

Enforcement of "Red Flags" Rule Delayed until November 1, 2009

To assist small businesses and other entities, the Federal Trade Commission staff will redouble its efforts to educate them about compliance with the "Red Flags" Rule and ease compliance by providing additional resources and guidance to clarify whether businesses are covered by the Rule and what they must do to comply. To give creditors and financial institutions more time to review this guidance and develop and implement written Identity Theft Prevention Programs, the FTC will further delay enforcement of the Rule until November 1, 2009.

The Red Flags Rule is an anti-fraud regulation, requiring "creditors" and "financial institutions" with covered accounts to implement programs to identify, detect, and respond to the warning signs, or "red flags," that could indicate identity theft. The financial regulatory agencies, including the FTC, developed the Rule, which was mandated by the Fair and Accurate Credit Transactions Act of 2003 (FACTA). FACTA's definition of "creditor" includes any entity that regularly extends or renews credit – or arranges for others to do so – and includes all entities that regularly permit deferred payments for goods or services. Accepting credit cards as a form of payment does not, by itself, make an entity a creditor. "Financial institutions" include entities that offer accounts that enable consumers to write checks or make payments to third parties through other means, such as other negotiable instruments or telephone transfers.

The FTC's Red Flags Web site, www.ftc.gov/redflagsrule, offers resources to help entities determine if they are covered and, if they are, how to comply with the Rule. It includes an online compliance template that enables companies to design their own Identity Theft Prevention Program through an easy-to-do form, as well as articles directed to specific businesses and industries, guidance manuals, and Frequently Asked Questions to help companies navigate the Rule.

Although many covered entities have already developed and implemented appropriate, risk-based programs, some – particularly small businesses and entities with a low risk of identity theft – remain uncertain about their obligations. The additional compliance guidance that the Commission will make available shortly is designed to help them. Among other things, Commission staff will create a special link for small and low-risk entities on the Red Flags Rule Web site with materials that provide guidance and direction regarding the Rule.

The Commission has already [posted FAQs](#) that address how the FTC intends to enforce the Rule and other topics. The enforcement FAQ states that Commission staff would be unlikely to recommend bringing a law enforcement action if entities know their customers or clients individually, or if they perform services in or around their customers' homes, or if they operate in sectors where identity theft is rare and they have not themselves been the target of identity theft.

The three-month extension, coupled with this new guidance, should enable businesses to gain a better understanding of the Rule and any obligations that they may have under it. These steps are consistent with the House Appropriations Committee's recent request that the Commission defer enforcement in conjunction with additional efforts to minimize the burdens of the Rule on health care providers and small businesses with a low risk of identity theft problems. Today's announcement that the Commission will delay enforcement of the Rule until November 1, 2009, does not affect other federal agencies' enforcement of the original November 1, 2008, compliance deadline for institutions subject to their oversight.

The AVMA Governmental Relations Division, working with several coalition partners, has been successful in achieving another delay in the enforcement of the Red Flags Rule. The FTC's press release follows below. Check the AVMA's identity theft page, http://www.avma.org/issues/FTC_red_flags_rule.asp for additional resources and updates.

Due To Shortages, Veterinary Students Get A Free Ride (courtesy AVMA)

[Metro West Daily News \(Mass.\)](#) ... "The shortage of food safety and public health veterinarians has become a national crisis and it's really put food safety in America in jeopardy," explains Dr. James

Cook, president of the American Veterinary Medical Association. ... "The grants will be spread over a number of years," explains Dr. Mark Lutschaunig, head of the Washington, DC offices of the AVMA. ... The AVMA and its charitable arm, the American Veterinary Medical Foundation, are currently developing an ambitious plan to offer their own veterinary school loan repayment program offering \$20,000 to \$30,000 a year over four years to young veterinarians willing to practice in rural areas. ... "We are seeing a serious shortage in the number of new graduates going into food animal practice, particularly into rural areas. This program is intended to identify up to 50 new graduates a year and make it more economically feasible for them to go into rural agricultural practice," explains Dr. Ron DeHaven, chief executive officer of the AVMA. ...

Illinois Veterinary Student Loan Repayment Program Act Awaits Governor's Approval

The ISVMA successfully introduced and supported passage of legislation this spring to create the Illinois Veterinary Student Loan Repayment Program Act.

[House Bill 364](#) would be administered through the University of Illinois. The bill requires a loan recipient under the Program to enter into a program agreement under which he or she agrees to practice in (i) veterinary practice that is at least 51% devoted to large animal medicine that enhances agricultural animal health and productivity or (ii) regulatory veterinary medicine that supports public health and safety, livestock biosecurity, or food animal disease diagnosis for at least one year for each year in which he or she received a loan. It also sets forth penalties for failure to satisfy a program agreement.

ISVMA members have communicated with Governor Quinn to express support for the bill and request his final approval. The bill is expected to be signed into law within the next few weeks.

Last Day for Leptospirosis Survey

The Illinois Veterinary Medical Association has partnered with Fort Dodge Animal Health, through an educational grant, to survey veterinarians about the incidence of lepto in clinics and local areas throughout Illinois. The survey response deadline is August 1. A summary of the results will be published in future issues the ISVMA newsletter.

Please go to <http://www.surveymonkey.com/ILlepto> to participate.

Those completing the survey will be entered in a drawing consisting of five electronic and/or gourmet food items valued at \$100 or more with the top incentive being a 32GB iPod touch. You must complete the survey by August 1 to be eligible for the drawing.

Some helpful tips:

- The survey should take only a few minutes.
- Please report cases in your clinic for the past three years.
- Only one response per clinic, please.
- Responses must be received by Saturday, August 1, to be eligible for the drawing.

Thank you for your time and participation!

Final Day for ISVMA Membership Renewal

ISVMA membership dues for the 2009-2010 membership year were due on June 30, 2009. The ISVMA Constitution requires that any member whose dues are 30 days past due shall be suspended and all privileges of membership discontinued. Members suspended for nonpayment of dues may be reinstated at any time upon payment of the current year's dues.

In order to avoid interruption of ISVMA membership, please renew your dues before the end of the day on July 30, 2009. If you do not intend to maintain your membership, please let ISVMA know by calling (217) 546-8381 or emailing info@isvma.org.

There are many [benefits of membership](#) and ISVMA has done an outstanding job of representing

and providing programs and services on behalf of the veterinary profession. Membership renewal is an investment in the continued privilege of practicing veterinary medicine in Illinois.

About the Photo

The largest of the terns, the [Caspian Tern](#) (*Hydroprogne caspia*) is one of the most widespread tern species in the world, occurring on every continent except Antarctica. They breed in scattered locations across North America, along the coasts of the Pacific, Atlantic, and Gulf of Mexico, and inland in the western United States, central Canada, and along the Great Lakes. Caspian Terns from North America winter along the southern portions of the Atlantic and Pacific coasts and the Gulf Coast, to northern South America.

It is white with a light gray mantle and white undersides. The breast and face are also white. The legs and eyes are black, and the bill is large, heavy, and bright red-orange. It has a shallowly forked tail and a slight crest that gives the head a squared-off look. In breeding plumage, the Caspian Tern sports a solid black cap, which recedes in the non-breeding season, resulting in a spray of white at the face mixing with black. Juveniles appear similar to adults in non-breeding plumage but have a lighter mantle that is mottled with light tan.

Much less gregarious than other terns, Caspians usually feed singly. Pairs breed by themselves or in small colonies or may attach themselves to colonies of other birds such as the Ring-billed Gull. They feed mainly on fish, which they dive for, hovering high over the water and then plunging. They also occasionally eat large insects, and the young and eggs of other birds and rodents. They may fly more than 35 miles from the breeding colony to catch fish; and often fishes on freshwater lakes as well as at sea.

Caspian Tern populations are stable or increasing across most of North America; recently their breeding range has expanded to southern Alaska. Breeding Bird Survey (BBS) data shows increases in some populations. However, Caspian Terns are decreasing in Eurasia and Africa, and are listed as vulnerable, rare, or even extinct in parts of their former range, due in part to the scattered nature of their breeding colonies. Globally, there are an estimated 50,000 pairs.

Protection of Caspian Terns and their traditional nesting sites (bare sand substrate on islands free of mammalian predators) have succeeded in stabilizing populations in most parts of their North American range. The terns have also benefited from their ability to make use of human-created dikes and dredge spoil islands for breeding. In most regions of North America, however, the number and size of Caspian Tern colonies appears to be limited by suitable available nesting habitat.

Erosion of nesting islands, changing water levels, gull predation on eggs and young, and harassment by predators and humans all reduce nesting success. Breeding colonies that are not situated on islands are especially vulnerable to disturbance and predation; Caspian Terns readily desert their colonies if disturbed by mammalian predators, including humans, early in the breeding season.

In the Columbia River estuary, near the Washington-Oregon border, the world's largest colony of Caspian Terns was feeding upon juvenile salmon and was causing conflicts with efforts to restore threatened salmon runs. During 1999-2001, the entire colony was successfully relocated to an island 16 miles closer to the ocean, using a combination of vegetation management, decoys, and recorded tern vocalizations. In this same area, Bald Eagles that flush nesting terns, and hybrid Western/Glaucous-winged Gulls that eat tern eggs and chicks, pose additional challenges.

I took this photo near the Padre Island National Seashore in the winter of 1999.

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