the restriction on advertising; 2) restrict the use of unlicensed persons by licensed practitioners; 3) enforce sanitary conditions by statute; and 4) make enforcement easier. (See line 80)

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<sup>1</sup> American Association of Veterinary State Boards, "Minutes of Annual Meeting held in Dallas, Texas, July 17 & 18, 1978. This is the most recent source. It should be noted, however, that the U.S. Department of Health, Education and Welfare, State Regulation of Health Manpower, DHEW Publication No. (HRA) 77-49, 1976, p. 240, reports that 28 states require oral and practical examinations.



All of the above were part of raised bill 5968 (not passed). We did succeed in putting in writing in explicit detail regulations insuring adequate care of animals. See Section 20-196, Numbers 1 through 14 on Pages 11 through 18 of Chapter 384 of the General Statutes of Connecticut, enclosed.

11. WHAT HAS YOUR BOARD OR COMMISSION DONE TO ENCOURAGE PUBLIC PARTICIPATION IN THE FORMULATION OF YOUR RULES, REGULATIONS AND POLICIES?

In developing rules and regulations, we advertised and held public hearings on Sec. 20-196, numbers 1 through 14, referred to above.

Also, all meetings have been public long before the "Sunshine Law" went into effect.

12. WHAT HAS BEEN YOUR PROCESS THROUGH DECEMBER 31, 1978 TO RESOLVE PUBLIC COMPLAINTS CONCERNING PROFESSIONALS REGULATED BY YOUR BOARD OR COMMISSION?

See "Rules of Procedure" on page 19 of the enclosed Chapter 384 General Statutes.

We have been hampered by lack of an investigative arm as mentioned above.

Complainant and defendant may appear with or without counsel. We are represented by an Assistant Attorney General.

*The board reported receipt of 13 complaints in 1978, 7 of which were investigated. Two of these resulted in formal hearings and one disciplinary action.*

*Like other regulatory boards prior to Executive Reorganization, the veterinary board received, processed and adjudicated complaints. Relative to other boards' lack of systematic approach, the veterinary board performed this function with care and precise recordkeeping.*

*Executive Reorganization and the recommendations of this Sunset review (see Model Legislation) are designed to rationalize, refine and standardize the complaint and adjudication process. Provisions are made to retain board expertise to insure objectivity and uniformity in the process.*

13. WITHIN THE PAST FIVE (5) YEARS, WHAT STATUTES, RULES, OR REGULATIONS HAS YOUR BOARD OR COMMISSION PROPOSED OR ADVOCATED TO PROTECT YOUR PROFESSION FROM THE LICENSURE OF UNQUALIFIED PERSONS?

See enclosed bill 5968, line 80. It was not passed by the recent General Assembly.

*Raised bill 5968, "An Act Concerning Advertising by Veterinarians and Regulation of the Practice of Veterinary Medicine" went through the 1979 session in two parts.*

*P.A. 262, "An Act Concerning Regulation of the Practice of Veterinary Medicine" increased the board's authority to control the unlicensed practice of veterinary medicine, and to provide for the suspension or revocation of the license of a veterinarian who professionally associates himself with, or employs a person who is unlawfully practicing veterinary medicine, or who fails to keep veterinary premises and equipment in a clean and sanitary condition. This act was signed into law by the Governor on May 23, 1979.*

*S.B. 955, "An Act Concerning Advertising by Veterinarians and Regulation of the Practice of Veterinary Medicine" died in the General Law Committee. The intent of this bill--to relax existing practices concerning veterinary advertising--is addressed in this Sunset review (see Model Legislation--Business Practices).*