

Governor's Office of Management and Budget

Alexis Sturm

Director



IL Regulatory Sunset Act Review of The Veterinary Medicine and Surgery Practice Act

April 14, 2023

**To the Honorable JB Pritzker
Governor of Illinois**

Governor Pritzker:

The Governor's Office of Management and Budget (GOMB), in compliance with the requirements set forth in the Illinois Regulatory Sunset Act (5 ILCS 80), has conducted a review of the Veterinary Medicine and Surgical Practice Act (225 ILCS 115), which is scheduled to sunset on January 1, 2024. As a result of this review, GOMB makes the following recommendation:

The Veterinary Medicine and Surgery Practice Act (225 ILCS 115) should be continued with the following modifications to its existing statutory and administrative rule framework:

- Implementation of standard language allowing for electronic/paperless communication from IDFPR:
 - Requiring licensees to provide an email address of record with the Department (225 ILCS 115/3);
 - Allowing for notice of hearing to be served by mail or email, rather than registered or certified mail (225 ILCS 115/25.2); and
 - Updating a cross-reference to the Illinois Administrative Procedure Act regarding email to the email address of record (225 ILCS 115/27).
- Either repeal the requirement for Social Security Numbers on applications or allow individuals without a Social Security Number to provide their individual taxpayer identification number when applying for licensure (225 ILCS 115/10.5); and
- Either repeal the section providing for licensee rosters or amend the provision so roster information, such as personal addresses, does not exceed the information available under a Freedom of Information Act request (225 ILCS 115/23); and
- Allow for orders and certified copies to be prima facie proof that the Board and its members are qualified to act (225 ILCS 115/25.10); and
- Repeal of the mandate stating that exhibits shall be certified without cost (225 ILCS 115/25.10).

GOMB's examination of this Act was conducted considering the nine factors set out in Section 6 of the Illinois Regulatory Sunset Act. The following report details the criteria and data utilized to come to the above recommendation.

Very sincerely and respectfully,

Alexis Sturm
Director
Governor's Office of Management and Budget

Criteria (1) "The extent to which the agency or program has permitted qualified applicants to serve the public."

As of May 19, 2022, there were 4,822 total licensees under the act. Below are the numbers of new licenses issued in the previous five years:

Table 1: Total Number of Licensees FY18 - Present

License Type	2018	2019	2020	2021	2022
Veterinarian	4,851	4,682	4,978	4,655	4,822

Veterinarians have the following licensure fee structure:

Table 2: Veterinarian Licensure Fee Structure

License Type	Fee Amount
Initial Application	\$100.00
Renewal Fee	\$50.00/ year
Restoration after Lapse	\$50.00 fee, plus all lapsed renewal fees
Certification of License	\$20.00
Examination Fee	\$720.0

Educational avenues to become a veterinarian or a veterinary technician are available in Northern, Central, and Southern Illinois. Joliet Junior College, a community college in Joliet, offers an associate's program in veterinary technology, which prepares students for a national exam to become a registered veterinary technician. Shawnee Community College in Pulaski County also offers a similar associate's program. Saint Xavier University in Chicago offers a four-year undergraduate (pre-professional) program. The University of Illinois has a College of Veterinary Medicine in Urbana, which offers a four-year doctoral program.

Veterinarians who wish to be board certified in veterinary surgery by the American College of Veterinary Surgeons must complete a three-year residency. Additionally, a zoological and aquatic animal medicine residency is offered jointly by the University of Illinois College of Veterinary Medicine, the Chicago Zoological Society's Brookfield Zoo, and the John G. Shedd Aquarium.

Examination requirements are stipulated in 68 Ill. Adm. Code 1500.20. The examinations are provided by the National Board of Veterinary Medical Examiners (NBVME). The passing score for the examinations is established by the testing entity. Prior to January 1994, the passing score on the National Board Examination and the Clinical Competency Examination was a total converted score of 75 based on one and one-half standard deviations below the mean. Effective with the North American Veterinary Licensing Examination of November 2007 (NAVLE), a candidate may not sit for the NAVLE more than five times during a five-year period from the first attempt. Each of the final two attempts must be at least one year from the previous attempt.

All 50 states and the District of Columbia, Puerto Rico, and Guam require veterinarians to be licensed, and education and examination requirements are largely uniform across all states and jurisdictions. Licensing requirements may vary state to state.

Criteria (2) “The extent to which the trade, business, profession, occupation, or industry being regulated is being administered in a nondiscriminatory manner both in terms of employment and rendering of services.”

The Illinois Department of Financial and Professional Regulation (IDFPR) has not received any complaints alleging discrimination by veterinarians. IDFPR does not collect information on the gender, race, or ethnicity of licensees. IDFPR has received no complaints citing discrimination in the licensing process, and no external sources have published any information regarding discriminatory practices in licensure.

Criteria (3) “The extent to which the regulatory agency or program has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, and practices of any other department of state government, and any other circumstances, including budgetary resources, and personnel matters.”

IDFPR is tasked with processing applications for licenses and renewal licenses for over 1.2 million professionals practicing in the State of Illinois. The Department has adopted internal policies, sought legislative and administrative rule changes, and developed enhanced licensing processes to maintain efficiency and efficacy. Implementation of online, paperless licensing is one example of such a policy that has proven to be successful. While some procedures, such as the disciplinary process for licensees, can be lengthy, this is done to ensure thoroughness and proper due process for complaints against regulated professionals.

Criteria (4) “The extent to which the agency running the program has recommended statutory changes to the General Assembly that would benefit the public as opposed to the persons it regulates.”

N/A

Criteria (5) “The extent to which the agency or program has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency or the impact of the program on the public regarding improved service, economy of service, and availability of service.”

IDFPR promulgates rules through the process established by the Joint Committee on Administrative Rules (JCAR), the administrative body responsible for approving rule proposals by state agencies. Rules may be shared with the professional’s boards, associations, and industry prior to being filed. The rulemaking process includes a public comment period after which the Department responds to the comments received during that period. This process allows for input from industry and community stakeholders impacted by the Department’s proposed changes. The Department works with lawmakers, community stakeholders, and members of industry to ensure that regulations effectively protect Illinois citizens.

Additionally, the Department works with lawmakers, community stakeholders, and members of industry to ensure that regulations effectively protect Illinois citizens. While this is not codified into statute, such informal approaches have been shown to strengthen the relationships between various stakeholders, including regulators, legislators, industry, and consumer advocates.¹

Criteria (6) “The extent to which persons regulated by the agency or under the program have been required to assess the problems in their industry that affect the public.”

The Veterinary Licensure and Disciplinary Board is an advisory board within IDFPR composed of seven members appointed by the Secretary: six licensed veterinarians in good standing and one public member. Members serve four-

¹ https://documents.ncsl.org/wwwncsl/Labor/NCSL_DOL_Report_05_web_REVISED.pdf

year terms and serve until their successors are appointed. No member may be reappointed to the Board for more than two full, consecutive terms.

The Board provides expert advice on any matter related to the enforcement of statute, including on matters related to professional competence and conduct. The Board hears disciplinary matters and makes recommendations to the Secretary. The Secretary considers the recommendations of the Board on questions of standards of professional conduct, discipline, and qualifications of candidates or licensees under this act. IDFPR may also solicit the advice and expertise of the board on matters relating to administration of the act.

Criteria (7) "The extent to which the agency or program has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates and the extent to which such rules and decisions are consistent with statutory authority."

IDFPR adheres to the guidelines and requirements established by JCAR and the Illinois General Assembly (ILGA) for approving rule proposals, legislative changes, and internal policies. Promulgated rules are consistent with agency acts and statutory changes. Decisions made by the agency are based on legislation, administrative rules, and legislative intent. JCAR reviews rules to ensure that the agency does not exceed the rule-making authority granted to them by the General Assembly. Additionally, the Illinois Veterinarian Licensing and Surgical Board adheres to the requirements established in the Illinois Open Meetings Act (5 ILCS 120) for all public meetings.

Criteria (8) "The efficiency with which formal public complaints filed with the regulatory agency or under the program concerning persons subject to regulation have been processed to completion, by the executive director of the regulatory agencies or programs, by the Attorney General and by any other applicable department of the State government."

Complaints made against licensees of IDFPR's Division of Professional Regulation may be filed via mail, e-mail, or phone to IDFPR's Complaint Intake Unit in the Statewide Enforcement Section.

After processing, a complaint is referred to the Investigations Unit and assigned to an investigator. An investigator may collect documents, interview witnesses, conduct inspections, and gather information to review the complaint for potential licensing law violations. Investigations may close a complaint for various reasons. Investigations may refer the case to the Prosecutions Unit for further review.

When a complaint is referred to the Prosecutions Unit, it is referred to as a "case." Cases are assigned to a prosecuting attorney who may seek additional information and/or pursue non-disciplinary or disciplinary action. Disciplinary action includes revocation, suspension, probation, and reprimand of a license. Illinois law also allows for the imposition of disciplinary fines. Non-disciplinary action includes administrative fees, the completion of continuing education, and other similar activities. Prosecutions may take a variety of steps, such as filing a formal pleading and/or conducting an informal settlement conference. The Division and the licensee may enter into a negotiated written agreement regarding the case. Alternatively, Prosecutions may close the case due to various reasons, such as insufficient evidence, if the allegations do not constitute a violation or are unfounded, or in the case of an expiration of the statute of limitations. If needed, a formal hearing is held before an administrative law judge, where evidence may be submitted and where witnesses may testify. After the hearing, the administrative law judge submits a recommendation to a professional board or committee, if applicable. The board or committee then delivers its recommendation to the Director of the Division. The Director then issues a final administrative order. Following the Director's order, the licensee may appeal the decision in circuit court under the Illinois Administrative Review Act. When applicable, the Division works with outside entities such as state's attorneys, the Illinois Attorney General, other states, and federal and state governmental agencies to pursue further action, such as criminal or civil action.

Over the past five fiscal years (FY 2018 through FY 2022), the Division of Professional Regulation's Complaint Intake Unit (CIU) opened 777 complaints against licensees under the Illinois Veterinarian Medicine and Surgical Practice Act. (These are the numbers of complaints opened by CIU. There are complaints received by the CIU that are not opened for various reasons including the complaint being incomplete or there being no jurisdiction.) Of these complaints, 57 cases resulted in public disciplines being issued.

Criteria (9) "The extent to which changes are necessary in the enabling laws of the agency or program to adequately comply with the factors listed in this section."

IDFPR recommends that the sunset of the act be extended and that statutory language be modernized in order to implement more streamlined and efficient regulation of this profession, which will ensure the safety and welfare of the general public and ease the burden of regulatory compliance by: (1) Updating the language to comport with recently updated acts; and (2) removing outdated language (i.e., sections allowing for grandfathering if applied for licensure prior to the effective date of the act, roster language, etc.) that currently allows for confusion. The following changes include, but are not limited to:

- Implementation of standard language allowing for electronic/paperless communication from IDFPR:
 - Requiring licensees to provide an email address of record with the Department (225 ILCS 115/3);
 - Allowing for notice of hearing to be served by mail or email, rather than registered or certified mail (225 ILCS 115/25.2); and
 - Updating a cross-reference to the Illinois Administrative Procedure Act regarding email to the email address of record (225 ILCS 115/27).
- Either repeal the requirement for Social Security Numbers on applications or allow individuals without a Social Security Number to provide their individual taxpayer identification number when applying for licensure (225 ILCS 115/10.5);
- Either repeal the section providing for licensee rosters or amend the provision so roster information, such as personal addresses, does not exceed the information available under a Freedom of Information Act request (225 ILCS 115/23);
- Allow for orders and certified copies to be prima facie proof that the Board and its members are qualified to act (225 ILCS 115/25.10); and
- Repeal of the mandate stating that exhibits shall be certified without cost (225 ILCS 115/25.10).

Conclusion:

The Veterinary Medicine and Surgery Practice Act governs the licensure of veterinarians in the State of Illinois. Licensure of this profession is necessary to protect public safety and welfare by ensuring veterinarians have the knowledge, experience, and competency to provide their services to the public. The public welfare is well served by matching the medical needs of pets with professionals who have the requisite training and experience. Following best practices should minimize the suffering incurred by animals undergoing surgeries and invasive procedures.

It is recommended that the sunset of the act be extended and that the statutory language be modernized to implement more streamlined and efficient regulation of this profession, which will ensure safety and welfare of the public and ease the burden of regulatory compliance. IDFPR recommends and GOMB concurs that several revisions to the act should be made to reduce unnecessary administrative mandates, to provide for more efficient administration of the act, and to allow for more equitable access to licensure for all qualified individuals.