

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL**

RECEIVED

DEPARTMENT/AGENCY Arkansas Veterinary Medical Examining Board

DIVISION _____

DIVISION DIRECTOR Cara Tharp

CONTACT PERSON Cara Tharp, Executive Director

ADDRESS 1 Natural Resources Dr./P.O. Box 8505, Little Rock, AR 72215

PHONE NO. 501-224-2836 FAX NO. 501-224-1100 E-MAIL Cara.Tharp@aspb.ar.gov

NAME OF PRESENTER AT COMMITTEE MEETING Cara Tharp

PRESENTER E-MAIL Cara.Tharp@aspb.ar.gov

MAY 25 2018

BUREAU OF LEGISLATIVE RESEARCH

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis
 Administrative Rules Review Section
 Arkansas Legislative Council
 Bureau of Legislative Research
 One Capitol Mall, 5th Floor
 Little Rock, AR 72201**

1. What is the short title of this rule? Livestock Embryo Transfer or Transplant; and Livestock Pregnancy Determination

2. What is the subject of the proposed rule? Pursuant to Act 1074 of the 91st General Assembly (2017), the Rules of the Arkansas Veterinary Medical Examining Board are being updated to include a certification for individuals who engage in livestock embryo transfer or transplant and livestock pregnancy determination.

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation. _____

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes

No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation. The Rules of the Arkansas Veterinary Medical Examining Board are being updated to include a certification for individuals who engage in livestock embryo transfer or transplant and livestock pregnancy determination.

Does this repeal an existing rule? Yes No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. _____

Is this an amendment to an existing rule?

Yes

No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann § 17-101-203 and Ark. Code Ann. § 17-101-316

7. What is the purpose of this proposed rule? Why is it necessary? Act 1074 of the 91st General Assembly requires a certification for individuals who engage in livestock embryo transfer or transplant and livestock pregnancy determination.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). <https://arvetboard.statesolutions.us/public/>

9. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

June 27, 2018

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

September 1, 2018

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. See Attached
13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). See Attached
14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. None known at this time.

FINANCIAL IMPACT STATEMENT

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PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Veterinary Medical Examining Board

MAY 25 2018

DIVISION _____

BUREAU OF
LEGISLATIVE RESEARCH

PERSON COMPLETING THIS STATEMENT Cara Tharp

TELEPHONE 501-224-2836 FAX 501-224-1100 EMAIL: Cara.Tharp@aspb.ar.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Livestock Embryo Transfer or Transplant; and Livestock Pregnancy Determination

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;
N/A

(b) The reason for adoption of the more costly rule;
N/A

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
N/A

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____

Federal Funds _____

Cash Funds _____

Special Revenue _____

Other (Identify) _____

Total \$0.00

General Revenue _____

Federal Funds _____

Cash Funds _____

Special Revenue _____

Other (Identify) _____

Total \$0.00

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total \$0.00 _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total \$0.00 _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0.00 _____

Next Fiscal Year

\$ 0.00 _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0.00 _____

Next Fiscal Year

\$ 0.00 _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Summary

Pursuant to Act 1074 of the 91st General Assembly (2017), the Rules of the Arkansas Veterinary Medical Examining Board are being updated to include a certification for individuals who engage in livestock embryo transfer or transplant and livestock pregnancy determination. This rule will define certain terms found within the Act, as well as govern the application process, renewal process, continuing education requirements, and record keeping requirements for the certification.

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**092.00.1-12. LIVESTOCK EMBRYO TRANSFER OR TRANSPLANT AND
LIVESTOCK PREGNANCY DETERMINATION
(Adopted 04/04/2018)**

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Definitions:

20. Certain terms as provided by Ark. Code Ann. § 17-101-316 shall be defined as:

A. "Individual technician" shall be referred to as a non-veterinarian embryo transfer technician and means a person who performs the biosecure process of inducing increased ovulations within a donor female for the invitro or in vivo production of embryos, the flushing of those embryos, collecting, grading and transferring of those embryos to recipient females, or the cryopreservation of those embryos for storage and later transfer to recipient females.

B. "Livestock embryo transfer or transplant" shall mean services provided by a non-veterinarian embryo transfer technician certified by the Board which involves and shall be limited to nonsurgical embryo transfer in livestock, and may include basic ultrasonography of their ovaries to evaluate the response to embryo transfer associated procedures, and of the uterus to determine pregnancy by the detection of a heartbeat within the transferred embryo at or greater than twenty-eight (28) days of gestation of such animals.

C. "Qualified course" shall mean:

(1) A course on livestock embryo transfer or transplant and livestock pregnancy determination taught by someone with a Doctorate or Master of Science degree with an emphasis in animal reproductive physiology or a Doctor of Veterinary Medicine, or taught through an accredited or approved college of veterinary medicine; or

(2) A Doctorate or Master of Science degree with an emphasis in animal reproductive physiology.

Application:

21. The application for certification as a non-veterinarian embryo transfer technician in the State of Arkansas shall be written and signed by the applicant, and include the information set forth below and shall be accompanied by a nonrefundable one thousand dollar (\$1,000.00) application fee:

A. One (1) letter from a licensed veterinarian who has witnessed the applicant's ability to perform livestock embryo transfer or transplant and livestock pregnancy determination on at least three (3) occasions within six (6) consecutive months. The letter shall include the dates that the veterinarian spent with the applicant and an endorsement certifying that the applicant is proficient in the following areas:

(1) Basic knowledge, skills, and abilities required to proficiently extract, grade, freeze, thaw, and transfer livestock embryos; and

(2) The ability to properly use ultrasound equipment in determining pregnancy status with at least ninety percent (90%) accuracy beginning at sixty (60) days of pregnancy and with at least ninety percent (90%) accuracy when identifying trimester;

B. A record of successfully completing a qualified course taught by a livestock reproduction specialist on both livestock embryo transfer and livestock pregnancy determination;

C. Proof that the applicant has at least fifty percent (50%) financial interest in livestock management equipment, including without limitation ultrasound equipment, microscope, embryo freezer, and other required transfer tools; and

D. Proof of membership in either the International Embryo Technology Society or the American Embryo Transfer Association.

Renewal:

22. A certification under this section expires after two (2) years and the non-veterinarian embryo transfer technician shall submit the following to the Board for renewal:

A. A renewal application;

B. A renewal application fee of two hundred fifty dollars (\$250.00); and

C. A record of completing a continuing education course on bovine reproduction within the United States of America or Canada.

Continuing Education:

23. Non-veterinarian embryo transfer technicians are required to earn eight (8) credit hours before becoming eligible for renewal. Those hours shall be completed within the United States of America or Canada through the following:

A. The annual conference of the International Embryo Technology Society;

B. The annual convention of the American Embryo Transfer Association; or

C. Another course on bovine reproduction pre-approved by the Board.

Record Keeping:

24. A non-veterinarian embryo transfer technician shall keep and maintain a record that contains the contact information of the licensed veterinarian prescribing or dispensing prescription drugs who has a valid veterinarian-client-patient-relationship with the livestock owner when the prescription drugs are administered by the technician.