



State of Wisconsin

Governor Tony Evers

Veterinary Examining Board

Dr. Philip C. Johnson, DVM, Chair

VETERINARY EXAMINING BOARD

2811 Agriculture Drive, Madison, Wisconsin

Contact: Melissa Mace 608-224-4883

March 1, 2019

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

I. 12:00 P.M. OPEN SESSION – CALL TO ORDER – ROLL CALL

II. Introductions

A. Angela Fisher, Program and Policy Analyst DAH/VEB support

III. Approval of the Agenda

IV. Approval of Board Meeting Minutes of

- A. November 7, 2018
- B. November 14, 2018

APPEARANCE – Department of Agriculture, Trade, and Consumer Protection (DATCP) Division of Animal Health: Melissa Mace, Executive Director; Office of the Secretary: Liz Kennebeck and Cheryl Daniels, DATCP Attorneys; Robert Van Lanen, Regulatory Specialist – Senior; Sally Ballweg, License/Permit Program Associate; Kelly Markor, Executive Staff Assistant; Angela Fisher, Program Policy Analyst; Introductions and Discussion.

V. Public Comments – *Each speaker is limited to five minutes or less, depending on the number of speakers. Each speaker must fill out and submit an appearance card to the Board clerk.*

VI. American Association of Veterinary State Boards (AAVSB Matters)

- A. Nominations for the 2019-2020 leadership for AAVSB. There are five distinctive open positions. Nominations are due May 30, 2019. (informational)
- B. Resolution 2018-1 – Entering information into the VAULT system or identifying our barriers to entering into the system.
- C. Board Basics & Beyond Training – Register by March 5, 2019
- D. AAVSB Member Questions (Informational)

VII. Administrative Items

- A. Election of Officers
 - 1. Chair
 - 2. Vice Chair

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3. Secretary
- B. Appointments of Liaisons, Alternates, and Delegates
 1. Education and Exams
 2. Continuing Education
 3. Legislative
 4. Administrative Rules
 5. Monitoring
 6. Screening Panel
 7. Credentialing Committee
- C. Delegated Authority Motions
 1. Urgent Matters
 2. Screening Panel
 3. Credentialing Committee
 4. Document Signatures
 5. Monitoring Liaison and Department Monitor
- D. License Update – Age distribution of licensee

VIII. Licensing/Exam Inquiries

- A. 13 VET 034 JG
- B. 18 VET 024 TS
- C. 18 TECH 005 ST
- D. License requirements for bull semen collection and evaluation

IX. Legislative/Administrative Rule Matters

- A. VE 7 – Final Draft on Complementary, Alternative and Integrative Therapies (Informational)
- B. VE 1 - Relating to the definition of veterinary medical surgery (Informational)
- C. VE 11 Update on the request for proposals (RFP)

X. Future Meeting Dates and Times

- A. Screening Panel – March 6, 2019 (9:00 a.m.)
- B. Next Board Meeting – April 24, 2019 (9:00 a.m.)

XI. Future Agenda Items

- A. AAVSB presentation on VAULT
- B. VE 1-10 Timeline for reorganization relating to licensing, practice scope, and standard of practice for veterinarians and veterinary technicians
- C. NC Dental – Overview
- D. Position Statements
 1. ACT 369
 2. Hemp, CBD oil

XII. CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

XIII. Deliberation on Licenses and Certificates

- A. 12 VET 031 KZ

XIV. Deliberation on Proposed Stipulations, Final Decisions and Orders

A. 17 VET 017 DW

XV. Review of Veterinary Examining Board Pending Cases Status Report as of January xx, 2019.

XVI. RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

XVII. Open Session Items Noticed Above not Completed in the Initial Open Session

XVIII. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

XIX. Ratification of Licenses and Certificates

XX. ADJORNMENT

The Board may break for lunch sometime during the meeting and reconvene shortly thereafter.



VETERINARY EXAMINING BOARD

MEETING MINUTES

Friday, March 1, 2019

PRESENT: Bruce Berth, Diane Dommer Martin, D.V.M., Robert Forbes, D.V.M., Philip Johnson, D.V.M., Kevin Kreier, D.V.M., Dana Reimer C.V.T., Sheldon Schall, Lisa Weisensel Nesson, D.V.M.

STAFF: Department of Agriculture, Trade, and Consumer Protection (DATCP) Division of Animal Health: Melissa Mace, Executive Director; Office of the Secretary: Liz Kennebeck and Cheryl Daniels, DATCP Attorneys; Robert Van Lanen, Regulatory Specialist – Senior; Sally Ballweg, License/Permit Program Associate; Kelly Markor, Executive Staff Assistant; Angela Fisher, Program Policy Analyst; Introductions and Discussion.

Philip Johnson, Chair, called the meeting to order at [Click here to enter a date..](#) A quorum of five (5) members was confirmed.

INTRODUCTIONS

1. Angela Fisher, Program and Policy Analyst DAH/VEB support

APPROVAL OF THE AGENDA

MOTION: Board Member moved, seconded by Board Member, to approve the Agenda. Motion carried unanimously.

APPROVAL OF THE BOARD MEETING MINUTES OF THE BOARD MEETING MINUTES OF

- November 7, 2018

MOTION: Board Member moved, seconded by Board Member to approve the Minutes from the, Wednesday, October 26, 2016 Meeting. Motion carried unanimously.

- November 14, 2018

MOTION: Board Member moved, seconded by Board Member to approve the Minutes from the, Wednesday, October 26, 2016 Meeting. Motion carried unanimously.

PUBLIC COMMENTS

Speaker, From?, Discussion Topic

AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS (AAVSB) MATTERS

1. Nominations for the 2019-2020 leadership for AAVSB. There are five distinctive open positions. Nominations are due May 30, 2019.
2. Call for Bylaws amendments – Proposed bylaws amendments are due to the AAVSB office by March 1, 2019.
3. Resolution 2018-1 – Entering information into the VAULT system or identifying our barriers to entering into the system.
4. Board Basics & Beyond Training – Register by March 5, 2019
5. AAVSB Member Questions

ADMINISTRATIVE UPDATES

ELECTION OF OFFICERS

BOARD CHAIR

NOMINATION: Board Member nominated Board Member for the Office of Board Chair.

Executive Director called for nominations three (3) times.

Board Member was elected as Chair by unanimous consent./consent of the majority.

VICE CHAIR

NOMINATION: Board Member nominated Board Member for the Office of Vice Chair.

Executive Director called for nominations three (3) times.

Board Member was elected as Vice Chair by unanimous consent./consent of the majority.

SECRETARY

NOMINATION: Board Member nominated Board Member for the Office of Secretary.

Executive Director called for nominations three (3) times.

Board Member was elected as Secretary by unanimous consent./consent of the majority.

2019 ELECTION RESULTS

Board Chair	Board Member
Vice Chair	Board Member
Secretary	Board Member

2019 LIAISON APPOINTMENTS

Education and Exams Liaison	Board Member Alternate: Board Member
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Continuing Education Liaison	Board Member <i>Alternate:</i> Board Member
Legislative Liaison	Board Member <i>Alternate:</i> Board Member
Administrative Rules Liaison	Board Member <i>Alternate:</i> Board Member
Monitoring	Board Member <i>Alternate:</i> Board Member
Screening Panel	Board Member, Board Member, Board Member and Board Member
Credentialing Panel	Board Member, Board Member and Board Member

MOTION: Board Member moved, seconded by Bruce Berth, to affirm the Chair's appointment of liaisons for 2019. Motion carried unanimously.

DELEGATION MOTIONS

Delegated Authority – Urgent Matters

MOTION: Board Member moved, seconded by Board Member: In order to facilitate the completion of assignments between meetings, the Board delegates authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, to fill vacant appointment positions, where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law.

Delegated Authority - Screening Panel

MOTION: Board Member moved, seconded by Board Member that the Board delegates authority to the Screening Panel to open cases for investigation or close cases inappropriate for further action.

MOTION: Board Member moved, seconded by Board Member that the Board delegates authority to the Screening Panel to consider questions related to scope of practice of veterinary medicine and veterinary technicians. The Screening Panel may choose to approve or reject a particular practice, or bring the matter to the full Board.

Delegated Authority - Credentialing Committee

MOTION: Board Member moved, seconded by Board Member, that the Board delegates authority to the Credentialing Committee to address all issues related to

credentialing matters, except potential denial decisions should be referred to the full Board for final determination.

MOTION: Board Member moved, seconded by Board Member, that the Board delegates authority to the Credentialing Committee to employ a “passive review” process for background checks, whereby if no Committee member requests a Committee meeting on the materials within five (5) business days after receiving them, the application would be considered cleared to proceed through the process.

Delegated Authority - Document Signatures

MOTION: Board Member moved, seconded by Board Member that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board’s Executive Director for purposes of facilitating the completion of assignments during or between meetings.

Delegated Authority - Monitoring Liaison and Department Monitor

MOTION: Board Member moved, seconded by Board Member to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document.

- License Update – Age distribution of licensee

LICENSING/ EXAM INQUIRIES

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

1. VE 7 – Hearing Draft on Complementary, Alternative and Integrative Therapies (Informational)
2. VE 1 - Relating to the definition of veterinary medical surgery (Informational)
3. VE 11 Update on the request for proposals (RFP)

FUTURE MEETING DATES AND TIMES

1. Screening Committee
2. Next Board Meeting - April 24, 2019 at 9:00.

FUTURE AGENDA ITEMS

CLOSED SESSION MOTION

MOTION: Board Member moved seconded by Board Member, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Board Member read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Board Member -yes; Board Member -yes; Board Member -yes; Board Member -yes;

Board Member -yes; Board Member -yes; Board Member -yes; Board Member -yes;
Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Board Member moved seconded by Board Member, to reconvene to open session. Motion carried unanimously. The Board reconvened at [REDACTED].

MOTION: Board Member moved seconded by Board Member, to confirm Rules Advisory Committee Membership as Pedro Rivera, Ann Margret Morgan, Ruthanne Chun, John Swingle, Carrie Stefaniak, Teresa Raffel, Kris Eggleston, Maya Meinhold, Thereasa Wirkus, Jordan Lamb and Lance Paulson. Motion carried unanimously.

MOTION: Board Member moved, seconded by Board Member, to delegate ratification of examination results to DATCP staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Board Member moved, seconded by Board Member, to adjourn. Motion carried unanimously.

The meeting adjourned at [REDACTED] pm.



VETERINARY EXAMINING BOARD

MEETING MINUTES

Wednesday, November 7, 2018

PRESENT: Bruce Berth, Robert Forbes, D.V.M., Philip Johnson, D.V.M., Lisa Weisensel Nesson, D.V.M., Diane Dommer, D.V.M.

STAFF: Department of Agriculture, Trade, and Consumer Protection (DATCP) Division of Animal Health: Melissa Mace, Executive Director; Office of the Secretary: Liz Kennebeck and Cheryl Daniels, DATCP Attorneys; Robert Van Lanen, Regulatory Specialist – Senior; Sally Ballweg, License/Permit Program Associate; Kelly Markor, Executive Staff Assistant; Introductions and Discussion.

CALL TO ORDER

Philip Johnson, Chair, called the meeting to order at 9:04 AM. A quorum of five (5) members was confirmed.

APPROVAL OF THE AGENDA

MOTION: Lisa Weisensel Nesson moved, seconded by Diane Dommer, to approve the Agenda. Motion carried unanimously.

APPROVAL OF THE BOARD MEETING MINUTES OF THE JULY 24, 2018 MEETING

MOTION: Diane Dommer moved, seconded by, Bruce Berth to approve the Minutes from the, Wednesday, October 26, 2016 Meeting. Motion carried unanimously.

Removal of Bruce Berth from the meeting. Dr. Johnson, Dr. Dommer and Melissa Mace went to AAVSB,

PUBLIC COMMENTS

No Public Comments

ADMINISTRATIVE ITEMS

DEPARTMENT, STAFF, AND PROGRAM UPDATES

Discussed quorum status and what the limitations are based on the amount of attendees. The Board can not complete a suspension of license, but that this might not be an issue. The governor's office would be where any applicants would need to send their application. If someone was very interested, they could apply to both Governors.

OVERVIEW OF VEB BUDGET

Erik Hemming, Budget Policy Analyst for the Veterinary Examining Board and the Division of Animal Health presented on the VEB Budget for the past couple of years and in the next couple of years. They discussed the variables in the budget. The VEB requested a presentation on the budget 2 times a year.

LICENSE REPORT

Reviewed the status of licenses in the state. Also discussed the requirements.

STATUS OF VE 11 IMPLEMENTATION RFP

Based on the timeline, this is taking much longer than usual. They are working on it with DOA. They are pushing DOA more aggressively, but they will miss the December deadline.

AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS (AAVSB) MATTERS – ANNUAL MEETING, SEPTEMBER 13-15, 2018, WASHINGTON DC.

Melissa Mace, Dr. Dommer, and Dr. Johnson discussed the meeting and the presentations in it. Next year, it will be in St. Louis. Dr. Wiseley is still going to AAVSB so Wisconsin is heavily represented. Dr. Johnson advised that it would be great to have more Board members at the meeting.

Telehealth was a big discussion during the AAVSB meeting.

AAVSB requested information on why the Boards are not using Vault. The Board requested a representative from AAVSB to be come to a future meeting to present on the program and its features.

There is a push from veterinary technicians to be referred to as nurses. There is also a push to have a new position titled veterinary practitioner.

LICENSING/EXAM INQUIRIES

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

1. Scope for VE 1-10

They will have an update on this at the January meeting.

MOTION: Diane Dommer moved, seconded by Bruce Berth, to approve VE 1-10. Motion carried unanimously.

2. Status of VE 1 and VE 7

They are currently at the Governor's office. It could potentially make it through this current administration. The Board discussed the process in an administration change.

FUTURE MEETING DATES AND TIMES

1. Screening Committee Dates:
 - a. Today's meeting, December 19 (tentative)
2. 2019 VEB Meeting Dates

a. January 30, April 24, July 24, October 23

FUTURE AGENDA ITEMS

Recaps on legislative process due to transition

Age breakout/graduation breakout

Election of positions

VE 11

CLOSED SESSION MOTION

MOTION: Robert Forbes moved seconded by Lisa Weisensel Nesson, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Philip Johnson read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Robert Forbes -yes; Bruce Berth -yes; Lisa Weisensel Nesson - yes; Diane Dommer -yes; Motion **carried unanimously.**

RECONVENE TO OPEN SESSION

MOTION: Robert Forbes moved seconded by Lisa Weisensel Nesson, to reconvene to open session. Motion carried unanimously. The Board reconvened at 11:10.

MOTION: Robert Forbes moved, seconded by Lisa Weisensel Nesson, to close the cases 07 VET 002 AB, 16 VET 042 JT, 17 VET 002 EB, 17 VET 031 BG, 17 VET 035 CD, 18 VET 025 ES, 18 VET 035 JM, 18 VET 038 AR . Motion carried unanimously.

MOTION: Diane Dommer moved, seconded by Robert Forbes, to approve the proposed stipulations, final decisions and orders for 18 VET 021 MR, 18 VET 024 TS, 18 TECH 005 ST. Motion carried unanimously.

Discussed having a meeting at 11:45 am next Wednesday to discuss 17 VET 025 MH.

MOTION: Lisa Weisensel Nesson moved, seconded by Bruce Berth, to delegate ratification of examination results to DATCP staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Robert Forbes moved, seconded by Diane Dommer, to adjourn. Motion carried unanimously.

The meeting adjourned at 11'15 AM.

DRAFT



VETERINARY EXAMINING BOARD

MEETING MINUTES

Wednesday, November 11, 2018

PRESENT: Nesson, Johnson, Forbes, Dana, Dommer, Bruce (all but Kreier)

Bruce Berth, Robert Forbes, D.V.M., Philip Johnson, D.V.M., Lisa Weisensel Nesson, D.V.M., Diane Dommer, D.V.M.

STAFF: Department of Agriculture, Trade, and Consumer Protection (DATCP) Division of Animal Health: Melissa Mace, Executive Director; Office of the Secretary: Liz Kennebeck and Cheryl Daniels, DATCP Attorneys; Robert Van Lanen, Regulatory Specialist – Senior; Sally Ballweg, License/Permit Program Associate; Kelly Markor, Executive Staff Assistant; Introductions and Discussion.

CALL TO ORDER

Philip Johnson, Chair, called the meeting to order at 11:45 AM. A quorum of six (6) members was confirmed.

CLOSED SESSION MOTION

MOTION: Forbes moved seconded by Dommer, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Philip Johnson read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Robert Forbes -yes; Bruce Berth -yes; Lisa Weisensel Nesson -yes; Diane Dommer -yes; Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Nesson moved seconded by Bruce, to reconvene to open session. Motion carried unanimously. The Board reconvened at 11:53.

MOTION: Bruce moved, seconded by Dana, to accept the recommendation of closed session including the stipulation and final decision and order on 017 VET 025. Motion carried unanimously.

ADJOURNMENT

MOTION: Robert Forbes moved, seconded by Nesson, to adjourn. Motion carried unanimously.

The meeting adjourned at 11:56 AM.

DRAFT

**State of Wisconsin
Department of Agriculture, Trade and Consumer Protection**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Melissa Mace		2) Date When Request Submitted: Jan. 15, 2019 Items will be considered late if submitted after 12:00 p.m. on the deadline date.	
3) Name of Board, Committee, Council, Sections: VEB			
4) Meeting Date: Jan 30	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? American Association of Veterinary State Boards (AAVSB) Matters	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: <p>1 is for your information only. If further discussion is desired, we will need to move to a future meeting.</p> <ol style="list-style-type: none"> 1. Nominations for the 2019-2020 leadership year are now open! The AAVSB Nominating Committee asks that the Board review the Call for Nominations document and use the online form at www.aavsb.org/nominations for submissions. There are five distinctive open positions. Nominations are due <u>May 30, 2019</u>. 2. Call for Bylaws amendments – Proposed bylaws amendments are due to the AAVSB office by March 1, 2019. Bylaws can be found at https://aavsb.org/about-us/governance. ** ANY bylaw suggestions need to be distributed beforehand for discussion at this meeting and submission directly afterward. 3. Resolution 2018-1 – During the AAVSB's business session at the 2018 AAVSB Annual Meeting & Conference, the Delegate Assembly passed Resolution 2018-1. <ol style="list-style-type: none"> i. Confirm we would like to request a presentation by AAVSB on the VAULT program so we can either move towards using it, or define for AAVSB why we won't. 4. Board Basics & Beyond Training – Register by March 5, 2019 at https://aavsb.org/board-services/member-board-resources/trainings/. Space is limited. We will be sending the executive director and Angela Fisher to the meeting. Others? 			

**State of Wisconsin
Department of Agriculture, Trade and Consumer Protection**

11)	Authorization
<hr/>	
Signature of person making this request	Date
<hr/>	
Supervisor (if required)	Date
<hr/>	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)	
Date	

Directions for including supporting documents:

1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Executive Director.
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.



AAVSB
AMERICAN ASSOCIATION OF
VETERINARY STATE BOARDS

AAVSB Topics to Discuss

January – March 2019

Don't miss these important items from the AAVSB

- **Nominations for the 2019-2020 leadership year are now open!** *(discussion/possible action)*
The AAVSB Nominating Committee asks that your Board review the Call for Nominations document on pages 2-12 and use the online form at www.aavsb.org/nominations for submissions. There are five distinctive open positions. **Nominations are due May 30, 2019.**
- **Board Basics & Beyond Training** *((discussion/possible action)*
Ever feel like you need more information to feel prepared for your role as a regulator? Then the AAVSB Board Basics & Beyond Training is for you! See page 13 for more information. Register by **March 5, 2019** at <https://aavsb.org/board-services/member-board-resources/trainings/>. **Space is limited.**
- **Call for Bylaws amendments** *((discussion/possible action)*
Proposed bylaws amendments are due to the AAVSB office by **March 1, 2019**. Bylaws can be found at <https://aavsb.org/about-us/governance>. See page 14 for the Call for Bylaws packet.
- **Resolution 2018-1** *(action item)*
During the AAVSB's business session at the 2018 AAVSB Annual Meeting & Conference, the Delegate Assembly passed Resolution 2018-1 (pages 15-16). Please review the Resolution with your Board and provide feedback to the AAVSB as soon as your able.

Dates to Remember

March 1, 2019 – Deadline to receive **proposed Bylaws Amendments**

March 5, 2019 - Deadline to register for **AAVSB Board Basics & Beyond**, Kansas City, Missouri

April 5 - 6, 2019 – **AAVSB Board Basics & Beyond**, Kansas City, Missouri

May 30, 2019 – Deadline to receive **Nominations** for open positions

September 26-28, 2019 – **AAVSB Annual Meeting & Conference**, St. Louis, Missouri

Have questions regarding the materials? Contact Lainie Franklin, Member Services & Marketing Specialist at efranklin@aavsb.org or call 1-877-698-8482 x221.



American Association of Veterinary State Boards
380 West 22nd Street, Suite 101, Kansas City, Missouri 64108
1.877.698.8482 | www.aavsb.org

MEMORANDUM

To: AAVSB® Member Board Members, Executive Directors and Registrars
From: AAVSB Nominating Committee - Dr. Tod Schadler, Elected Member and Chair
Dr. Elizabeth Farrington, Appointed Member
Dr. Frank Walker, Appointed Member
Date: December 28, 2018
Subject: Call for Nominations – **Nominations Due May 30, 2019**

Each year, the Nominating Committee of the AAVSB sends out a **Call for Nominations** to provide Member Boards information regarding the open elected positions and to request nominations. The Nominating Committee is charged with preparing a ballot of candidates for all elected positions to be filled. This process is vital to the AAVSB's ability to carry out its mission.

There are 4 easy steps to complete the annual AAVSB nomination process.

- | | |
|---------------------------|---|
| January – February | Review and distribute open positions |
| February – March | Discuss open opportunities with your Board |
| March – April | Complete the nomination packet with 3 items <ol style="list-style-type: none">1. Nominating Form2. Brief Biography3. Statement from Nominator on Rationale for the Nomination |
| By May 30 | Upload the packet online at www.aavsb.org/nominations or by email, fax or mail to the AAVSB office. |

Prior to submitting a nomination packet, the Committee asks you to confirm that the candidate is willing to accept a nomination.

Packets must be received in the AAVSB office by May 30, 2019.

The 2018 AAVSB Annual Meeting is being held **September 26-28, 2019 in St. Louis, Missouri**. The Delegates will vote on the candidates during the Annual Meeting.

Should you have any questions or need additional information, please contact Ms. Daphne Tabbytite, staff contact for the Nominating Committee, at dtabbytite@aavsb.org or 1-877-698-8482 ext. 223.



3 Requirements for a Completed Nomination Packet

1. Nominating Form (one for each nominee)
2. Biographical information (2 page limit)
3. Statement from nominator on rationale for the nomination.

Please note: The bio and statement will be distributed to the AAVSB Member Boards.

The following biographical information should be provided for each nominee. The information should not exceed two pages.

- Candidate's Name
- Position Nominated
- Member Board Experience and Roles Served
- Experience with the AAVSB and Roles Served
- Other Affiliations
- Work History
- Education
- Leadership Positions Held



American Association of Veterinary State Boards

Information on Board of Directors Elected Positions for 2019-2020

Current 2018-2019 AAVSB® Board of Directors

Immediate Past President: Mark Olson, DVM from Kansas
President: Michael Gotchey, DVM from Colorado
President-Elect: Roger Redman, DVM from Ohio
Treasurer: Chris Runde, DVM from Maryland
Director: Vito DelVento, DVM from District of Columbia
Director: Kim Gemeinhardt, DVM from North Carolina
Director: Leslie Knachel, Executive Director from Virginia
Director: Timothy Kolb, DVM from Ohio
Director: Larry McTague, DVM from Oklahoma
Director: Frank Richardson, DVM from Nova Scotia

Upcoming 2019-2020 AAVSB Board of Directors

Immediate Past President: Michael Gotchey, DVM
President: Roger Redman, DVM

President-Elect: _____ OPEN _____ (3-year commitment)

Treasurer: _____ OPEN _____ (2-year term)
(Dr. Chris Runde is currently serving the second year of a first 2-year term)

Director: _____ OPEN _____ (2-year term)
(Dr. Kim Gemeinhardt is eligible to be nominated to an Officer position.)

Director: _____ OPEN _____ (2-year term)
(Ms. Leslie Knachel is eligible to be nominated to an Officer position.)

Director: _____ OPEN _____ (2-year term)
(Dr. Tim Kolb is currently serving the second year of a first 2-year term.)

Director: Vito DelVento, DVM
(Dr. DelVento is currently serving the first year of a second 2-year term)

Director: Larry McTague
(Dr. McTague is currently serving the first year of a second 2-year term)

Director: Frank Richardson, DVM
(Dr. Richardson is currently serving the first year of a first 2-year term)

James T. Penrod, CAE, FASLA, as Executive Director serves as Secretary and as an ex-officio non-voting member of the Board of Directors.

Overview

The AAVSB Board of Directors is a body of elected Directors which govern the Association and provide the strategic plan for the future of the Association.

Responsibilities

- Governs and sets the course for the AAVSB's future.
- Ensures the overall strength and health of the AAVSB.
- Develops, supports and maintains focus on the strategic objectives and priorities.
- Commits to the mission and goals of the AAVSB.
- Attends the Association's Annual Meeting, Board of Director meetings, planning meetings, and assigned committee and/or task force meetings.
- Prepares for all meetings and seeks opportunities to expand knowledge about the organization.
- Shares wisdom and insights to help the Board of Directors make good decisions and policy.
- Ensures Board effectiveness.
- Hires, supports and develops the chief executive to lead and manage the AAVSB into the future.
- Ensures the availability of adequate resources and the long-term financial stability of the AAVSB.
- Approves annual budgets, audit, and Form 990 as well as updates to financial policies.
- Stays informed and supportive of the governing documents of the organization, e.g. Articles of Incorporation, Bylaws, policies, strategic plan, and budget.
- Accepts the legal duties of loyalty and care while serving as a director and complies with applicable laws, regulations, Bylaws, policies and code of conduct.
- Understands that all power rests with the full Board of Directors, not individual directors.

Expected Time Commitment – Approximately 150 hours per

- Monthly conference calls (1 hour of preparation and 1.5 hours of participation per call)
- In-Person meeting in January each year (2-3 days of meetings with 2 hours of preparation time plus travel time).
- In-Person meeting in June each year (2-3 days of meetings with 2 hours of preparation time plus travel time).
- Annual Meeting in September (4 days of meetings with 3 hours of preparation time plus travel time).
- Frequent opportunities to attend AVMA meetings, ICVA Board meetings, or special assignments (approximately 2 days each).
- Additional time may be required if assigned as a liaison to a committee; the amount of additional time is dependent on the specific committee.
- Additional time is required of the Officers of the Board of Directors.

Bylaws Specifications (Article VII)

The AAVSB Bylaws prescribe the authority, composition, and election of the Board of Directors which are described below.

Authority

The Board of Directors shall manage the affairs of the Association, including the establishment of an annual budget for the Association and the transaction of all business for and on behalf of the Association as authorized under these Bylaws. The Board of Directors shall carry out the resolutions, actions, or policies as authorized by the Delegates, subject to the provisions of the Association Articles of Incorporation and Bylaws.

Composition

There shall be ten (10) members of the Board of Directors including four (4) Officers and six (6) Directors at Large. The Officers shall be identified as President, President-Elect, Immediate Past President and Treasurer. The Officers and Directors at Large are collectively referred to as the Board of Directors. The Officers may, at times be collectively referred to as the Executive Committee. Notwithstanding any other provisions of these Bylaws, the Board of Directors shall be comprised of at least six Licensed Veterinarians and one Affiliate Member. The Executive Director shall serve as Secretary and as an ex-officio non-voting member of the Board of Directors.

Qualifications

a. Officers

To be eligible to serve as an Officer, a candidate shall when nominated and elected be currently serving on the Board of Directors, be a Delegate, Alternate Delegate, or be a member of a Member Board.

b. Directors at Large

To be eligible to serve as a Director at Large, a candidate shall when nominated be a Delegate, Alternate Delegate, member of a Member Board or have served as a member of a Member Board as of June 1st of the year preceding the election year.

If a Director ceases to meet eligibility criteria stated above, such Board of Director member shall, after completion of the current term, be eligible to serve one additional term on the Board of Directors.

Elections

The Board of Directors shall be elected at the Annual Delegate Assembly of the Association by the Delegates, either from nominations submitted by the Nominating Committee, or by nominations from the floor. Each Director shall assume office at the close of the Annual Delegate Assembly at which the member is elected and shall serve as specified in these Bylaws or until a successor is elected.

Terms of Office

For purposes of these Bylaws, the offices of Immediate Past President, President, and President-Elect shall be considered one (1) term. The terms of the Board of Directors shall be as follows:

- a. Immediate Past President. The Immediate Past President shall serve a one (1) year term automatically following the term as President. The Immediate Past President shall only vote on matters before the Board of Directors to break a tie.*
- b. President. The President shall serve a one (1) year term automatically following the term as President-Elect. In the event of a vacancy, the President-Elect shall succeed to the Presidency to fill the unexpired term and may, thereafter, complete the President's term.*
- c. President-Elect. A President-Elect shall be elected at the Annual Delegate Assembly to serve a one (1) year term and shall automatically succeed to the office of President and, thereafter, the office of Immediate Past President. Thus, the President-Elect office is a three (3) year commitment, one year as President-Elect, one year as President, and one year as Immediate Past President and is limited to one elected term. In the event of a vacancy, the President in consultation with the Board of Directors may appoint the office of President-Elect. In any event and under these circumstances, at the next Annual Delegate Assembly, there shall be an election for both President and President-Elect.*
- d. Treasurer. A Treasurer shall be elected at the Annual Delegate Assembly to serve a term of two (2) years. In the event of a vacancy, the Treasurer position shall be appointed by the President in consultation with the Board of Directors until the next Annual Delegate Assembly at which time an election shall be held. The Treasurer shall serve no more than two (2) consecutive terms.*
- e. Directors at Large. Directors at Large shall be elected at the Annual Delegate Assembly to serve two (2) year terms. In the event of a vacancy, the President in consultation with the Board of Directors shall appoint the Director at Large position until the next Annual Delegate Assembly at which time an election shall be held to fill the unexpired term. Directors at Large shall serve no more than two (2) consecutive terms.*
- f. No member of the Board of Directors shall hold more than one seat on the Board of Directors at any time. Any person appointed or elected to fill an unexpired term of less than one year for Treasurer or Director at Large may be eligible for election to the same position for two additional consecutive terms after completion of the unexpired term. If the unexpired term is more than one year, the person may be eligible for one additional consecutive term.*



Current 2018-2019 Nominating Committee

Elizabeth Farrington, DVM from Nebraska (special appointed position)

Tod Schadler, DVM, Chair, from North Carolina (elected position)

Frank Walker, DVM from North Dakota (appointed position)

Upcoming 2019-2020 Nominating Committee

Each year the President of AAVSB shall appoint a third member of the Committee. Currently, Dr. Walker is serving in this position.

OPEN (2-year term)

(Dr. Tod Schadler is not eligible for nomination as he is currently completing the second year of a 2-year term.)

OPEN (1 year of an unexpired term)

(Dr. Elizabeth Farrington was appointed when there was not a nominee at the 2018 Annual Meeting for the elected position. Dr. Farrington is not eligible for nomination.)

Overview

The overall role of the Nominating Committee is to review nominations and confirm eligibility of nominees from AAVSB Member Boards for the open elected positions.

Responsibilities

- Prepares a Call for Nominations for the Member Boards which includes a nomination form and information on the open positions.
- Receives nominations from Member Boards for open positions 120 days prior to the upcoming Annual Delegate Assembly.
- Reviews nominations received and possibly distribute a questionnaire to nominees.
- Develops a ballot of candidates for mailing to Member Boards 30 days prior to Annual Delegate Assembly.

Expected Time Commitment – Approximately 12 hours per year

- Participates in 4 conference calls (1 hour for preparation time and 1 hour for participation per call).
- Meets in September at Annual Meeting (1 hour meeting plus travel time).
- Additional time is required of the Committee Chair.

Bylaws Specifications (Article X, Section 1 and Article IX, Section 3)

The AAVSB Bylaws prescribe the role, number of members, method of appointment, composition and terms of office of the Nominating Committee which are described below.

Role

The Nominating Committee shall review the qualifications of the applicants, verify sponsors and references on all applications submitted, and shall submit to the Member Boards at least thirty (30) days before the Annual Delegate Assembly, a ballot containing candidates for each position on the Board of Directors, the Nominating Committee and the National Board of Veterinary Medical Examiners to be filled. The ballot shall contain the names of all candidates who have been found to be eligible and their applications verified as accurate by the Nominating Committee. In determining the slate of candidates for the Board of Directors, the Nominating Committee shall make every effort to ensure at least a majority of Members at Large are currently members of Member Boards. Persons serving on the Nominating Committee shall be ineligible to be on the ballot or elected to any position within the Association within their elected term.

Number of Members: Three members.

Elections and Qualifications

Two of the three Committee members are elected at the Annual Delegate Assembly by a plurality of votes, either from nominations submitted by the Nominating Committee or by nominations from the floor. Prior to nomination, the elected members to the Committee must have attended at least one Delegate Assembly meeting. At the time of nomination and election, candidates for the Committee must be a Delegate or Alternate Delegate, a member of a Member Board, a current Associate Member, or a chairperson of an Association committee. The President shall appoint the third member of the Committee and name the chair of the Committee.

Terms of Office

The terms of the elected members are two (2) years. The President shall appoint a third member of the Committee whose term will be one (1) year. Nominating Committee members may not serve consecutive terms, but are eligible for reelection consistent with this Article X, Section 1. The President shall name the chair of the Committee. In the event of a vacancy, the President in consultation with the Board of Directors shall appoint the Nominating Committee member until the next Annual Delegate Assembly at which time an election shall be held to fulfill the unexpired term.



American Association of Veterinary State Boards

Information on Representatives to the ICVA Elected Positions for 2019-2020

Current 2018-2019 AAVSB Representatives to the ICVA

Jon Betts, DVM from Oregon (Licensed Veterinarian)
Kathy Bowler from California (Public Member)
Bruce Louderback, DVM from Colorado (Licensed Veterinarian)
Helen Tuzio, DVM from New York (Licensed Veterinarian)

Upcoming 2019-2020 AAVSB Representatives to the ICVA

OPEN (Licensed Veterinarian position; 3-year term)

(Dr. Bruce Louderback is currently serving the third year of second 3-year term and is eligible for nomination to a third term.)

Jon Betts, DVM
(Dr. Betts is currently serving the first year of a third 3-year term)

Kathy Bowler
(Ms. Bowler is currently serving the first year of a second 3-year term)

Helen Tuzio, DVM
(Dr. Tuzio is currently serving the second year of first 3-year term)

Bylaws Specifications (Article IX)

The AAVSB Bylaws prescribe the composition, duties, election, qualifications and terms as described below.

Composition

There shall be a minimum of four AAVSB representatives to the International Council of Veterinary Assessment (ICVA).

Duties

The Representatives shall attend all meetings of the ICVA and shall report to the AAVSB Board of Directors following each ICVA or subcommittee meeting. The Representatives shall present the consensus opinions of the Association at such meetings and shall not vote in conflict with the AAVSB Bylaws.

Election

Delegates at the Annual Delegate Assembly shall elect the Representatives at the Annual Delegate Assembly of the Association either from nominations submitted by the Nominating Committee or by nomination from the floor. Each Representative shall assume his or her responsibilities at the close

of the Annual Delegate Assembly at which elected and shall serve as specified in these Bylaws or until a successor is elected and qualified.

Qualifications

- *Three representatives must, when nominated and elected, be Licensed Veterinarians currently practicing in public or private practice and be either (i) a member of a Member Board, or (ii) have been a member of the AAVSB Board of Directors within the previous year, or (iii) have been a member of the ICVA within the previous year, or (iv) be a current Associate Member.*
- *One Representative must, when nominated and elected, be a Public Member and be either (i) a member of a Member Board, or (ii) have been a member of the AAVSB Board of Directors within the previous year, or (iii) have been a member of the ICVA within the previous year, or (iv) be a current Associate Member.*

Terms

Representatives can be eligible for three 3-year terms.

Expectations

Please contact the AAVSB office for additional information on the AAVSB representatives to the ICVA.



AAVSB
AMERICAN ASSOCIATION OF
VETERINARY STATE BOARDS

AAVSB Board Basics & Beyond

April 5 – 6, 2019

Kansas City, Missouri

Limited to 20 attendees!

Ever feel like you need more information to feel prepared for your role as a regulator? Then the AAVSB Board Basics & Beyond Training is for you!

Board Basics & Beyond is an interactive training session designed with the new board member or executive director in mind. Participants acquire knowledge and skills necessary to excel in their regulatory role. This seminar is ideal for individuals new to their position or those wishing to learn more about being a regulator.

The only cost is a \$250 tuition fee. The AAVSB covers travel, hotel, and meals during the training.

Contact Lainie Franklin, Member Services & Marketing Specialist, at efranklin@aavsb.org if you have any questions or **register by March 5, 2019**.



MEMORANDUM

To: Executive Directors and Registrars of the AAVSB Member Boards for Distribution to Board Members
From: Darren Wright, DVM, AAVSB Bylaws and Resolution Committee Chair
Date: November 15, 2018
Subject: Call for Bylaws Amendments

The AAVSB Bylaws and Resolution Committee is providing you with important information and dates for submitting Bylaws amendments for voting at the 2019 Annual Meeting. Per current Bylaws, any Member Board of the AAVSB, any committee established by the Bylaws, or the AAVSB Board of Directors may propose Bylaws amendments.

Please send any proposed amendments in the actual wording for inclusion in the Bylaws by March 1, 2019. A copy of the current Bylaws is attached for your review.

Below are the important dates in 2019 regarding proposal of Bylaws amendments:

- March 1** Proposed Bylaws amendments must be received in writing at the AAVSB office. This is no later than 210 days prior to the upcoming Annual Meeting. Submitted Bylaws amendments will be forwarded to the Board of Directors within seven days after receipt.
- May 30** The AAVSB Executive Director will forward any proposed Bylaws amendments to Member Board Executive Directors and Registrars for distribution to Board Members and Delegates. This is not less than 120 days prior to the Annual Meeting.
- September 26-28** On these dates at the 2019 Annual Meeting & Conference in St. Louis, Missouri, the Delegates will discuss and vote on any proposed Bylaws amendments.

Proposed Bylaws amendments can be sent to the AAVSB Bylaws and Resolution Committee by:

MAIL: AAVSB
Attention Bylaws Committee
380 West 22nd Street, Suite 101
Kansas City, MO 64108
FAX: (816) 931-1604
EMAIL: Chrissy Bagby at cbagby@aavsb.org

If you have any questions, please contact Chrissy Bagby at the AAVSB office at 1.877.698.8482 or via the above email address.

Attachment



RESOLUTION 2018-01

Submitted by: AAVSB Board of Directors as recommended by the Member Services Task Force

AAVSB Bylaws and Resolution Committee Suggestion: PASS

WHEREAS, the AAVSB Board of Directors appointed a Member Services Task Force as a result of Resolution 2017-1 to encourage and elicit the support and feedback of its Member Boards; and

WHEREAS, all regulatory boards are under heightened legal and political scrutiny, primarily being reviewed for their effectiveness and efficiencies particularly those needs related to mobility and license portability; and

WHEREAS, the regulatory boards of veterinary medicine acknowledge the membership benefits through AAVSB of the collective voice of the veterinary regulatory community and having direct input in the programs and services intended to assist the boards in regulating the profession, including making licensure eligibility and renewal determinations; and

WHEREAS, the AAVSB developed and implemented the Veterinary Information Verification Agency (VIVA) at the request of and for the benefit of the AAVSB membership in 1998; and

WHEREAS, the goals of the VIVA program are to have all Member Board participation in providing license information for new licensees as well as updated license information and in providing final public disciplinary information; and

WHEREAS, the AAVSB has developed and begun implementation of the Veterinary Application for Uniform Licensure Transfer (VAULT) program to increase the efficiency of collecting and transmitting relevant documents necessary for Member Boards to make licensure eligibility determinations in support of a licensure application with a Member Board; and thereby reduces the administrative burden on Member Boards to collect, file, and maintain applicant credential information.

THEREFORE, BE IT RESOLVED THAT, each AAVSB Member Board, in the spirit of providing input into the AAVSB programs and services, will review applicable statutes, rules/regulation, and policies

related to accepting the primary source data verified by AAVSB staff and maintained in the secure centralized databank known as VIVA and transmitted to Member Boards at the licensee's request through the AAVSB VAULT program; and

THEREFORE, BE IT FURTHER RESOLVED THAT, each AAVSB Member Board will share with the AAVSB any barriers or restrictions in the jurisdiction's statutes, rules/regulation, and policies related to participating in the AAVSB VAULT program and timely reporting of license information for new licensees as well as updated license information and final public disciplinary information to the AAVSB VIVA databank; and

THEREFORE, BE IT FURTHER RESOLVED THAT, each AAVSB member board will identify the benefits of accepting and participating in the AAVSB VAULT program and timely reporting of license information for new licensee as well as updated license information and disciplinary information to the AAVSB VIVA databank; and

THEREFORE, BE IT FURTHER RESOLVED THAT, the AAVSB will continue to seek guidance from its Member Boards to tailor services to meet Member Board needs.



MEMORANDUM

To: Executive Directors and Registrars of the AAVSB Member Boards for Distribution to Board Members
From: Darren Wright, DVM, AAVSB Bylaws and Resolution Committee Chair
Date: November 15, 2018
Subject: Call for Bylaws Amendments

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EMAIL: Chrissy Bagby at cbagby@aavsb.org

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Attachment



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THEREFORE, BE IT FURTHER RESOLVED THAT, the AAVSB will continue to seek guidance from its Member Boards to tailor services to meet Member Board needs.

From: [Lainie Franklin](#)
To: [Mace, Melissa A - DATCP](#)
Subject: Register Now - AAVSB Board Basics & Beyond
Date: Wednesday, December 12, 2018 9:30:44 AM

Strengthening the veterinary regulatory community



Learn Regulatory Board Best Practices

Dear Melissa,

AAVSB® [Board Basics & Beyond](#) is an interactive training session designed to provide comprehensive training on the regulatory board roles such as board member, executive, or staff.

When & Where

The 2019 training session is scheduled for the weekend of **April 5-6, 2019 (travel in on April 4, travel home on April 7)**, in Kansas City, Missouri at the [InterContinental Hotel - Country Club Plaza](#).

Registration Is Open - Place Us on Your Next Meeting Agenda!

Would you or someone on your board benefit from this training? Place us on the agenda for your next board meeting. [Register your board members or](#)

[yourself now.](#)

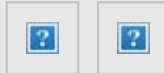


Stay Connected

Be sure to follow the AAVSB on [Facebook](#) and [Twitter](#) to stay get all the latest Board Basics & Beyond information as it becomes available.

American Association of Veterinary State Boards | 1-877-698-8482 | aavsb@aavsb.org | www.aavsb.org

STAY CONNECTED:



American Association of Veterinary State Boards, 380 West 22nd Street,
Suite 101, Kansas City, MO 64108

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Try it free today

**State of Wisconsin
Department of Agriculture, Trade and Consumer Protection**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Melissa Mace		2) Date When Request Submitted: Jan. 16, 2019 Items will be considered late if submitted after 12:00 p.m. on the deadline date.	
3) Name of Board, Committee, Council, Sections: VEB			
4) Meeting Date: Jan 30	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Questions from AAVSB Member Boards	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: In the last couple months AAVSB has sent out questions from member boards for all boards to provide answers to: <ul style="list-style-type: none"> • Administrative Monetary Penalties • Veterinary Facility Registration • Cannabis-based Products • Discipline Processing • Licensing Software • Medical Marijuana • Licensure of Faculty and Definition of Veterinary Specialists <p>As these come in they will be posted to board software. If there are ones that board members want to see further discussion, notify Melissa Mace and they will be placed on the agenda for the next meeting.</p>			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			Date
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			



A Query from an AAVSB Member Board (updated 01/09/19)

Administrative Monetary Penalties

On November 29, 2018, the Rhode Island Board of Examiners in Veterinary Medicine asked whether any states have the authority to levy administrative monetary penalties to veterinarians without having to go to court. If yes, what states and what are the amounts?

Member Boards Responded:

Arizona - Yes, the AZ Board has civil penalty authority via Board Order or Consent Agreement.
-Per statute, \$1000 max, per violation.
- All civil penalties go into the State's General Fund, and not the fund of the Veterinary Board.

Connecticut - In Connecticut as part of the license disciplinary process the Board of Veterinary Medicine, may, as authorized by statute, impose a civil penalty up to \$25,000.00 per violation.

District of Columbia - Yes, the DC Board of Veterinary Medicine has the ability to charge a monetary fine as a part of the discipline of a licensee.

Florida – Please see Attachment #1 starting on page 7 for the Florida disciplinary guidelines which specify fines for each violation.

Georgia - The Georgia State Board of Veterinary Medicine proposes Consent Orders or Agreements to levy fines and can do so without a hearing; however, if the licensee opts not to consent or agree to the levied fine, the Board has to proceed to a hearing in order to recover.

Iowa - The Board can assess administrative penalties without court approval. Civil penalties may be one of the sanctions imposed by the Iowa Board of Veterinary Medicine, as provided for in Iowa administrative rules. The only time the court “approves” the administrative penalties is where a party challenges the penalties through a Petition for Judicial Review.

Please see Attachment #2 starting on page 21 for a copy of Iowa rules chapter 811-10 (Discipline) and there is the following section:

811—10.7(17A,169,272C) Sanctions. The board has authority to impose the following disciplinary sanctions:

1. Revoke a credential.

2. Suspend a credential until further order of the board or for a specified period.
3. Prohibit permanently, until further order of the board or for a specified period, the engaging in specified procedures, methods or acts.
4. Impose a period of probation.
5. Require additional education or training.
6. Require a reexamination.
7. Order a physical or mental examination.
8. Impose civil penalties not to exceed \$10,000.
9. Issue a citation and warning.
10. Impose such other sanctions allowed by law as may be appropriate.

Indeed, the IBVM can impose civil penalties not to exceed \$10,000.

Please see Attachment #3 starting on page 38 for a copy of the Iowa Veterinary Practice law chapter 169 if that will also be of help.

Kansas - Kansas has two statutes that allow administrative penalties. K.S.A. 47-842 and K.A.S. 47-843. The second statute is for cite & fine authority, this is used often by the Board, which allows a maximum of \$2000. These can be viewed on our website: <https://kbve.kansas.gov/>.

Maine - Our Boards may impose a civil penalty of up to \$1,500 for each violation of applicable laws, rules or conditions of licensure or for each instance of actionable conduct or activity.

Maryland - The Maryland Board can assess civil penalties. See: <https://mda.maryland.gov/vetboard/Documents/Laws-Regs/Chapter%2011.pdf>

Michigan - All boards under the public health code may impose a fine for a violation of the code pursuant to MCL 333.16226. The court system would only become involved if a licensee filed an appeal for relief from the board's decision on sanctions.

MCL 333.16226 does set a statutory limit of \$250,000 for certain violations, as described in MCL 333.16221.

Here are links to those statutes for your review: <http://legislature.mi.gov/doc.aspx?mcl-333-16226>; <http://legislature.mi.gov/doc.aspx?mcl-333-16221>

Minnesota - Minnesota can levy monetary penalties and does so for some disciplinary actions (Stipulations & Orders) as well as for failed CE audits.

Mississippi - Mississippi may levy monetary penalties to veterinarians after a hearing. We may fine up to \$1,000.00 per incidence.

Montana - This is a uniform statute that applies to all professional licensing boards under the Montana Department of Labor and Industry.

37-1-312. Sanctions -- stay -- costs -- stipulations. (1) Upon a decision that a licensee or license applicant has violated this part or is unable to practice with reasonable skill and safety due to a physical or mental condition or upon stipulation of the parties as provided in subsection (3), the board may issue an order providing for one or any combination of the following sanctions:

- (a) revocation of the license;
- (b) suspension of the license for a fixed or indefinite term;
- (c) restriction or limitation of the practice;
- (d) satisfactory completion of a specific program of remedial education or treatment;
- (e) monitoring of the practice by a supervisor approved by the disciplining authority;
- (f) censure or reprimand, either public or private;
- (g) compliance with conditions of probation for a designated period of time;
- (h) payment of a fine not to exceed \$1,000 for each violation. Fines must be deposited in the state general fund.
- (i) denial of a license application;
- (j) refund of costs and fees billed to and collected from a consumer.

(2) A sanction may be totally or partly stayed by the board. To determine which sanctions are appropriate, the board shall first consider the sanctions that are necessary to protect or compensate the public. Only after the determination has been made may the board consider and include in the order any requirements designed to rehabilitate the licensee or license applicant.

(3) The licensee or license applicant may enter into a stipulated agreement resolving potential or pending charges that includes one or more of the sanctions in this section. The stipulation is an informal disposition for the purposes of **2-4-603**.

(4) A licensee shall surrender a suspended or revoked license to the board within 24 hours after receiving notification of the suspension or revocation by mailing it or delivering it personally to the board.

Nebraska - Yes we can, in the amount of \$10.00 per day not to exceed \$1000.00 specifically to practicing without a license. The regulation 172 NAC 180.

180-014 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

Nevada - In Nevada, we can assign costs and a fine. We only typically fine in cases for failure to comply with CE Audits (between \$150-\$300), but we have the authority in our NRS for up to \$5,000 per violation.

New Hampshire - Here is the statute:

332-B:14 Disciplinary Action; Civil Penalty. –

III. The board may take disciplinary action in any one or more of the following ways:

- (a) By reprimand;
- (b) By suspension, limitation, or restriction of license;
- (c) By revocation of license;
- (d) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient; or

(e) By the imposition of civil penalties of up to \$2,000 per violation, or in the case of continuing violations, not more than \$200 per day, whichever is greater.

New Jersey - In New Jersey, we have the authority to assess penalties against licensees without going to court. The statute in NJ provides for penalties of up to \$10,000 for the first offense and up to \$20,000 for each subsequent offense.

New York - All such penalties in NYS are imposed by the NYS Board of Regents. FYI see section 6511 of the NYS Education Law.

§6511 Penalties for professional misconduct.

The penalties which may be imposed by the board of regents on a present or former licensee found guilty of professional misconduct (under the definitions and proceedings prescribed in sections sixty-five hundred nine and sixty-five hundred ten of this article) are: (1) censure and reprimand, (2) suspension of license, (a) wholly, for a fixed period of time; (b) partially, until the licensee successfully completes a course of retraining in the area to which the suspension applies; (c) wholly, until the licensee successfully completes a course of therapy or treatment prescribed by the regents; (3) revocation of license, (4) annulment of license or registration, (5) limitation on registration or issuance of any further license, (6) a fine not to exceed ten thousand dollars, upon each specification of charges of which the respondent is determined to be guilty, (7) a requirement that a licensee pursue a course of education or training, and (8) a requirement that a licensee perform up to one hundred hours of public service, in a manner and at a time and place as directed by the board. The board of regents may stay such penalties in whole or in part, may place the licensee on probation and may restore a license which has been revoked, provided, in the case of licensees subject to section two hundred thirty of the public health law, notice that the board is considering such restoration is given to the office of professional medical conduct at least thirty days before the date on which such restoration shall be considered. Upon the recommendation of the office of professional medical conduct, the board of regents may deny such restoration. Any fine imposed pursuant to this section or pursuant to subdivision two of section sixty-five hundred ten of this article may be sued for and recovered in the name of the people of the state of New York in an action brought by the attorney general. In such action the findings and determination of the board of regents or of the violations committee shall be admissible evidence and shall be conclusive proof of the violation and the penalty assessed.

North Carolina - For NC it would need to go to a hearing.

Ohio - Ohio has the ability to fine. See ORC 4741.22 Paragraph C) <http://codes.ohio.gov/orc/4741.22v1>

Oklahoma - Oklahoma has Cite and Fine authority which is a fine up to \$500 for the first infraction and \$2,500 for any subsequent event – this can be issued on recommendation of the probable cause committee (comprised of Board Secretary- DVM, attorney and Investigator) to the Executive Director to issue fine.

Oregon - We do! Sort of – the licensee may reject the citation and then we issue a notice and go through the hearing process. The citation is public (i.e., discloseable if requested), but not considered or reported as discipline. We’ve issued a half-dozen or so since obtaining this authority last session. No licensee has opted to reject it and make the matter public.

686.155 Fine for administrative or clerical violation of law or rule; rules. (1) Subject to the provisions of ORS chapter 183 and subsection (2) of this section, the Oregon State Veterinary Medical Examining Board may impose a fine on any permit or license holder under this chapter for an administrative or clerical violation of this chapter or a rule adopted pursuant to this chapter if the violation does not create a risk of harm to the public, as established by the board by rule.

(2) A fine imposed under this section may not exceed \$100. [2015 c.418 §2]

Tennessee - In Tennessee we have conditional licenses, agreed citations, agreed orders, and consent orders.

These are all disciplinary agreements between the state and the licensee that are often settled without a contested case hearing that requires a judge to preside of the hearing.

Our rules lay out the amounts of civil penalties in 1730-01-.15: Amount of Civil Penalties 1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000. 2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500. 3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

Please see Attachment #4 starting on page 49 for a copy of our rules for you to look at if you’d like.

Texas – Texas is a yes. <https://statutes.capitol.texas.gov/Docs/OC/htm/OC.801.htm>

SUBCHAPTER J. ADMINISTRATIVE PENALTY

Sec. 801.451. IMPOSITION OF ADMINISTRATIVE PENALTY.

The board may impose an administrative penalty on a person, including a corporation, organization, business trust, estate, trust, partnership, association, or other legal entity, who violates this chapter or a rule adopted or order issued under this chapter.

Sec. 801.452. AMOUNT OF PENALTY. (a) The amount of an administrative penalty may not exceed \$5,000 for each violation per day. (b) The amount of the penalty shall be based on the schedule of sanctions adopted under Section 801.411. (c) A committee described by Section 801.408(c) or (d) shall recommend the amount of the administrative penalty based on the schedule of sanctions adopted under Section 801.411.

Vermont - Vermont has the authority to levy a penalty for up to \$1000 for unlicensed practice. We also charge administrative late renewal penalties for the first two years the licensee is expired of up to \$1500.

Virginia - The way the question is worded I am not absolutely sure what it is being asked – Can the Board order the respondent to pay a monetary penalty? Or Can the Board order the respondent to pay costs associated with the administrative proceeding? In Virginia, the answer is yes to the first question (I can provide more details) and no to the second.

West Virginia - We can only get monetary penalties or reimbursement of cost if there's a signed Consent Agreement or Final Order.

**CHAPTER 61G18-30
DISCIPLINE**

- 61G18-30.001 Disciplinary Guidelines
- 61G18-30.002 Minor Violations, Notice of Noncompliance
- 61G18-30.003 Citations
- 61G18-30.004 Time Limitation for Payment of Administrative Fine
- 61G18-30.005 Terms of Probation
- 61G18-30.006 Mediation

61G18-30.001 Disciplinary Guidelines.

(1) When the Board finds an applicant or licensee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 474.213(1), F.S., which are felonies of the third degree as well as violations of the Practice act, it shall issue a final order imposing appropriate penalties, using the following disciplinary guidelines:

(a) Practicing veterinary medicine in this State unless a person holds an active license to practice veterinary medicine pursuant to Chapter 474, F.S.

In the case of an applicant, the usual action of the Board shall be to request the Department issue a Cease and Desist Order, which will remain in effect until licensure is granted, plus an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) and, upon eligibility for licensure, imposition of up to a one (1) year probation. In the case of a non-licensed veterinarian practicing veterinary medicine in the State of Florida the Board shall request that the Department issue a Cease and Desist Order and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) plus one (1) year probation if the subject should become licensed in the State of Florida. In the case of a non-veterinarian practicing veterinary medicine in the State of Florida the board shall request that the Department issue a Cease and Desist Order and impose an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) for each count.

(b) Using the name or title “veterinarian” when the person has not been licensed pursuant to Chapter 474, F.S.

In the case of an applicant, the usual action of the Board shall be to request that the Department issue a Cease and Desist Order, which shall remain in effect until licensure is granted, and an administrative fine of one (1) thousand dollars (\$1,000.00) and, upon issuance of a license, imposition of one (1) year probation.

(c) Presenting as one’s own license the license of another.

The usual action of the Board shall be to request that the Department issue a Cease and Desist Order, and an administrative fine of five thousand dollars (\$5,000.00) and, upon issuance of licensure, imposition of one (1) year probation.

(d) Giving false or forged evidence to the Board, or a member thereof, for the purpose of obtaining a license.

In the case of an applicant, the usual action of the Board shall be denial of licensure. The usual action of the Board in the case of a licensee for a first offense shall be to impose a penalty of an administrative fine of three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of an administrative fine of five thousand dollars (\$5,000.00) and revocation of any license obtained based on false or forged evidence.

(e) Using or attempting to use a veterinarian’s license which has been suspended or revoked.

In the case of an applicant, the usual action shall be denial of licensure and to request the Department issue a Cease and Desist Order. The usual action of the Board in the case of a licensee shall be to impose revocation if the subject’s license has been suspended and an administrative fine of five thousand dollars (\$5,000.00).

(f) Knowingly employing unlicensed persons in the practice of veterinary medicine.

The usual action of the Board shall be to impose a penalty of up to one (1) year probation and an administrative fine of three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to one (1) year suspension, followed by up to two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).

(g) Knowingly concealing information relative to a violation of Chapter 474, F.S.

The usual action of the Board shall be to impose a penalty of six (6) months probation and an administrative fine of one thousand dollars (\$1,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to one (1) year probation and an administrative fine of three thousand dollars (\$3,000.00).

(h) Obtaining or attempting to obtain a license by fraud.

Revocation or denial of licensure plus an administrative fine of five thousand dollars (\$5,000.00).

(i) Selling or offering to sell a diploma conferring a degree in veterinary medicine or a license to practice veterinary medicine in this state.

An administrative fine of five thousand dollars (\$5,000.00) and revocation.

(j) Leading the public to believe that the person is licensed as a veterinarian or is engaged in the licensed practice of veterinary medicine without a valid active license.

In the case of an applicant, the usual action of the Board shall be to request the Department issue a Cease and Desist Order, which will remain in effect until licensure is granted, plus an administrative fine of two thousand dollars (\$2,000.00) and, upon eligibility for licensure, imposition of one (1) year probation. In the case of a non-licensed veterinarian the Board shall request that the Department issue a Cease and Desist Order and an administrative fine of two thousand dollars (\$2,000.00) plus one (1) year probation if the subject should become licensed in the State of Florida. In the case of a non-veterinarian the Board shall request that the Department issue a Cease and Desist Order and an administrative fine of two thousand dollars (\$2,000.00) for each count.

(k) Knowingly operating a veterinary establishment or premises without a valid premise permit.

The usual action of the Board shall be an administrative fine of two thousand dollars (\$2,000.00). The Board shall also require that a premise permit be obtained or request the Department to issue a Cease and Desist Order.

(2) When the Board finds an applicant, licensee, or permittee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 474.214(1), F.S., it shall issue a Final Order imposing appropriate penalties which are set forth in Section 474.214(2), F.S., using the following disciplinary guidelines:

(a) Attempting to procure, or procuring, a license to practice veterinary medicine or a permit to own and operate a veterinary establishment, by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board.

In the case of an applicant, the usual action of the Board shall be denial of licensure or permit. The usual action of the Board in the case of a licensee or permittee shall be to impose a penalty of revocation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00).

(b) Having a license to practice veterinary medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including any agency or subdivision thereof.

The usual action of the Board will be a penalty generally concurrent with that of the other jurisdiction with the addition of appropriate safeguards as determined by the Board.

(c) Being convicted or found guilty, regardless of an adjudication, of a crime in any jurisdiction which directly relates to the practice of veterinary medicine or the ability to practice veterinary medicine.

In the case of an applicant, the usual action of the Board shall be denial of licensure. The usual action of the Board in the case of a licensee or permittee shall be to impose a penalty ranging from an administrative fine of two thousand dollars (\$2,000.00) and up

to one (1) year probation to an administrative fine of five thousand dollars (\$5,000.00) and revocation. For a second offense, the usual action of the Board shall be to impose a penalty ranging from an administrative fine of five thousand dollars (\$5,000.00) and up to two (2) years suspension followed by two (2) years probation to an administrative fine of five thousand dollars (\$5,000.00) to revocation.

The usual action of the Board shall be to impose a penalty of one (1) year suspension followed by one (1) year probation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) per count or violation. For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of a two (2) year suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00) to revocation.

In the case of violations, which are not resolved by the Board's rule concerning minor violations, the usual action of the Board shall be to impose an administrative fine of one thousand dollars (\$1,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of two (2) years probation and an administrative fine of two thousand dollars (\$2,000.00) for each count.

The usual action of the Board shall be to impose a penalty ranging from a reprimand and an administrative fine of two thousand dollars (\$2,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose up to two (2) years suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00). In the case of a subpoena or disciplinary order, the usual action shall be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of four thousand dollars (\$4,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty ranging from up to three (3) years suspension followed by up to three (3) years probation to revocation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty consistent with paragraph (1)(a) above. In the case of a licensed veterinarian being found late in payment of renewal fees, the veterinarian shall have thirty days from receipt of official notice from the Department of Business and Professional Regulation to become current in payment of fees to the Department and pay an administrative fine of five hundred dollars (\$500.00). If the delinquent veterinarian does not respond to the Department within the above mentioned thirty days, the Board shall request that the Department issue a Cease and Desist Order, which shall remain in effect until license renewal fees and an administrative fine of one thousand dollars (\$1,000.00) are paid.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed veterinarian.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Violating a statute or administrative rule regulating practice under this chapter or Chapter 455, F.S. or a lawful disciplinary order or subpoena of the Board or the Department.

(g) Practicing with a revoked, suspended, or inactive license.

(h) Being unable to practice veterinary medicine with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition.

(i) Judicial determination of mental incompetency.

(j) Knowingly maintaining a professional connection or association with any person who is in violation of the provisions of Chapter 474, F.S., or the rules of the Board.

(k) Paying or receiving kickbacks, rebates, bonuses, or other remuneration for receiving a patient or client or for referring a patient or client to another provider of veterinary services or goods. In construing this section, the Board shall deem that a referral to an entity with which the veterinarian has a contractual relationship, for the sale of non-veterinary, non-medical pet food or pet supplies, does not constitute a kickback, so long as the client is aware of the relationship.

(l) Performing or prescribing unnecessary or unauthorized treatment.

(m) Engaging in fraud in the collection of fees from consumers or any person, agency, or organization paying fees to practitioners.

(n) Attempting to restrict competition in the field of veterinary medicine other than for the protection of the public.

(o) Fraud, deceit, negligence, incompetency, or misconduct in the practice of veterinary medicine.

The usual action of the Board shall be to impose a penalty of suspension until such time as the licensee demonstrates rehabilitation followed by probation under such terms and conditions as set by the Board. If the individual is an applicant, the usual action shall be to deny the application.

The usual action of the Board shall be to impose a penalty of suspension or denial of licensure until there is a legal restoration of the licensee's competency to be followed by probation under such terms and conditions as set by the Board.

The usual action of the Board shall be to impose a penalty of an administrative fine of three thousand dollars (\$3,000.00) and one (1) year probation. For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of an administrative fine of five thousand dollars (\$5,000.00) and up to two (2) years probation.

The usual action of the Board for those violations not disposed of by the Board's rule concerning minor violations shall be to impose a penalty of a one (1) year probation and an administrative fine of one thousand dollars (\$1,000.00) for each count. For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of two (2) years probation and an administrative fine of two thousand dollars (\$2,000.00) for each count.

The usual action of the Board shall be to impose a penalty ranging from a reprimand to one (1) year probation and an administrative fine up to two thousand dollars (\$2,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty ranging from a reprimand to two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by one (1) year probation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose two (2) years suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of one (1) year probation and an administrative fine of two thousand dollars (\$2,000.00). For a second or subsequent offense, and revocation of the veterinarian's license to practice in the State of Florida.

The usual action of the Board shall be to impose a penalty ranging from one (1) year probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00).

(p) Being convicted of a charge of cruelty to animals.

(q) Permitting or allowing another to use a veterinarian's license for the purpose of treating or offering to treat sick, injured, or afflicted animals.

(r) Being guilty of incompetence or negligence by failing to practice veterinary medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions and circumstances.

(s) Willfully making any misrepresentations in connection with the inspection of food for human consumption.

(t) Fraudulently issuing or using any false health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine relating to the presence or absence of animal diseases or transporting animals or issuing any false certificate relating to the sale of products of animal origin for human consumption.

(u) Engaging in fraud or dishonesty in applying, treating, or reporting on tuberculin, diagnostic, or other biological tests.

(v) Failing to keep the equipment and premises of the business establishment in a clean and sanitary condition or having a premise permit suspended or revoked pursuant to Section 474.215, F.S.

For a second or subsequent offense, an administrative fine of five thousand dollars (\$5,000.00) and revocation of the veterinarian's license to practice in the State of Florida.

The usual action of the Board shall be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of four thousand dollars (\$4,000.00). For a second or subsequent offense, an administrative fine of five thousand dollars (\$5,000.00) and revocation.

The usual action of the Board shall be to impose a penalty of up to one (1) year suspension followed by up to one (1) year probation and an administrative fine of three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00)

The usual action of the Board shall be to impose a penalty of one (1) year probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to one (1) year suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of up to one (1) year suspension followed by one (1) year probation and an administrative fine of four thousand dollars (\$4,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of ranging from up to one (1) year suspension followed by one (1) year probation an administrative fine of three thousand dollars (\$3,000.00) and revocation. For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of an administrative fine of five thousand dollars (\$5,000.00) and revocation.

The usual action of the Board shall be to impose a penalty of ranging from up to one (1) year suspension followed by one (1) year probation to revocation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose an administrative fine of five thousand dollars (\$5,000.00) and revocation.

The usual action of the Board shall be to suspend the premise permit until compliance with requirements followed by up to one (1) year probation and an administrative fine from one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00). For a second or

(w) Practicing veterinary medicine at a location for which a valid premise permit has not been issued when required under Section 474.215, F.S.

(x) Refusing to permit the Department to inspect the business premises of the licensee during regular business hours.

(y) Using the privilege of ordering, prescribing, or making available medicinal drugs or drugs defined in Chapter 465, F.S., or controlled substances as defined in Chapter 893, F.S., for use other than for the specific treatment of animal patients for which there is a documented veterinarian/client/patient relationship. Pursuant thereto, the veterinarian shall:

1. Have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian is personally acquainted with the keeping and the caring of the animal and has recent contact with the animal or has made medically appropriate and timely visits to the premises where the animal is kept.
2. Be available to provide for follow up care and treatment in case of adverse reactions or failure of the regimen of therapy.
3. Maintain records which document patient visits, diagnosis, treatment, and other relevant information required under this chapter. The documented patient/client/veterinarian relationship

subsequent offense, the usual action of the Board shall be to suspend the premise permit until compliance with requirements followed by up to three (3) years probation to revocation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose an administrative fine of one thousand dollars (\$1,000.00) penalty and to require remedial education. The Board shall also require that a premise permit be obtained or the Department shall be requested to issue a Cease and Desist Order. For a second or subsequent offense, the usual action of the Board shall be to impose an administrative fine of three thousand dollars (\$3,000.00).

The usual action of the Board shall be to impose a penalty of an administrative fine of two thousand dollars (\$2,000.00), unless circumstances legally

justify such action by the veterinarian and/or request that the Department issue a Cease and Desist Order. For a second or subsequent offense, the usual action of the Board shall be to impose an administrative fine of five thousand dollars (\$5,000.00).

For violations involving medicinal drugs or drugs defined in Chapter 465 F.S., the usual action of the Board shall be to impose a penalty ranging from a reprimand up to one (1) year suspension followed by one (1) year probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00). For violations involving controlled substances as defined in Chapter 893, F.S., the usual action of the Board shall be to impose a penalty of two (2) year suspension to revocation and an administrative fine of four thousand dollars (\$4,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose an administrative fine of five thousand dollars (\$5,000.00) and revocation.

cited in Section 474.214, F.S. is herein defined as a veterinarian's record of a client's animal which documents that the veterinarian has seen the animal in a professional capacity within a period of 12 months or less.

(z) Providing, prescribing, ordering, or making available for human use medicinal drugs or drugs as defined in Chapter 465, F.S., controlled substances as defined in Chapter 893, F.S., or any material, chemical, or substance used exclusively for animal treatment.

(aa) Failing to report to the Department any person the licensee knows to be in violation of Chapter 474, F.S., or the rules of the Board or Department.

(bb) Violating any of the requirements of Chapter 499, F.S., the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 seq., the Comprehensive Drug Abuse Prevention and Control Act of 1970, more commonly known as the Federal Drug Abuse Act; or Chapter 893, F.S.

(cc) Failing to provide adequate radiation safeguards.

(dd) Failing to perform any statutory or legal obligation placed upon a licensee.

(ee) Failing to keep contemporaneously written medical records as required by rule of the Board.

(ff) Prescribing or dispensing legend drug as defined in Chapter 465, F.S., including any controlled substance, inappropriately or in excessive or inappropriate quantities.

For violations involving medicinal drugs or drugs defined in Chapter 465, F.S., the usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by two (2) years probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of three (3) years suspension followed by three (3) years probation up to an administrative fine of five thousand dollars (\$5,000.00) and revocation. For violations involving controlled substances as defined in Chapter 893, F.S., the usual penalty will be revocation and an administrative fine up to five thousand dollars (\$5,000.00).

The usual action of the Board shall be issuance of a reprimand and an administrative fine of up to one thousand dollars (\$1,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to one (1) year probation and an administrative fine up to three thousand dollars (\$3,000.00).

The usual action of the Board shall be to impose a penalty of up to two (2) years probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be up to two (2) years suspension followed by three (3) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be issuance of a reprimand plus the violator must pay cost of investigation and provide proof of compliance with the rule.

The usual action of the Board shall be a penalty ranging from the issuance of a reprimand and an administrative fine of one thousand dollars (\$1,000.00) up to revocation and an administrative fine of up to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of a reprimand to revocation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be issuance of a reprimand and up to one (1) year probation, and an administrative fine of up to two thousand dollars (\$2,000.00). For a second or subsequent offense, the usual action of the Board shall be a penalty of two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) and up to two (2) years probation. For a second or subsequent offense, the usual action of the Board

(gg) Practicing or offering to practice beyond the scope permitted by law.

(hh) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(ii) Presigning blank prescription forms.

(jj) Failing to report to the Board within 30 days, in writing, any action set forth in paragraph (b) that has been taken against the practitioner's license to practice veterinary medicine by any jurisdiction, including any agency or subdivision thereof.

(kk) Aiding or assisting another person in violating any provision of this Chapter or any rule adopted pursuant thereto.

(ll) Failing to respond within 60 days after receipt of a request to provide satisfactory proof of having satisfactory proof of having participated in approved continuing education programs.

(mm) Failing to maintain accurate records or reports as required by this chapter or by federal or

Board shall be to impose a penalty of up to one (1) year suspension followed by three (3) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be issuance of a reprimand up to one (1) year probation, and an administrative fine from one thousand dollars (\$1,000.00) to three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be two (2) years probation and an administrative fine of up to five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of an administrative fine from one thousand five hundred dollars (\$1,500.00) to three thousand dollars (\$3,000.00) and up to one (1) year probation.

For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to one (1) year suspension followed by up to two (2) years probation to revocation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty ranging from up to one (1) year suspension of the veterinarian's license followed by up to one (1) year probation to revocation and an administrative fine of up to two thousand dollars (\$2,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation to revocation and an administrative fine up to five thousand dollars (\$5,000.00).

The usual action of the Board shall be the issuance of a reprimand and an administrative fine from one thousand dollars (\$1,000.00) to three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be the issuance of a reprimand and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty from one (1) to three (3) years probation and an administrative fine from one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by up to three (3) years probation to revocation and an administrative fine of up to five thousand dollars (\$5,000.00).

The usual action of the Board shall be suspension until the Board receives acceptable response to the request and an administrative fine from one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be suspension until the Board receives an acceptable response to the request and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be an administrative fine from one thousand five hundred dollars (\$1,500.00) to five thousand

state laws or rules pertaining to the storing, labeling, selling, dispensing, prescribing, and administering of controlled substances.

(nn) Failing to report a change of address to the Board within 60 days thereof.

(oo) Failure of the responsible veterinarian or permittee to report a change of premises ownership or responsible veterinarian within 60 days thereof.

(pp) Failing to give the owner of a patient, before dispensing any drug, a written prescription when requested.

(3) When the Board finds an applicant, licensee, or permittee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 455.227(1), F.S., it will issue a Final Order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

(a) Misleading, deceptive, untrue, or fraudulent representations in the practice of veterinary medicine.

(b) Intentionally violating any rule adopted by the Board or the Department.

(c) Being convicted of a felony which relates to the practice of veterinary medicine.

(d) Being adjudicated mentally incompetent.

(e) The license has been obtained by fraud or material misrepresentation of a material fact.

(f) Use of a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules promulgated pursuant to Section 501.122(2), F.S., governing the registration of such devices with the Department

dollars (\$5,000.00) and up to two (2) years probation. For a second or subsequent offense, the usual action of the Board shall be up to three (3) years probation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00).

The usual action of the Board shall be an administrative fine of one thousand dollars (\$1,000.00). For a second or subsequent offense, the usual action of the Board shall be an administrative fine of three thousand dollars (\$3,000.00)

The usual action of the Board shall be an administrative fine of one thousand dollars (\$1,000.00). For a second or subsequent offense, the usual action of the Board shall be an administrative fine of three thousand dollars (\$3,000.00).

The usual action of the Board shall be an administrative fine of two thousand dollars (\$2,000.00). For a second or subsequent offense, the usual action of the Board shall be an administrative fine from three thousand dollars to five thousand dollars (\$5,000.00).

The usual action of the Board will be to impose a penalty ranging from up to one (1) year suspension followed by one (1) year probation and an administrative fine of up to two thousand dollars (\$2,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be a penalty of up to two (2) years suspension followed by up to two (2) years probation to revocation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00).

The usual action of the Board will be to impose a penalty ranging from the issuance of a reprimand and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be a penalty ranging from up to one (1) year probation to revocation and an administrative fine from three thousand dollars to five thousand dollars (\$5,000.00).

The usual action of the Board will be revocation and an administrative fine of up to five thousand dollars (\$5,000.00).

The usual action of the Board will be consistent with paragraph (2)(j) above.

The usual action of the Board will be revocation of the license and an administrative fine of up to five thousand dollars (\$5,000.00).

The usual action of the Board will be an administrative fine of up to three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be an administrative fine of five thousand dollars (\$5,000.00).

of Health and Rehabilitation.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee.

(h) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

(i) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

The usual action of the Board will be to impose a penalty ranging from the issuance of a reprimand up to two (2) years suspension followed by up to two (2) years probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to three (3) years suspension followed by up to three (3) years probation to revocation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00).

The usual action of the Board will be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of up to three thousand dollars (\$3,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty ranging from up to three (3) years suspension followed by three (3) years probation to revocation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board will be up to two (2) years suspension followed by up to two (2) years probation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be up to three (3) years suspension followed by up to three (3) years probation to revocation and an administrative fine of five thousand dollars (\$5,000.00).

(4) Based upon consideration of aggravating or mitigating factors present in an individual case, the Board may deviate from the penalties recommended in subsections (1), (2) and (3) above. The Board shall consider as aggravating or mitigating factors the following:

- (a) The danger to the public;
- (b) The length of time since the violation;
- (c) The number of times the licensee has been previously disciplined by the Board;
- (d) The length of time licensee has practiced;
- (e) The actual damage, physical or otherwise, caused by the violation;
- (f) The deterrent affect of the penalty imposed;
- (g) The affect of the penalty upon the licensee's livelihood;
- (h) Any effort of rehabilitation by the licensee;
- (i) The actual knowledge of the licensee pertaining to the violation;
- (j) Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;
- (k) Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;

- (l) Actual negligence of the licensee pertaining to any violation;
- (m) Penalties imposed for related offenses under subsections (1), (2) and (3) above;
- (n) Pecuniary benefit or self-gain enuring to licensee;
- (o) Any other relevant mitigating or aggravating factors under the circumstances.

(5) Penalties imposed by the Board pursuant to subsections (1), (2) and (3) above may be imposed in combination or individually, and are as follows:

- (a) Issuance of a reprimand;

- (b) Imposition of an administrative fine not to exceed five thousand dollars (\$5,000.00) for each count or separate offense;
 - (c) Restriction of the authorized scope of practice;
 - (d) Placement of the licensee on probation for a period of time and subject to such conditions as the Board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee;
 - (e) Suspension of a license;
 - (f) Revocation of a license;
 - (g) Denial of an application for licensure or a permit to own and operate a veterinary establishment; and
 - (h) The taking and passing of a clinical competency specialty examination.
- (6) The provisions of subsections (1) through (5) above are not intended and shall not be construed to limit the ability of the Board to informally dispose of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(3), F.S.
- (7) The provisions of subsections (1) through (5) above are not intended and shall not be construed to limit the ability of the Board to pursue or recommend the Department pursue collateral civil or criminal actions when appropriate.

Rulemaking Authority 455.2273(1), 474.206 FS. Law Implemented 455.2273, 474.213, 474.214 FS. History—New 12-8-86, Amended 5-27-91, Formerly 21X-30.001, Amended 8-18-94, 5-13-96, 2-18-01, 7-20-03, 7-30-06, 8-20-09, 2-24-14.

61G18-30.002 Minor Violations, Notice of Noncompliance.

- (1) In accordance with Section 455.225(3), F.S., and in lieu of a formal disciplinary proceeding when a complaint of first time minor violation is received, the Department may provide a licensee with a notice of noncompliance. Failure of a licensee to take action in correcting the violation within the 15 days after notice may result in the institution of regular disciplinary proceedings.
- (2) A notice of noncompliance may be issued when there has been no economic or physical harm to a person; when the public health, safety or welfare has not been endangered and when there is no evidence or allegation of deliberate deception.
- (3) A first time offense of the following violations may be disposed by a notice of noncompliance:
- (a) False, deceptive or misleading advertising in violation of Section 474.214(1)(e), F.S., or Rule 61G18-21.001, F.A.C., so long as the veterinarian has received no compensation for services sought by the client as the result of the advertising or if compensation has been received, so long as it has been returned to the client;
 - (b) Failure to include in an advertisement for free or discounted services the statement required by Section 455.24, F.S.;
 - (c) Failure to display a license, premises permit or mobile clinic permit as required by Section 474.216, F.S.
 - (d) Practicing veterinary medicine with a delinquent license for less than 90 days.
 - (e) Operating a veterinary establishment without a premises permit for less than 60 days.
 - (f) Failure to notify board of a change in responsible veterinarian within 30 days.
 - (g) Failure to report a change of address to the Board within 90 days.
- (4) A second or subsequent offense shall result in the issuance of a citation pursuant to Rule 61G18-30.003, F.A.C., if available, or disciplinary proceedings pursuant to Section 455.225, F.S. In cases where more than two (2) of these offenses are present, disciplinary proceedings pursuant to Section 455.225, F.S., shall be instituted.

Rulemaking Authority 474.206, 455.225(3) FS. Law Implemented 455.225(3) FS. History—New 5-9-90, Formerly 21X-30.002, Amended 12-30-97.

61G18-30.003 Citations.

- (1) Definitions.
- (a) “Citation” means an instrument which meets the requirements set forth in Section 455.224, F.S., and which is served upon a subject for the purpose of assessing a penalty in an amount established by this rule;
 - (b) “Subject” means the licensee, trainee, or applicant alleged to have committed a violation designated in this rule.
- (2) In lieu of the disciplinary procedures contained in Section 455.225, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.
- (3) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 455.225, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 455.225, F.S., shall apply.

(4) Pursuant to Section 455.224, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. The Board hereby designates the following as citation violations which shall result in a penalty of five hundred dollars (\$500.00) unless otherwise noted:

(a) False, deceptive or misleading advertising in violation of Section 474.214(1)(e), F.S., or Rule 61G18-21.001, F.A.C., so long as the veterinarian has received no compensation for services sought by the client as the result of the advertising or if compensation has been received, so long as it has been returned to the client;

(b) Failure to include in an advertisement for free or discounted services the statement required by Section 455.24, F.S.;

(c) Failure to display a license, premises permit or mobile clinic permit as required by Section 474.216, F.S.

(d) Practicing veterinary medicine or operating a veterinary establishment when the license has become delinquent.

(e) Failure to notify the Board of a change in responsible veterinarian.

(f) Failure to obtain or complete the continuing education required for licensure renewal within the biennium.

1. If the licensee responds to the audit letter and the required continuing education hours were not completed prior to the end of the biennium, but the licensee provides proof of completion within 60 days of receipt of initial audit letter, the licensee shall be issued a Notice of Non-compliance. These hours shall not be used for license renewal during the biennium in which they were earned.

2. If the licensee responds to the audit but cannot provide proof that the required continuing education hours were completed, the licensee will be issued a citation in the amount of \$250. The licensee shall be required to complete the hours needed within 6 months of the date of issuance of the citation. These hours shall not be used for license renewal during the biennium in which they were earned.

3. If the licensee fails to respond to the continuing education audit the licensee will be issued a citation in the amount of \$500. The licensee shall be required to complete the hours needed within 6 months of the date of issuance of the citation. These hours shall not be used for license renewal during the biennium in which they were earned.

4. If a licensee responds to the continuing education audit with an explanation and documentation of an illness or hardship which prevented them from completing the required continuing education within the biennium the Board, or the Board Chair when delegated by the Board, may grant up to a 6 month extension during which the licensee shall be required to complete the hours needed. These hours shall not be used for license renewal during the biennium in which they were earned.

(g) Signing and distributing to others invalid or incomplete official certificates of veterinary inspection for the intrastate sale of dogs or cats.

(h) Operating a veterinary establishment without a premises permit for more than 60 days but less than one year. The fine shall be \$100 per month, to a maximum of \$1,200.

(5) Prior to issuance of the citation, the Department must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety, and welfare, such potential for harm must be removed prior to issuance of the citation.

(6) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions of Chapter 119, F.S. The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to Rule 61G18-30.001, F.A.C.

(7) The Board of Veterinary Medicine shall, at the end of each calendar quarter, promulgate a report of the citations issued which report shall contain the name of the subject, the violation, fine imposed, whether the subject complied with the citation upon it becoming a final order, and the number of subjects who chose to follow the procedures of Section 455.224, F.S.

Rulemaking Authority 455.224, 474.206 FS. Law Implemented 455.224 FS. History—New 1-1-92, Formerly 21X-30.003, Amended 7-4-95, 5-13-96, 2-17-02, 6-16-14, 12-30-14, 6-30-16.

61G18-30.004 Time Limitation for Payment of Administrative Fine.

In cases where the Board imposes an administrative fine and costs for a violation of Chapter 455 or 474, F.S., or the rules promulgated pursuant thereunder, the fine or costs shall be paid within thirty (30) days from the date the order of the Board is filed.

Rulemaking Authority 455.227(2), 474.206 FS. Law Implemented 455.227(2) FS. History—New 8-16-94.

61G18-30.005 Terms of Probation.

Any licensee determined to have violated the provisions of Chapter 474, F.S., may be ordered to serve probationary terms including any or all of the following:

(1) Probationer's license may be suspended for a period of time set by the Board, the suspension may be stayed so long as the licensee complies with the terms of probation established.

(2) The licensee may be placed on probation for a period of time set by the Board. Any deviation from the requirements of the probation without prior written consent of the Board shall constitute a violation of probation. The probationary period shall automatically terminate at the end of the prescribed time, but only if all terms and conditions have been met. Otherwise, the probation shall be terminated only by order of the Board upon proper petition of the licensee, supported by evidence of compliance with the Final Order.

(3) The licensee's probation may be subject to the following terms and conditions:

(a) Probationer shall comply with all state statutes and rules pertaining to the practice of Veterinary Medicine Chapters 455 and 474, F.S., and Rule Chapter 61G18, F.A.C.

(b) Probationer shall appear before the Board at the first meeting after the probation commences, at the last meeting of the Board preceding termination of probation, and at such other times as requested by the Board.

(c) In the event Probationer leaves the State of Florida for a period of thirty days or more, or otherwise does not engage in practice in Florida, Probationer's probation shall be tolled and shall remain in a tolled status until Probationer returns to active practice in the State of Florida, at which time the probationary status shall resume. Probationer must keep current residence and business address on file with the Board. Probationer shall notify the Board within ten (10) days of any changes of said addresses.

(d) Probationer shall practice only under the supervision of a veterinarian fully licensed under Chapter 474, F.S., to be approved by the Board or its designee. Probationer shall have the supervising veterinarian with the Probationer at the Probationer's first probation appearance before the Board. Prior to approval of the supervising veterinarian by the Board or its designee, the Probationer shall provide to the supervising veterinarian a copy of the administrative complaint filed in this case. A failure of the Probationer or the supervising veterinarian to appear at the scheduled Board meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the supervising veterinarian by the Board or its designee, Probationer shall submit to the Board or its designee a current curriculum vitae and description of the current practice from the proposed supervising veterinarian. Said materials shall be received in the Board office no later than fourteen (14) days before Probationer's first scheduled probation appearance. Probationer shall be responsible for ensuring that the supervising veterinarian submits the required reports. The responsibilities of the supervising veterinarian shall include:

1. Submit quarterly reports in affidavit form which shall include:

a. Brief statement of why Probationer is on probation.

b. Description of Probationer's practice.

c. Brief statement of Probationer's compliance with terms of probation.

d. Brief statement of Probationer's relationship with supervising veterinarian.

e. Detail any problems which may have arisen with Probationer.

2. Review a percentage of Probationer's patient records selected on a random basis at least once every two (2) weeks.

3. Review all patient records treated for/with certain conditions.

4. Consult with Probationer on all cases involving specified conditions.

5. Review Probationer's use of pharmaceutical agents.

6. Report to the Board any violations by the Probationer of Chapters 455, 893, and 474, F.S., and the rules promulgated pursuant thereto.

(e) Probationer shall submit quarterly reports in affidavit form to the Board. The reports shall include:

1. Brief statement of why Probationer is on probation.

2. Practice location.

3. Description of current practice stating type and composition.

4. Brief statement of compliance with probationary terms.

5. Description of relationship with the supervising veterinarian.

6. Description of any problems.

7. Certified copies of a number of patient records of patients examined or treated by the Probationer within the previous sixty

(60) days with all identification of patient suitably obliterated.

(f) Probationer shall obtain a number of Continuing Education credits in specific areas, within a number of months/year(s), in addition to those hours required for renewal of licensure.

(g) Probationer shall see a psychiatrist, psychologist or psychotherapist approved by the Board or its designee at least the specified number of visits for evaluations and treatment.

(h) Probationer shall comply with the requirements of the PRN program and shall provide releases to medical records sufficient to satisfy state and federal laws.

(4) Probationer shall pay an administrative fine or costs in the amount set by the Board, said fine to be paid or costs to the Board within a certain number of days of the effective date of the Final Order.

Rulemaking Authority 455.2273 FS. Law Implemented 455.2273 FS. History—New 1-18-95, Amended 3-20-95.

61G18-30.006 Mediation.

(1) “Mediation” means a process whereby a mediator appointed by the department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) The board finds that mediation is an acceptable method of dispute resolution for the following violations as they are economic in nature or can be remedied by the licensee:

- (a) Failure for the licensee to timely pay any assessed administrative fines or costs;
- (b) Failure of the licensee to timely respond to a continuing education audit.

Rulemaking Authority 455.2235 FS., as amended by Chapter 94-119, Laws of Florida. Law Implemented 455.2235 FS., as amended by Chapter 94-119, Laws of Florida. History—New 1-5-95.

Iowa - Attachment #2

CHAPTER 10
DISCIPLINE

[Prior to 2/8/89, see Veterinary Medicine, Board of[842] Ch 6]

811—10.1(17A,169,272C) Board authority. The board may discipline any credential holder for any grounds stated in Iowa Code chapters 169 and 272C or rules promulgated thereunder.

811—10.2(17A,169,272C) Complaints and investigations. Complaints are allegations of wrongful acts or omissions relating to the ethical or professional conduct of a credential holder.

10.2(1) In accordance with Iowa Code section 272C.3(1)“c,” the board shall investigate or review, upon written complaint or upon its own motion pursuant to other information received by the board, alleged acts or omissions which the board reasonably believes constitute cause for credential holder discipline.

10.2(2) The executive secretary or authorized designee shall investigate complaints in order to determine the probability that a violation of law or rule has occurred.

811—10.3(17A,169,272C) Investigatory subpoena powers. The board shall have the authority to issue an investigatory subpoena in accordance with the provisions of Iowa Code section 17A.13.

10.3(1) A subpoena which requires production of real evidence that is necessary to an investigation may be issued upon the authority of the executive secretary or a designee.

10.3(2) Any person who is aggrieved or adversely affected by compliance with the subpoena and who desires to challenge the subpoena must, within 14 days after the service of the subpoena or before the time specified for compliance if such time is less than 14 days, file with the board a motion to quash or modify the subpoena. The motion shall describe the legal reasons why the subpoena should be quashed or modified and may be accompanied by legal briefs or factual affidavits.

10.3(3) In the event obedience to a subpoena is refused, the requesting party may petition the district court for enforcement.

811—10.4(17A,169,272C) Board action. The board shall review investigative conclusions and take one of the following actions:

1. Close the investigative case without action.
2. Request further inquiry.
3. Appoint a peer review committee to assist with the investigation.
4. Determine the existence of sufficient probable cause and order a disciplinary hearing to be held in compliance with Iowa Code section 272C.6.

811—10.5(17A,169,272C) Peer review committee. The board may establish a peer review committee to assist with the investigative process when deemed necessary.

10.5(1) The committee shall determine if the conduct of the credential holder conforms to minimum standards of acceptable and prevailing practice of veterinary medicine or other applicable standards and submit a report of its findings to the board.

10.5(2) The board shall review the committee’s findings and proceed with action available under rule 10.4(17A,169,272C).

10.5(3) The peer review committee shall observe the confidentiality requirements imposed by Iowa Code section 272C.6.

811—10.6(17A,169,272C) Grounds for discipline. Without regard as to whether the board has determined that an injury has occurred, the board may impose any of the disciplinary sanctions set forth in rule 10.7(17A,169,272C), including civil penalties in an amount not to exceed \$10,000, when the board determines that the credential holder is guilty of any of the following acts or offenses:

10.6(1) *Grounds applicable to all credential holders.*

a. Fraud in procuring a credential, which includes but is not limited to an intentional perversion of the truth in making application for a credential to practice any of the professions or activities regulated

by the board in this state, and includes false representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a credential in this state, or attempting to file or filing with the board or the Iowa department of agriculture and land stewardship any false or forged diploma, certificate, affidavit, identification, or qualification in making an application for a credential in this state.

b. Credential holder professional incompetency. Professional incompetency of a credential holder may be established by:

(1) A substantial lack of knowledge or ability to discharge professional obligations within the scope of the credential holder's practice.

(2) A substantial deviation by the credential holder from the standards of learning or skill ordinarily possessed and applied by other credential holders acting in the same or similar circumstances.

(3) A willful or repeated departure from or the failure to conform to the minimal standards of acceptable and prevailing practice of credential holders.

(4) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public.

1. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession includes, but is not limited to, an intentional perversion of the truth, either orally or in writing, and includes any representation contrary to legal or equitable duty, trust or confidence and is deemed by the board to be contrary to good conscience, prejudicial to the public welfare or may operate to the injury of another.

2. Practice harmful or detrimental to the public includes, but is not limited to, the failure of a credential holder to possess and exercise that degree of skill, learning and care expected of a reasonable, prudent credential holder acting in the same or similar circumstances, including for a veterinarian a violation of the standards of practice as set out in 811—Chapter 12, or when a credential holder is unable to practice with reasonable skill and safety on a client's animals as a result of a mental or physical impairment or chemical abuse.

(5) Habitual intoxication or addiction to the use of drugs, which includes, but is not limited to, the inability of a credential holder to practice with reasonable skill and safety by reason of the excessive use of alcohol, drugs, narcotics, chemicals or other types of material on a continuing basis, or the excessive use of alcohol, drugs, narcotics, chemicals or other types of material which may impair a credential holder's ability to practice with reasonable skill and safety. The board may require a credential holder's completion of a treatment program as a condition of probation or suspension, and shall consider the credential holder's willingness to complete a treatment program when determining the appropriate degree of disciplinary sanction.

(6) Conviction of a felony which is either of the following:

1. One that is related to the credential holder's profession or occupation; or

2. One that would affect the credential holder's ability to practice within the profession.

Conviction of a felony related to the profession or occupation of the credential holder or the conviction of any felony that would affect the credential holder's ability to practice within the profession includes, but is not limited to, the conviction of a public offense in the practice of the credential holder's profession which is defined or classified as a felony under state or federal law, or violation of a statute or law designated as a felony in this state, another state, or the United States, which statute or law relates to the credential holder's profession or conviction of a felonious act, which is so contrary to honesty, justice or good morals, and so reprehensible as to violate the public confidence and trust imposed upon a credential holder in this state. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

(7) Fraud in representations as to skill or ability, which includes but is not limited to a credential holder's having made misleading, deceptive or untrue representations as to the credential holder's competency to perform professional services for which the credential holder is not qualified to perform by training or experience.

(8) Use of untruthful or improbable statements in advertisements, which includes but is not limited to an action by a credential holder in making information or intention known to the public which is false,

deceptive, misleading or promoted through fraud or misrepresentation and includes statements which may consist of, but not be limited to:

1. Inflated or unjustified expectations of favorable results;
2. Self-laudatory claims that imply that the credential holder engaged in a field or specialty of practice for which the credential holder is not qualified. A veterinarian is not qualified to claim or imply specialization unless the veterinarian is a member in good standing of the respective specialty board or college recognized by the AVMA;

3. Representations that are likely to cause the average person to misunderstand; or
4. Extravagant claims or claims of extraordinary skills not recognized by the credential holder's profession.

(9) Willful or repeated violations of the provisions of Iowa Code chapters 169 and 272C and rules promulgated thereunder by the board.

(10) Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of veterinary medicine.

(11) Failure to report a license, certificate, permit, or other credential revocation, suspension or other disciplinary action taken by a licensing or regulating authority of another state, territory or country within 30 days of the final action by such licensing or regulating authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, such report shall be expunged from the records of the board.

(12) Failure of a credential holder or an applicant for a credential in this state to report, within 30 days, any of the following:

1. Any settlement agreement or voluntary agreement to restrict the practice of veterinary medicine or other applicable activities entered into in another state, district, territory or country; or
2. Any adverse judgment in a malpractice action to which the credential holder is a party; or
3. Any settlement of a claim against the credential holder alleging malpractice.

(13) Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice veterinary medicine.

(14) Inability to perform duties for which a credential is required with reasonable skill and safety by reason of a mental or physical impairment.

(15) Violating a lawful order of the board previously entered by the board in a disciplinary hearing.

(16) Being adjudged mentally incompetent by a court of competent jurisdiction. Such adjudication shall automatically suspend a credential for the duration of the credential unless the board orders otherwise.

(17) Knowingly submitting a false report of continuing education or failure to submit the triennial report of continuing education.

(18) Failure to comply with a subpoena issued by the board.

(19) Willful or gross negligence.

(20) Obtaining any fee by fraud or misrepresentation.

(21) Violating any of the grounds for the revocation or suspension of a credential as listed in Iowa Code section 169.13 or these rules.

(22) Noncompliance with the college student aid commission in regard to repayment of student financial aid obligations. The board shall suspend or revoke a credential upon receipt of a certificate of noncompliance from the college student aid commission according to the procedures set forth in Iowa Code chapter 261. In addition to the procedures contained therein, the following shall apply:

1. The notice required by Iowa Code section 261.126 shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the applicant or credential holder may accept service personally or through authorized counsel.

2. The effective date of revocation or suspension of a credential, as specified in the notice required by Iowa Code section 261.126, shall be 60 days following service of the notice upon the credential holder.

3. The board's executive secretary is authorized to prepare and serve the notice required by Iowa Code section 261.126 and is directed to notify the credential holder that the credential will be suspended, unless the credential is already suspended on other grounds. In the event a credential is under suspension, the executive secretary shall notify the credential holder of the board's intention to revoke the credential.

4. Credential holders shall keep the board informed of all court actions and all college student aid commission actions taken under or in connection with Iowa Code chapter 261 and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 261.127, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the college student aid commission.

5. All board fees required for renewal or reinstatement must be paid by the applicant or credential holder, and all continuing education requirements must be met before a credential will be renewed or reinstated after the board has denied the renewal or reinstatement of a credential pursuant to Iowa Code chapter 261.

6. In the event a credential holder timely files a district court action following service of a board notice pursuant to Iowa Code sections 261.126 and 261.127, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the renewal or reinstatement of a credential, the board shall count the number of days before the court action was disposed of by the court.

7. The board shall notify the credential holder in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a credential and shall similarly notify the applicant when the credential is reinstated following the board's receipt of a withdrawal of the certificate of noncompliance.

(23) Having the person's certificate, license, permit, or other credential revoked or suspended, or having any other disciplinary action taken by a licensing or regulating authority of another state, territory, country, or the United States Department of Agriculture (USDA), or having the veterinarian's USDA accreditation revoked, suspended or other disciplinary action taken against the accreditation. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive evidence of the credential holder's having committed one of the following actions:

1. Permitting or directing any auxiliary personnel or any other person who does not hold the proper credentials to perform veterinary duties involving diagnosis, prescription or surgery, except as allowed pursuant to rule 811—8.5(169);

2. Permitting or directing any auxiliary personnel or any other person to perform any act which would be a legal or ethical violation if committed by a veterinarian;

3. Failing to comply with a lawful child support order as provided in 811—Chapter 13; or

4. Failing to pay any hearing fees and costs within the time specified in the board's decision;

10.6(2) *Grounds applicable to licensed veterinarians only.* In addition to the grounds set out in subrule 10.6(1), without regard as to whether the board has determined that injury has occurred, a licensed veterinarian is subject to disciplinary action for the violation of any of the following:

a. Engaging in unethical conduct which includes, but is not limited to, a violation of the standards of practice as set out in 811—Chapter 12, and which may include acts or offenses in violation of the AVMA Principles of Veterinary Medical Ethics.

b. Engaging in practice harmful or detrimental to the public which includes, but is not limited to, either of the following:

(1) The use of a rubber stamp to affix a signature to a prescription. A licensee who is unable, due to a physical disability, to make a written signature or mark may substitute in lieu of a signature a rubber stamp which is adopted by the disabled person for all purposes requiring a signature and which is affixed by the disabled person or affixed by another person upon the request of the disabled person and in the licensee's presence.

(2) The practice of maintaining any presigned prescription which is intended to be completed and issued at a later time.

c. Willfully or repeatedly departing from, or failing to conform to, the minimal standard of acceptable and prevailing practice of veterinary medicine which includes, but is not limited to, a violation of the standards of practice as set out in 811—Chapter 12; or committing an act contrary to honesty, justice or good morals, whether the act is committed in the course of practice or otherwise, and whether the act is committed within or without this state, where such act substantially relates to the practice of veterinary medicine. It is not necessary for grounds to exist under this paragraph that actual injury to a patient be established.

d. Indiscriminately or promiscuously prescribing, administering or dispensing any drug; or prescribing, administering or dispensing any drug for other than a lawful purpose.

e. Negligently failing to exercise due care in the delegation of veterinary services to or in supervision of employees or other individuals, whether or not injury results.

811—10.7(17A,169,272C) Sanctions. The board has authority to impose the following disciplinary sanctions:

1. Revoke a credential.
2. Suspend a credential until further order of the board or for a specified period.
3. Prohibit permanently, until further order of the board or for a specified period, the engaging in specified procedures, methods or acts.
4. Impose a period of probation.
5. Require additional education or training.
6. Require a reexamination.
7. Order a physical or mental examination.
8. Impose civil penalties not to exceed \$10,000.
9. Issue a citation and warning.
10. Impose such other sanctions allowed by law as may be appropriate.

811—10.8(17A,169,272C) Panel of specialists. The board may appoint a panel of veterinarians who are specialists to ascertain the facts of a case pursuant to Iowa Code section 272C.6(2). The board chairperson or designee shall appoint the presiding officer.

10.8(1) The executive secretary shall set the date, time, and location of the hearing and make proper notification to all parties.

10.8(2) The panel of specialists shall:

- a.* Enter into the record the names of the presiding officer, members of the panel, the parties and their representatives.
- b.* Enter into the record the notice and evidence of service, order for hearing, statement of charges, answer, if available, and any other pleadings, motions or orders.
- c.* Receive opening statements from the parties.
- d.* Receive evidence, in accordance with Iowa Code section 17A.14, on behalf of the state of Iowa and on behalf of the credential holder.
- e.* Question the witnesses.
- f.* Receive closing statements from the parties.
- g.* Determine the findings of fact by a majority vote and make a written report of its findings to the board within a reasonable period.

811—10.9(17A,169,272C) Informal settlement. Pursuant to the provisions of Iowa Code sections 17A.12 and 272C.3, the board may consider resolution of disciplinary matters through informal settlement prior to commencement of contested case proceedings. The secretary or designee may negotiate with the credential holder regarding a proposed disposition of the controversy. Upon consent of both parties, the board will review the proposal for action.

811—10.10(17A,169,272C) Voluntary surrender. A voluntary surrender of credentials may be submitted to the board as resolution of a contested case or in lieu of continued compliance with a disciplinary decision of the board.

811—10.11(17A,169,272C) Application for reinstatement. A person whose credential has been suspended, revoked, or voluntarily surrendered may apply to the board for reinstatement in accordance with the terms and conditions of the order.

10.11(1) If the credential was voluntarily surrendered, or if the order for suspension or revocation did not establish terms and conditions for reinstatement, an initial application may not be made until one year has elapsed from the date of the order.

10.11(2) The application shall allege facts and circumstances which will enable the board to determine that the basis for the sanction or voluntary surrender no longer exists, and that it is in the public interest to reinstate the credential. The burden of proof to establish these facts shall rest with the petitioner.

10.11(3) The hearing in an application for reinstatement is a contested case within the meaning of Iowa Code section 17A.12.

10.11(4) The order to grant or deny reinstatement shall incorporate findings of fact and conclusions of law. If reinstatement is granted, terms and conditions for reinstating the credential may be imposed.

811—10.12 Reserved.

811—10.13(17A,169,272C) Contested case proceedings. The following rules apply to board activities which are initiated upon determination of probable cause and result in the issuance of a notice of hearing.

811—10.14(17A) Definitions. Except where otherwise specifically defined by law:

“*Contested case*” means a proceeding defined by Iowa Code section 17A.2(5).

“*Issuance*” means the date of mailing of a decision or order or date of delivery if service is by other means, unless another date is specified in the order.

“*Party*” means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

“*Presiding officer*” means the chairperson of the board or designee.

“*Proposed decision*” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a contested case in which the board did not preside.

811—10.15(17A) Time requirements.

10.15(1) Time shall be computed as provided in Iowa Code subsection 4.1(34).

10.15(2) For good cause, the presiding officer may extend or shorten the time to take any action, except as precluded by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer shall afford all parties an opportunity to be heard or to file written arguments.

811—10.16(17A) Notice of hearing. The board shall issue an order, notice of hearing, and statement of charges following its determination of probable cause pursuant to Iowa Code section 17A.12(2). Delivery of the notice of hearing constitutes the commencement of the contested case proceeding.

10.16(1) The date, time, and location of the hearing shall be set by the board. The credential holder shall be notified at least 30 days prior to the scheduled hearing.

10.16(2) Notification shall be in writing delivered either by personal service as in civil actions or by certified mail with return receipt requested. When the credential holder cannot be located:

a. An affidavit shall be prepared outlining the measures taken to attempt service, and shall become a part of the record when a notice cannot be delivered by personal service or certified mail, return receipt requested.

b. Notice of hearing shall be published once each week for three consecutive weeks in a newspaper of general circulation, published or circulated in the county of last-known residence of the credential

holder. The newspaper will be selected by the secretary or designee. The first notice of hearing shall be published at least 30 days prior to the scheduled hearing.

811—10.17(17A) Presiding officer. Disciplinary hearings shall be conducted by the board pursuant to Iowa Code section 272C.6. The chairperson of the board shall designate the presiding officer in accordance with the provisions of Iowa Code section 17A.11.

10.17(1) For nondisciplinary proceedings, any party who wishes to request that the presiding officer assigned to render a proposed decision be an administrative law judge employed by the department of inspections and appeals must file a written request within 20 days after service of a notice of hearing.

10.17(2) The executive secretary may deny the request upon a finding that one or more of the following apply:

a. Neither the agency nor any officer of the agency under whose authority the contested case is to take place is a named party to the proceeding or a real party in interest to that proceeding.

b. There is a compelling need to expedite issuance of a final decision in order to protect the public health, safety, or welfare.

c. The case involves significant policy issues of first impression that are inextricably intertwined with the factual issues presented.

d. The demeanor of the witness is likely to be dispositive in resolving the disputed factual issues.

e. Funds are unavailable to pay the costs of an administrative law judge and an interagency appeal.

f. The request was not timely filed.

g. The request is not consistent with a specified statute.

h. The request would not conform to the disciplinary hearing provision of Iowa Code section 272C.6.

10.17(3) The agency (or its designee) shall issue a written ruling specifying the grounds for its decision within 20 days after a request for an administrative law judge is filed.

10.17(4) All rulings by an administrative law judge are subject to appeal to the agency. A party must seek any available intra-agency appeal in order to exhaust adequate administrative remedies.

10.17(5) Unless otherwise provided by law, the board, when reviewing a proposed decision upon intra-agency appeal, shall have the powers of and shall comply with the provisions of this chapter which apply to presiding officers.

811—10.18(17A) Waiver of procedures. Unless otherwise precluded by law, the parties in a contested case proceeding may waive any provision of this chapter. However, the agency in its discretion may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest.

811—10.19(17A) Telephone proceedings. The presiding officer may resolve preliminary procedural motions by telephone conference in which all parties have an opportunity to participate. Other telephone proceedings may be held with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when location is chosen.

811—10.20(17A) Disqualification.

10.20(1) A presiding officer or other person shall withdraw from participation in the making of any proposed or final decision in a contested case if that person:

a. Has a personal bias or prejudice concerning a party or a representative of a party;

b. Has personally investigated, prosecuted or advocated in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;

c. Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;

- d. Has acted as counsel to any person who is a private party to that proceeding within the past two years;
- e. Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;
- f. Has a spouse or relative within the third degree of relationship that: (1) is a party to the case, or an officer, secretary or trustee of a party; (2) is a lawyer in the case; (3) is known to have an interest that could be substantially affected by the outcome of the case; or (4) is likely to be a material witness in the case; or
- g. Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

10.20(2) The term “personally investigated” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term “personally investigated” does not include general direction and supervision of assigned investigators, unsolicited receipt of information which is relayed to assigned investigators, review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding or exposure to factual information while performing other agency functions, including fact gathering for purposes other than investigation of the matter which culminates in a contested case. Factual information relevant to the merits of a contested case received by a person who later serves as presiding officer in that case shall be disclosed if required by Iowa Code section 17A.17(3) and subrules 10.20(3) and 10.32(9).

10.20(3) In a situation where a presiding officer or other person knows of information which might reasonably be deemed to be a basis for disqualification and decides voluntary withdrawal is unnecessary, that person shall submit the relevant information for the record by affidavit and shall provide for the record a statement of the reasons for the determination that withdrawal is unnecessary.

10.20(4) If a party asserts disqualification on any appropriate ground, including those listed in subrule 10.20(1), the party shall file a motion supported by an affidavit pursuant to Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party. If, during the course of the hearing, a party first becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification but must establish the grounds by the introduction of evidence into the record.

If the presiding officer determines that disqualification is appropriate, the presiding officer or other person shall withdraw. If the presiding officer determines that withdrawal is not required, the presiding officer shall enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 10.34(17A).

811—10.21(17A) Consolidation—severance.

10.21(1) Consolidation. The presiding officer may consolidate any or all matters at issue in two or more contested case proceedings where: (a) the matters at issue involve common parties or common questions of fact or law; (b) consolidation would expedite and simplify consideration of the issues involved; and (c) consolidation would not adversely affect the rights of any of the parties to those proceedings.

10.21(2) Severance. The presiding officer may, for good cause shown, order any contested case proceedings or portions thereof severed.

811—10.22(17A) Pleadings.

10.22(1) Pleadings may be required by rule, by notice of hearing, or by order of the presiding officer.

10.22(2) Petition.

- a. Any petition required in a contested case proceeding shall be filed within 20 days of delivery or the notice of hearing or subsequent order of the presiding officer, unless otherwise ordered.
- b. A petition shall state in separately numbered paragraphs the following:
 - (1) The persons or entities on whose behalf the petition is filed;
 - (2) The particular provision of statutes and rules involved;
 - (3) The relief demanded and the facts and laws relied upon for such relief; and

(4) The name, address and telephone number of the petitioner and the petitioner’s attorney.

10.22(3) Answer. An answer may be filed within 20 days of service of the petition. A party may move to dismiss or apply for a more definite and detailed statement when appropriate.

An answer shall show on whose behalf it is filed and specifically admit, deny, or otherwise answer all material allegations of the pleading to which it responds. It shall state any facts deemed to show an affirmative defense and contain as many additional defenses as the pleader may claim.

An answer shall state the name, address and telephone number of the person filing the answer, the person or entity on whose behalf it is filed, and the attorney representing that person.

Any allegation in the petition not denied in the answer is considered admitted. The presiding officer may refuse to consider any defense not raised in the answer which could have been raised on the basis of facts known when the answer was filed if any party would be prejudiced.

811—10.23(17A) Service and filing of pleadings and other papers.

10.23(1) When service required. Except where otherwise provided by law, every pleading, motion, document, or other paper filed in a contested case proceeding and every paper relating to discovery in such a proceeding shall be served upon each of the parties of record to the proceeding, including the person designated as advocate or prosecutor for the state or the agency. Except for the original notice of hearing and an application for rehearing as provided in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

10.23(2) Service—how made. Service upon a party represented by an attorney shall be made upon the attorney unless otherwise ordered. Service is made by delivery or by mailing a copy to the person’s last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

10.23(3) Filing—when required. After the notice of hearing, all pleadings, motions, documents or other papers in a contested case proceeding shall be filed with the board.

10.23(4) Filing—when made. Except where otherwise provided by law, a document is deemed filed at the time it is delivered to the board office, delivered to an established courier service for immediate delivery to that office, or mailed by first-class mail or state interoffice mail to that office, so long as there is proof of mailing.

10.23(5) Proof of mailing. Proof of mailing includes either: a legible United States Postal Service postmark on the envelope, a certificate of service, a notarized affidavit, or a certification in substantially the following form:

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the (agency office and address) and to the names and addresses of the parties listed below by depositing the same in the United States mail or state interoffice mail.

(Date)

(Signature)

811—10.24(17A) Discovery.

10.24(1) Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules or by order of the presiding officer, time periods for compliance with discovery shall be as provided in the Iowa Rules of Civil Procedure.

10.24(2) Any motion relating to discovery shall allege that the moving party has previously made a good-faith attempt to resolve the discovery issues involved with the opposing party. Motions in regard to discovery shall be ruled upon by the presiding officer. Opposing parties shall be afforded the opportunity to respond within ten days of the filing of the motion unless the time is shortened as provided in subrule 10.24(1). The presiding officer may rule on the basis of the written motion and any response, or may order argument on the motion.

10.24(3) Evidence obtained in discovery may be used in the contested case proceeding if that evidence would otherwise be admissible in that proceeding.

811—10.25(17A) Subpoenas.**10.25(1) Issuance.**

a. An agency subpoena shall be issued to a party on request. Such a request must be in writing. In the absence of good cause for permitting later action, a request for a subpoena must be received at least three days before the scheduled hearing. The request shall include the name, address, and telephone number of the requesting party.

b. Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses.

10.25(2) Motion to quash or modify. The presiding officer may quash or modify a subpoena for any lawful reason upon motion in accordance with the Iowa Rules of Civil Procedure. A motion to quash or modify a subpoena shall be set for argument promptly.

811—10.26(17A) Motions.

10.26(1) No technical form for motions is required. However, prehearing motions must be in writing, state the grounds for relief, and state the relief sought.

10.26(2) Any party may file a written response to a motion within ten days after the motion is served, unless the time period is extended or shortened by rules of the agency or the presiding officer. The presiding officer may consider a failure to respond within the required time period in ruling on a motion.

10.26(3) The presiding officer may schedule oral argument on any motion.

10.26(4) Motions pertaining to the hearing must be filed and served at least ten days prior to the date of hearing unless there is good cause for permitting later action or the time for such action is lengthened or shortened by rule of the agency or an order of the presiding officer.

811—10.27(17A) Prehearing conference.

10.27(1) Any party may request a prehearing conference. A written request for prehearing conference or an order for prehearing conference on the presiding officer's own motion shall be filed not less than seven days prior to the hearing date. A prehearing conference shall be scheduled not less than three business days prior to the hearing date.

Written notice of the prehearing conference shall be given by the board office to all parties. For good cause the presiding officer may permit variances from this rule.

10.27(2) Each party shall bring to the prehearing conference:

a. A final list of witnesses the party anticipates will testify at hearing. Witnesses not listed may be excluded from testifying unless there was good cause for the failure to include their names; and

b. A final list of exhibits which the party anticipates will be introduced at hearing. Exhibits other than rebuttal exhibits that are not listed may be excluded from admission into evidence unless there was good cause for the failure to include them.

c. Witness or exhibit lists may be amended subsequent to the prehearing conference within the time limits established by the presiding officer at the prehearing conference. Any such amendments must be served on all parties.

10.27(3) In addition to the requirements of subrule 10.27(2), the parties at a prehearing conference may:

a. Enter into stipulations of law or fact;

b. Enter into stipulations on the admissibility of exhibits;

c. Identify matters which the parties intend to request be officially noticed;

d. Enter into stipulations for waiver of any provision of law; and

e. Consider any additional matters which will expedite the hearing.

10.27(4) Prehearing conferences shall be conducted by telephone unless otherwise ordered. Parties shall exchange and receive witness and exhibit lists in advance of a telephone prehearing conference.

811—10.28(17A) Continuances. The executive secretary shall have the authority to grant a continuance after consultation, if needed, with the chairperson of the board.

A request for continuance of a contested case matter must be submitted in writing to the board not later than seven days prior to the scheduled date of the hearing. Exceptions shall be granted at the discretion of the executive secretary only in situations involving extenuating, extraordinary, or emergency circumstances.

811—10.29(17A) Hearing procedures.

10.29(1) The presiding officer presides at the hearing, and may rule on motions, require briefs, issue a decision, and issue such orders and rulings as will ensure the orderly conduct of the proceedings.

10.29(2) All objections shall be timely made and stated on the record.

10.29(3) Parties have the right to participate or be represented in all hearings or prehearing conferences related to their case. Any party may be represented by an attorney or another person authorized by law.

10.29(4) Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.

10.29(5) The presiding officer shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

10.29(6) Witnesses may be sequestered during the hearing.

10.29(7) The presiding officer shall conduct the hearing in the following manner:

a. The presiding officer shall give an opening statement briefly describing the nature of the proceedings;

b. The parties shall be given an opportunity to present opening statements;

c. Parties shall present their cases in the sequence determined by the presiding officer;

d. Each witness shall be sworn or affirmed by the presiding officer or the court reporter, and be subject to examination and cross-examination. The presiding officer may limit questioning in a manner consistent with law;

e. When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

811—10.30(17A) Evidence.

10.30(1) The presiding officer shall rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with all applicable requirements of law.

10.30(2) Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

10.30(3) Evidence in the proceeding shall be confined to those issues to which the parties received notice prior to the hearing, unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence on issues outside the scope of the notice over the objection of a party who did not have actual notice of those issues, that party, upon timely request, shall receive a continuance sufficient to amend pleadings and to prepare on the additional issue.

10.30(4) The party seeking admission of an exhibit must provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. Copies of documents should normally be provided to opposing parties.

10.30(5) Any party may object to specific evidence or may request limits on scope of any examination or cross-examination. Such an objection shall be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling shall be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

10.30(6) Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony shall briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If

the excluded evidence consists of a document or exhibit, it shall be marked as part of an order of proof and inserted in the record.

811—10.31(17A) Default.

10.31(1) If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party.

10.31(2) Where appropriate and not contrary to law, any party may move for default against a party who has requested the contested case proceeding and has failed to file a required pleading or has failed to appear after proper service.

10.31(3) Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become final agency action unless, within 15 days after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties or an appeal of a decision on the merits is timely initiated within the time provided by rule 10.36(17A). A motion to vacate must state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact attached to the motion.

10.31(4) The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

10.31(5) Properly substantiated and timely filed motions to vacate shall be granted only for good cause shown. The burden of proof as to good cause is on the moving party. Adverse parties shall have ten days to respond to a motion to vacate. Adverse parties shall be allowed to conduct discovery as to the issue of good cause and to present evidence on the issue prior to a decision on the motion, if a request to do so is included in that party's response.

10.31(6) "Good cause" for purposes of this rule shall have the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 236.

10.31(7) A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 10.34(17A).

811—10.32(17A) Ex parte communication.

10.32(1) Prohibited communications. Unless required for the disposition of ex parte matters specifically authorized by statute, following issuance of the notice of hearing, there shall be no communication, directly or indirectly, between the presiding officer and any party or representative of any party or any other person with a direct or indirect interest in such case in connection with any issue of fact or law in the case, except upon notice and opportunity for all parties to participate. This does not prohibit persons jointly assigned such tasks from communicating with each other. Nothing in this provision is intended to preclude the presiding officer from communicating with members of the agency or seeking the advice or help of persons other than those with a personal interest in, or those engaged in personally investigating as defined in subrule 10.20(2), prosecuting, or advocating in, either the case under consideration or a pending factually related case involving the same parties, as long as those persons do not directly or indirectly communicate to the presiding officer any ex parte communications they have received of a type that the presiding officer would be prohibited from receiving or that furnish, augment, diminish, or modify the evidence in the record.

10.32(2) Prohibitions on ex parte communications commence with the issuance of the notice of hearing in a contested case and continue for as long as the case is pending.

10.32(3) Written, oral or other forms of communication are "ex parte" if made without notice and opportunity for all parties to participate.

10.32(4) To avoid prohibited ex parte communications notice must be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications shall

be provided in compliance with rule 10.23(17A) and may be supplemented by telephone, facsimile, E-mail or other means of notification. Where permitted, oral communications may be initiated through telephone conference call, which includes all parties or their representatives.

10.32(5) Persons who jointly act as presiding officer in a pending contested case may communicate with each other without notice or opportunity for parties to participate.

10.32(6) The executive secretary or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a proposed or final decision under subrule 10.20(1) or other law and they comply with subrule 10.32(1).

10.32(7) Communications with the presiding officer involving scheduling or uncontested procedural matters do not require notice or opportunity for parties to participate. A party should notify other parties prior to initiating such contact with the presiding officer when feasible, and shall notify other parties when seeking to continue hearings or other deadlines pursuant to rule 10.29(17A).

10.32(8) Disclosure of prohibited communications. A presiding officer who received a prohibited ex parte communication during the pendency of a contested case must initially determine if the effect of the communication is so prejudicial that the presiding officer should be disqualified. If the presiding officer determines that disqualification is warranted, a copy of any prohibited written communication, all written responses to the communication, a written summary stating the substance of any prohibited oral or other communication not available in written form for disclosure, all responses made, and the identity of each person from whom the presiding officer received a prohibited ex parte communication shall be submitted for inclusion in the record under seal by protective order. If the presiding officer determines that disqualification is not warranted, such documents shall be submitted for inclusion in the record and served on all parties. Any party desiring to rebut the prohibited communication must be allowed the opportunity to do so upon written request filed within ten days after notice of the communication.

10.32(9) Promptly after being assigned to serve as presiding officer on a hearing panel, as a member of a full board hearing, on an intra-agency appeal, or other basis, a presiding officer shall disclose to all parties material factual information received through ex parte communication prior to such assignment, unless the factual information has already been or shortly will be disclosed pursuant to Iowa Code section 17A.13(2) or through discovery. Factual information contained in an investigative report or similar document need not be separately disclosed by the presiding officer as long as such documents have been or will shortly be provided to the parties.

10.32(10) The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, or suspension or revocation of the privilege to practice before the agency. Violation of ex parte communication prohibitions by agency personnel shall be reported to the board's executive secretary for possible sanctions including: censure, suspension, dismissal, or other disciplinary action.

811—10.33(17A) Recording costs. Upon request, the board shall provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record shall be paid by the requesting party.

Parties who request that a hearing be recorded by certified shorthand reporters rather than by electronic means shall bear the cost of such recording, unless otherwise provided by law.

811—10.34(17A) Final decision. When the board presides over reception of the evidence at the hearing, its decision is a final decision.

10.34(1) When a panel of specialists presides over the reception of evidence at the hearing, the findings of fact shall be considered by the board at the earliest feasible time. The decision of the board is a final decision.

10.34(2) A final decision in a contested case proceeding shall be in writing and include findings of fact and conclusions of law, separately stated.

a. Findings of fact shall be accompanied by a concise and explicit statement of underlying facts supporting the findings.

b. The decision shall include an explanation of why the relevant evidence in the record supports each material finding of fact.

c. Conclusions of law shall be supported by cited authority or by a reasoned opinion.

10.34(3) The decision or order shall be promptly delivered to the parties in the manner provided by Iowa Code section 17A.12.

10.34(4) The final decision is a public record pursuant to Iowa Code section 272C.6(4).

811—10.35(17A) Appeals.

10.35(1) *Appeal by party.* Any adversely affected party may appeal a final decision of the board to the district court within 30 days after issuance, in accordance with Iowa Code section 17A.19.

10.35(2) *Review.* The board may initiate review of the decision or order on its own motion at any time within 30 days following the issuance of such a decision.

10.35(3) *Notice of appeal.* An appeal of a decision or order is initiated by filing a timely notice of appeal with the board. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service. The notice shall specify:

a. The parties initiating the appeal;

b. The proposed decision or order appealed from;

c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;

d. The relief sought;

e. The grounds for relief.

10.35(4) *Requests to present additional evidence.* A party may request the taking of additional evidence only by establishing that the evidence is material, that good cause existed for the failure to present the evidence at the hearing, and that the party has not waived the right to present the evidence. A written request to present additional evidence must be filed with the notice of appeal or, by a nonappealing party, within 15 days of service of the notice of appeal. The board may remand a case to the presiding officer for further hearing or may itself preside at the taking of additional evidence.

10.35(5) *Scheduling.* The board of veterinary medicine shall issue a schedule for consideration of the appeal.

10.35(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs shall cite any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present an oral argument shall be filed with the briefs.

The board may resolve the appeal on the briefs or provide an opportunity for oral argument. The board may shorten or extend the briefing period as appropriate.

811—10.36(17A) Applications for rehearing.

10.36(1) *By whom filed.* Any party to a contested case proceeding may file an application for rehearing from a final order.

10.36(2) *Content of application.* The application for rehearing shall state on whose behalf it is filed, the specific grounds for rehearing, and the relief sought. In addition, the application shall state whether the applicant desires reconsideration of all or part of the agency decision on the existing record and whether, on the basis of the grounds enumerated in subrule 10.36(4), the applicant requests an opportunity to submit additional evidence.

10.36(3) *Time of filing.* The application shall be filed with the board office within 20 days after issuance of the final decision.

10.36(4) *Notice to other parties.* A copy of the application shall be timely mailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the board shall serve copies on all parties.

10.36(5) *Disposition.* Any application for a rehearing shall be deemed denied unless the agency grants the application within 20 days after its filing.

811—10.37(17A) No factual dispute contested cases. If the parties agree that no dispute of material fact exists as to a matter that would be a contested case if such a dispute of fact existed, the parties may present all relevant admissible evidence either by stipulation or otherwise as agreed by the parties, without necessity for the production of evidence at an evidentiary hearing. If such agreement is reached, a jointly submitted schedule detailing the method and timetable for submission of the record, briefs and oral argument should be submitted to the presiding officer for approval as soon as practicable.

811—10.38(17A) Emergency adjudicative proceedings.

10.38(1) Necessary emergency action. To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, the board may issue a written order in compliance with Iowa Code section 17A.18 to suspend a credential in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the board by emergency adjudicative order. Before issuing an emergency adjudicative order, the board shall consider factors including, but not limited to, the following:

- a. Whether there has been a sufficient factual investigation to ensure that the board is proceeding on the basis of reliable information;
- b. Whether the specific circumstances which pose immediate danger to the public health, safety, or welfare have been identified and determined to be continuing;
- c. Whether the person required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety, or welfare;
- d. Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety, or welfare; and
- e. Whether the specific action contemplated by the board is necessary to avoid the immediate danger.

10.38(2) Issuance. The written emergency adjudicative order shall be immediately delivered to persons who are required to comply with the order by utilizing one or more of the following procedures:

- a. Personal delivery;
- b. Certified mail, return receipt requested, to the last address on file with the board;
- c. Certified mail to the last address on file with the board;
- d. First-class mail to the last address on file with the board; or
- e. Fax. Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that board orders be sent by fax and has provided a fax number for that purpose.

To the degree practicable, the board shall select the procedure for providing written notice that best ensures prompt, reliable delivery.

10.38(3) Oral notice. Unless the written emergency adjudicative order is provided by personal delivery on the same day that the order issues, the board shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.

10.38(4) Completion of proceedings. Issuance of a written emergency adjudicative order shall include notification of the date on which board proceedings are scheduled for completion. After issuance of an emergency adjudicative order, continuance of further board proceedings to a later date will be granted only in compelling circumstances upon application in writing.

811—10.39(272C) Disciplinary hearing—fees and costs.

10.39(1) Definitions. As used in this rule in relation to a formal disciplinary action filed by the board against a credential holder:

“*Deposition*” means the testimony of a person taken pursuant to subpoena or at the request of the state of Iowa taken in a setting other than a hearing.

“*Expenses*” means costs incurred by persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa in a hearing or other official proceeding and shall include mileage reimbursement at the rate specified in Iowa Code section

70A.9 or, if commercial air or ground transportation is used, the actual cost of transportation to and from the proceeding. Also included are actual costs incurred for meals and necessary lodging.

“*Medical examination fees*” means actual costs incurred by the board in a physical, mental, chemical abuse, or other impairment-related examination or evaluation of a credential holder when the examination or evaluation is conducted pursuant to an order of the board.

“*Record*” means the proceedings of the hearing including, but not limited to, the transcript and any documentary evidence admitted or offered at the hearing.

“*Transcript*” means a printed verbatim reproduction of everything said on the record during a hearing or other official proceeding.

“*Witness fees*” means compensation paid by the board to persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa. For the purpose of this rule, compensation shall be the same as outlined in Iowa Code section 622.69 or 622.72, as applicable.

10.39(2) *Disciplinary hearing fee.* The board may charge a fee not to exceed the amount authorized in Iowa Code section 272C.6 for conducting a disciplinary hearing which results in disciplinary action taken against the credential holder by the board. An order assessing a fee shall be included as part of the board’s final decision. The order shall direct the credential holder to deliver payment directly to the department of agriculture and land stewardship as provided in subrule 10.39(6).

10.39(3) *Recovery of related hearing costs.* The board may also recover from the credential holder the costs for transcripts, witness fees and expenses, depositions, and medical examination fees, if disciplinary action is taken. The board may assess these costs in the manner it deems most equitable in accordance with the following:

a. Transcript costs. The board may assess the transcript costs against the credential holder pursuant to Iowa Code section 272C.6(6) or against the requesting party pursuant to Iowa Code section 17A.12(7).

(1) The cost of the transcript includes the transcript of the original contested case hearing before the board, as well as transcripts of any other formal proceedings before the board which occur after the notice of the contested case hearing is filed.

(2) In the event of an appeal to the full board from a proposed decision, the appealing party shall timely request and pay for the transcript necessary for use in the board appeal process.

b. Witness fees and expenses. The parties in a contested case shall be responsible for any witness fees and expenses incurred by witnesses appearing at the contested case hearing. In addition, the board may assess a credential holder the witness fees and expenses incurred by witnesses called to testify on behalf of the state of Iowa, provided that the costs are calculated as follows:

(1) The costs for lay witnesses shall be determined in accordance with Iowa Code section 622.69. For purposes of calculating the mileage expenses allowed under that section, the provisions of Iowa Code section 625.2 do not apply.

(2) The costs for expert witnesses shall be determined in accordance with Iowa Code section 622.72. For purposes of calculating the mileage expenses allowed under that section, the provisions of Iowa Code section 625.2 do not apply.

(3) The provisions of Iowa Code section 622.74 regarding advance payment of witness fees and the consequences of failure to make such payment are applicable with regard to witnesses who are subpoenaed by either party to testify at the hearing.

(4) The board may assess as costs the meal and lodging expenses necessarily incurred by witnesses testifying at the request of the state of Iowa. Meal and lodging costs shall not exceed the reimbursement employees of the state of Iowa receive for these expenses under the department of revenue guidelines currently in effect.

c. Deposition costs. Deposition costs for purposes of allocating costs against a credential holder include only those deposition costs incurred by the state of Iowa. The credential holder is directly responsible for the payment of deposition costs incurred by the credential holder.

(1) The costs for depositions include the cost of transcripts, the daily charge of the court reporter for attending and transcribing the deposition, and all mileage and travel time charges of the court reporter for traveling to and from the deposition which are charged in the ordinary course of business.

(2) If the deposition is of an expert witness, the deposition costs include a reasonable fee for an expert witness. This fee shall not exceed the expert's customary hourly or daily fee, and shall include the time reasonably and necessarily spent in connection with the deposition, including the time spent in travel to and from the deposition, but excluding time spent in preparation for the deposition.

d. Medical examination fees. All costs of physical or mental examinations ordered by the board pursuant to Iowa Code section 272C.9(1) as part of an investigation of a pending complaint or as a sanction following a contested case shall be paid directly by the credential holder.

10.39(4) Certification of reimbursable costs. Within ten days after conclusion of a contested case hearing and before issuance of any final decision assessing costs, the secretary shall certify any reimbursable costs to the board. The secretary shall calculate the specific costs, certify the costs calculated, and file the certification as part of the record in the contested case. A copy of the certification shall be served on each party of record at the time of the filing.

10.39(5) Assessment of fees and costs. A final decision of the board imposing disciplinary action against a credential holder shall include the amount of any fee assessed. If the board also assesses costs against the credential holder, the final decision shall include a statement of costs delineating each category of costs and the amount assessed. The board shall specify the time period in which the fees and costs must be paid by the credential holder.

a. A party shall file an objection to any fees or costs imposed in a final decision in order to exhaust administrative remedies. An objection shall be filed in the form of an application for rehearing pursuant to Iowa Code section 17A.16(2).

b. The application shall be resolved by the board consistent with the procedures for ruling on an application for rehearing. Any dispute regarding the calculations of any fees or costs to be assessed may be resolved by the board upon receipt of the parties' written objections.

10.39(6) Payment of fees and costs. Payment for fees and costs assessed pursuant to this rule shall be made in the form of a check or money order made payable to the state of Iowa and delivered by the credential holder to the department of agriculture and land stewardship.

10.39(7) Failure to make payment. Failure of a credential holder to pay any fees and costs within the time specified in the board's decision shall constitute a violation of an order of the board and shall constitute grounds for disciplinary action.

These rules are intended to implement Iowa Code chapters 17A, 169, and 272C.

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Iowa - Attachment #3

CHAPTER 169

VETERINARY PRACTICE

Referred to in §159.6, 162.13, 162.20, 163.3, 163.3A, 163.32, 167.18, 272C.1, 272C.6, 581.1A, 714H.4, 717.1A, 717.2A, 717.3, 717A.1, 717A.2, 717B.2, 717B.3A, 717B.5, 717D.3, 717F7

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169.1 Title.

[This chapter](#) shall be known as the “Iowa Veterinary Practice Act”.
[C79, 81, §169.1]

169.2 Legislative purpose.

[This chapter](#) is enacted as an exercise of the police powers of the state to promote the public health, safety, and welfare by safeguarding the people of this state against incompetent, dishonest, or unprincipled practitioners of veterinary medicine. It is declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in [this chapter](#). [This chapter](#) shall be liberally construed to effect the legislative purpose.

[C79, 81, §169.2]

169.3 Definitions.

When used in [this chapter](#):

1. “Accepted livestock management practice” includes but is not limited to: Dehorning, castration, docking, vaccination, pregnancy testing, clipping swine needle teeth, ear notching, drawing of blood, relief of bloat, draining of abscesses, branding, and other surgical acts of no greater magnitude; artificial insemination, collecting of semen, implanting of growth hormones, feeding commercial feed defined in [section 198.3](#), or administration or prescription of drugs performed by the owner or contract-feeder thereof of livestock, a bona fide employee, or anyone rendering gratuitous assistance with respect to such livestock. Nothing contained herein shall be construed to permit any person except those persons enumerated in [this subsection](#), to provide purportedly gratuitous assistance with regard to the treatment of animals other than advisory assistance, in return for the purchase of goods or services.

2. “Accredited or approved college of veterinary medicine” means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation or approval by the board.

3. “Animal” means any nonhuman primate, dog, cat, rabbit, rodent, fish, reptile, and other vertebrate or nonvertebrate life forms, living or dead, except domestic poultry.

4. “Board” means the Iowa board of veterinary medicine.

5. “ECFVG certificate” means a current certificate issued by the American veterinary medical association educational commission for foreign veterinary graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine.

6. “Fee” means monetary compensation given for a service consisting primarily of an act or acts described in [subsection 10](#), paragraph “a”.

7. “Licensed veterinarian” means a person who is validly and currently licensed to practice veterinary medicine in the state of Iowa.

8. “Owner” means any person, association, partnership, corporation, or other legal entity in whom is vested the ownership, dominion over, or title to an animal, including one who is obligated by law to care for such animal.

9. “Person” means natural person or individual.

10. “Practice of veterinary medicine” means any of the following:

a. To diagnose, treat, correct, change, relieve or prevent, for a fee, any animal disease, deformity, defect, injury or other physical or mental conditions or cosmetic surgery; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, for a fee; or to evaluate or correct sterility or infertility, for a fee; or to render, advise or recommend with regard to any of the above for a fee.

b. To represent, directly or indirectly, publicly or privately, an ability or willingness to do an act described in paragraph “a”.

c. To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph “a”.

11. “Veterinarian” means a person who has received a doctor of veterinary medicine degree or its equivalent from an accredited or approved college of veterinary medicine.

12. “Veterinary assistant” means an assistant employed by a licensed veterinarian as an animal technician and any other assistant the board designates by rule.

13. “Veterinary medicine” includes veterinary surgery, veterinary obstetrics, veterinary dentistry, and all other branches or specialties of veterinary medicine.

[S13, §2538-m; C24, 27, 31, 35, 39, §2764, 2765; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.1, 169.2; C79, 81, §169.3]

[83 Acts, ch 115, §2](#)

Further definitions; see §159.1

169.4 License requirement and exceptions.

A person may not practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. [This chapter](#) shall not be construed to prohibit:

1. An employee of the federal, state, or local government from performing official duties.

2. A person who is a veterinary student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by instructors, or working under the direct supervision of a licensed veterinarian. The board shall issue to any veterinary medicine student who attends an accredited veterinary medicine college or school and who has been certified as being competent by an instructor of such college or school to perform veterinary duties under the direction of an instructor of veterinary medicine or under the direct supervision of a licensed veterinarian, a certificate authorizing the veterinary medicine student to perform such functions.

3. A veterinarian currently licensed in another state from consulting with a licensed veterinarian in this state.

4. Any manufacturer, wholesaler, or retailer from advising with respect to or selling in the ordinary course of trade or business, drugs, feeds, including, but not limited to customer-formula feeds as defined in [section 198.3](#), appliances, and other products used in the prevention or treatment of animal diseases.

5. The owner of an animal or the owner’s bona fide employees from caring for and treating the animal in the possession of such owner except where the ownership of the animal was transferred solely for the purpose of circumventing [this chapter](#).

6. A member of the faculty of an accredited college of veterinary medicine from performing functions in the classrooms or continuing education. However, those faculty members who have professional responsibility to the owner must be licensed. A temporary

permit may be granted for a period not to exceed two years to interns or residents who are on the staff of the college of veterinary medicine of Iowa state university of science and technology. Such permit shall be renewable annually upon the application of the dean of the college of veterinary medicine.

7. Any person from manufacturing, selling, offering for sale, or applying any pesticide, insecticide, or herbicide.

8. Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals.

9. Any veterinary assistant employed by a licensed veterinarian from performing duties other than diagnosis, prescription, or surgery under the direct supervision of such veterinarian which assistant has been issued a certificate by the board subject to [section 169.20](#).

10. A graduate of a foreign college of veterinary medicine who is in the process of obtaining an ECFVG certificate for performing duties or actions under the direction or supervision of a licensed veterinarian.

11. Any person from advising with respect to or performing accepted livestock management practices.

12. Any person from engaging in the full-time study of the improvement of the quality of livestock.

13. Any person from performing post-mortem examinations on swine or cattle.

14. Any person from collecting or evaluating semen from livestock or poultry, or artificial insemination of livestock and poultry.

15. Any person from castrating, dehorning or branding notwithstanding [section 169A.14](#). [S13, §2538-a; C24, 27, 31, 35, 39, §2766; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.3; C79, 81, §169.4]

[83 Acts, ch 115, §3](#)

169.4A Provision of veterinary services.

1. A person, including a corporation, limited liability company, or partnership, established on or after July 1, 1994, shall not provide veterinary medical services, own a veterinary clinic, or practice veterinary medicine in this state, except as otherwise provided in [this chapter](#).

2. [Subsection 1](#) shall not do any of the following:

a. Apply to a veterinarian licensed under [this chapter](#), a partnership formed under [chapter 486A](#) and composed of licensed veterinarians, a limited liability partnership formed under [chapter 486A](#) and composed of licensed veterinarians, a professional limited liability company organized under [chapter 489](#) and engaging in the practice of veterinary medicine, or a professional corporation organized under [chapter 496C](#) and engaging in the practice of veterinary medicine.

b. Prohibit a person from owning an interest in real property or a building where a veterinary clinic is located, if veterinary medical services or a veterinary medicine practice is conducted at the clinic by a person described in paragraph "a".

[94 Acts, ch 1198, §35; 2015 Acts, ch 77, §1](#)

169.5 Board of veterinary medicine.

1. a. The governor shall appoint, subject to confirmation by the senate pursuant to [section 2.32](#), a board of five individuals, three of whom shall be licensed veterinarians and two of whom shall not be licensed veterinarians and shall represent the general public. The board shall be known as the Iowa board of veterinary medicine.

b. Each licensed veterinarian board member shall be actively engaged in veterinary medicine and shall have been so engaged for a period of five years immediately preceding appointment, the last two of which shall have been in Iowa. The representatives of the general public shall be knowledgeable in the area of animal husbandry. A member of the board shall not be employed by or have any material or financial interest in any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine.

c. Professional associations or societies composed of licensed veterinarians may

recommend the names of potential board members to the governor, but the governor is not bound by the recommendations.

2. The members of the board shall be appointed for a term of three years, except the terms of the members of the initial board shall be rotated in such a manner that at least one member shall retire each year and a successor be appointed. The term of each member shall commence and end as provided by [section 69.19](#). Members shall serve no more than three terms or nine years total, whichever is less. Any vacancy in the membership of the board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.

3. The board shall meet at least once each year as determined by the board. Other necessary meetings may be called by the president of the board by giving proper notice. Except as provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

4. At its annual meeting, the board shall organize by electing a president and such other officers as may be necessary. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairperson of board meetings. The person designated as the state veterinarian shall serve as secretary of the board.

5. The duties of the board shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for a license, and keeping a register of all persons currently licensed by the board. The representatives of the general public shall not prepare, grade, or otherwise administer examinations to applicants for a license to practice veterinary medicine. All board records shall be open to public inspection during regular office hours.

6. Members of the board shall set their own per diem compensation, at a rate not exceeding the per diem specified in [section 7E.6](#) for each day actually engaged in the discharge of their duties, as well as compensation for necessary traveling and other expenses. Compensation for veterinarian members of the board shall include compensation for the time spent traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination and the reading of papers, in addition to the time actually spent in conducting examinations, within the limits of funds appropriated to the board.

7. Upon a three-fifths vote, the board may:

a. Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.

b. Issue, renew, or deny issuance or renewal of licenses and temporary permits to practice veterinary medicine in this state.

c. Establish and publish annually a schedule of fees for licensing and registration of veterinarians. The fees shall be set by rule and shall include fees for a license to practice veterinary medicine issued upon the basis of the examination, a license granted on the basis of reciprocity, a renewal of a license to practice veterinary medicine, a certified statement that a licensee is licensed to practice in this state, and an issuance of a duplicate license when the original is lost or destroyed. The fee schedule shall be based on the board's anticipated financial requirements for the year, which shall include but not be limited to the following:

(1) Per diem, expenses, and travel of board members.

(2) Costs to the department for administration of [this chapter](#).

d. Conduct investigations for the purpose of discovering violations of [this chapter](#) or grounds for disciplining licensed veterinarians.

e. Hold hearings on all matters properly brought before the board and administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission

depositions. An administrative law judge may be appointed pursuant to [section 17A.11](#) to perform those functions which properly repose in an administrative law judge.

f. Employ full-time or part-time personnel, professional, clerical, or special, as are necessary to effectuate the provisions of [this chapter](#).

g. Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

h. Bring proceedings in the courts for the enforcement of [this chapter](#) or any regulations made pursuant to [this chapter](#).

i. Adopt, amend, or repeal rules relating to the standards of conduct for, testing of, and revocation or suspension of certificates issued to veterinary assistants. However, a certificate shall not be suspended or revoked by less than a two-thirds vote of the entire board in a proceeding conducted in compliance with [section 17A.12](#).

j. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of [this chapter](#), including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

8. The powers enumerated in [subsection 7](#) are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

9. A person who provides veterinary medical services, owns a veterinary clinic, or practices in this state shall obtain a certificate from the board and be subject to the same standards of conduct, as provided in [this chapter](#) and rules adopted by the board, as apply to a licensed veterinarian, unless the board determines that the same standards of conduct are inapplicable. The board shall issue, renew, or deny a certificate; adopt rules relating to the standards of conduct; and take disciplinary action against the person, including suspension or revocation of a certificate, in accordance with the procedures established in [section 169.14](#). Certification fees shall be established by the board pursuant to [subsection 7](#), paragraph "j". Fees shall be established in an amount sufficient to fully offset the costs of certification pursuant to [this subsection](#). For the fiscal year beginning July 1, 2001, and ending June 30, 2002, the department shall retain fees collected to administer the program of certifying veterinary clinics and the fees retained are appropriated to the department for the purposes of [this subsection](#). For the fiscal year beginning July 1, 2001, and ending June 30, 2002, notwithstanding [section 8.33](#), fees which remain unexpended at the end of the fiscal year shall not revert to the general fund of the state but shall be available for use for the following fiscal year to administer the program. For the fiscal year beginning July 1, 2002, and succeeding fiscal years, certification fees shall be deposited in the general fund of the state and are appropriated to the department to administer the certification provisions of [this subsection](#). [This subsection](#) shall not apply to an animal shelter, as defined in [section 162.2](#), that provides veterinary medical services to animals in the custody of the shelter.

10. The department shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained, and the department shall assess the costs to the board for such articles and supplies. The board shall also reimburse the department for direct and indirect administrative costs incurred in issuing and renewing the licenses.

[S13, §2538-f, -h, -i, -j, -t; C24, 27, 31, 35, §2799-d1, -d5; C39, §2773, 2777-2780, 2782, 2784, 2785, 2799.1, 2799.5; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.11, 169.15 – 169.19, 169.21, 169.22, 169.37, 169.41; C79, 81, §169.5]

[83 Acts, ch 115, §4](#); [84 Acts, ch 1067, §23](#); [88 Acts, ch 1109, §17](#); [90 Acts, ch 1256, §31](#); [98 Acts, ch 1202, §32, 46](#); [2000 Acts, ch 1183, §1, 3](#); [2001 Acts, ch 24, §70, 74](#); [2005 Acts, ch 159, §1](#); [2009 Acts, ch 133, §72](#)

169.6 Disclosure of confidential information.

1. A member of the board shall not disclose information relating to the following:
 - a. Criminal history or prior misconduct of the applicant.

b. Information relating to the contents of the examination.

c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate information in violation of [subsection 1](#), and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor for each separate offense.

[C75, 77, §169.56; C79, 81, §169.6]

[2009 Acts, ch 133, §207](#)

169.7 Status of persons previously licensed.

Any person holding a valid license to practice veterinary medicine in this state on January 1, 1979 shall be recognized as a licensed veterinarian and shall be entitled to retain this status as long as licensee complies with the provisions of [this chapter](#).

[C79, 81, §169.7]

169.8 Qualifications.

1. a. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board on a form approved by the board. The application shall show that the applicant is a graduate of an accredited or approved college of veterinary medicine or the holder of an ECFVG certificate. The application shall also show such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

b. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for license without examination under [section 169.10](#), the board may grant a license to the applicant.

c. If an applicant is found not qualified to take the examination or for a license without examination, the secretary of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may request a hearing on the question of the applicant's qualification under the procedure set forth in [section 169.14](#). Any applicant who is found not qualified shall be allowed the return of the application fee.

d. Based upon an applicant's education, experience, and training, the board may grant a limited license to an applicant to perform a restricted range of activities within the practice of veterinary medicine, as specified by the board.

2. a. The name, location, number of years of practice of the person to whom a license is issued, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department of agriculture and land stewardship, to be known as the "registry book", and the same shall be open to public inspection.

b. When any person licensed to practice under [this chapter](#) changes residence, the board shall be notified within thirty days and such change shall be noted in the registry book.

3. Every individual licensed under [this chapter](#) shall keep the license displayed in the place at which an office is maintained.

[S13, §2538-e, -i, -j; C24, 27, 31, 35, 39, §2767, 2768, 2775, 2776, 2786; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.4, 169.5, 169.13, 169.14, 169.23; C79, 81, §169.8]

[83 Acts, ch 115, §5, 6; 90 Acts, ch 1117, §1; 2009 Acts, ch 41, §63](#)

169.9 Examinations.

1. The board shall hold at least one examination during each year and may hold such additional examinations as it deems necessary. The secretary shall give public notice of the time and place for each examination at least ninety days in advance of the date set for the examination. A person desiring to take an examination shall make application at least thirty days before the date of the examination.

2. The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical

knowledge sufficient to establish competency to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination prepared by the national board of veterinary examiners as a part of the examination given to examinees.

3. After each examination, the board shall notify each examinee of the examination result, and the board shall issue licenses to the individuals successfully completing the examination. The board shall record the new licenses and issue a certificate of registration to the new licensees. Any individual failing an examination shall be admitted to any subsequent examination on payment of the application fee.

4. In all written examinations the identity of the individual taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon.

[S13, §2538-e, -f, -i; C24, 27, 31, 35, 39, §2772, 2790 – 2792; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.10, 169.27 – 169.29; C79, 81, §169.9]

[83 Acts, ch 115, §7](#); [2017 Acts, ch 54, §76](#)

Code editor directive applied

169.10 License by endorsement.

1. The board may issue a license to practice veterinary medicine in this state without written examination to an applicant who meets all of the following requirements:

a. Has graduated from an accredited college of veterinary medicine or has received a certificate from the educational commission for foreign veterinary graduates at least five years prior to application.

b. Has actively practiced for at least two thousand hours during the five years preceding application.

c. Has not previously failed and not subsequently passed a veterinary licensing examination in this state.

d. Holds a current license to practice veterinary medicine in another state or United States territory or province of Canada.

e. Is not subject to license investigation, suspension, or revocation in any state, United States territory, or province of Canada.

f. Provides other information and proof as the board may require by rule.

2. The board may issue a license to practice veterinary medicine in this state without written or oral examination to an applicant who meets all of the following requirements:

a. Holds a current certification as a diplomate of a national specialty board or college recognized by the board by rule.

b. Is not subject to license investigation, suspension, or revocation in any state, United States territory, or province of Canada.

c. Provides other information and proof as the board may require by rule.

[S13, §2538-i, -i1; C24, 27, 31, 35, 39, §2794 – 2797; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.31 – 169.34; C79, 81, §169.10]

[90 Acts, ch 1117, §2](#)

Referred to in [§169.8](#)

169.11 Temporary permit.

The board may issue without examination a temporary permit to practice veterinary medicine in this state:

1. To a qualified applicant for license pending examination and the temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued. The temporary permit holder should keep the secretary continually advised of the permit holder's current address.

2. To a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country who pays the fee established and published by the board. Such temporary permit shall be issued for a period of no more than one hundred

eighty days and no more than one permit shall be issued to a person during each calendar year.

[C79, 81, §169.11]

169.12 License renewal.

1. All licenses shall expire in multiyear intervals as determined by the board but may be renewed by registration with the board and payment of the registration renewal fee established and published by the board. Prior to expiration the secretary shall mail a notice to each licensed veterinarian that the license will expire and provide the licensee with a form for registration.

2. Any person who shall practice veterinary medicine after license expiration is practicing in violation of [this chapter](#). However, a person may renew an expired license within five years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five years have elapsed since the date of expiration, a license may not be renewed, and the holder must make application for a new license and take the license examination.

3. The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when the veterinarian is on active duty with any branch of the armed services of the United States.

4. Any licensee who is desirous of changing residence to another state or territory shall, upon application to the department and payment of the legal fee, receive a certified statement that the licensee is a duly licensed practitioner in this state.

[S13, §2538-j; C24, 27, 31, 35, 39, §2769, 2769.1, 2798; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.6, 169.35; C79, 81, §169.12]

[2017 Acts, ch 54, §76](#)

Referred to in [§169.13](#)

Code editor directive applied

169.13 Discipline of licensees.

1. The board of veterinary medicine, after due notice and hearing, may revoke or suspend a license to practice veterinary medicine if it determines that a veterinarian licensed to practice veterinary medicine is guilty of any of the following acts or offenses:

a. Knowingly making misleading, deceptive, untrue, or fraudulent representation in the practice of the profession.

b. Being convicted of a felony in the courts of this state or another state, territory, or country. Conviction as used in this paragraph includes a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding in which a finding or verdict of guilt is made or returned, but the adjudication or guilt is either withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state is conclusive evidence.

c. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of veterinary medicine.

d. Having the person's license to practice veterinary medicine revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

e. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice veterinary medicine.

f. Being adjudged mentally incompetent by a court of competent jurisdiction. The adjudication shall automatically suspend a license for the duration of the license unless the board orders otherwise.

g. Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of veterinary medicine as defined in rules adopted by the board, in which proceeding actual injury to an animal need not be established; or the committing by a veterinarian of an act contrary to honesty, justice, or good

morals, whether the act is committed in the course of the practice or otherwise, and whether committed within or without this state.

h. Inability to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition.

i. Willful or repeated violation of lawful rules adopted by the board or violation of a lawful order of the board, previously entered by the board in a disciplinary hearing.

2. *a.* The board, upon probable cause, may compel a veterinarian to submit to a mental or physical examination by designated physicians. Failure of a veterinarian to submit to an examination constitutes an admission to the allegations made against that veterinarian and the finding of fact and decision of the board may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a veterinarian shall be afforded an opportunity to demonstrate that the veterinarian can resume the competent practice of veterinary medicine with reasonable skill and safety to animals.

b. A person licensed to practice veterinary medicine who makes application for the renewal of the person's license as required by [section 169.12](#) gives consent to submit to a mental or physical examination as provided by this paragraph when directed in writing by the board. All objections shall be waived as to the admissibility of the examining physician's testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a veterinarian in another proceeding and are confidential except for other actions filed against a veterinarian to revoke or suspend that person's license.

[S13, §2538-e; C24, 27, 31, 35, 39, §2799; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.36; C79, 81, §169.13]

[83 Acts, ch 115, §8](#); [2009 Acts, ch 41, §64](#)

Referred to in [§169.14](#), [272C.3](#), [272C.4](#)

169.14 Procedure for suspension or revocation.

A proceeding for the revocation or suspension of a license to practice veterinary medicine or to discipline a person licensed to practice veterinary medicine shall be substantially in accord with the following:

1. The board, upon its own motion or upon a verified complaint in writing, may request the department of inspections and appeals to conduct an investigation of the charges contained in the complaint. The department of inspections and appeals shall report its findings to the board, and the board may issue an order fixing the time and place for hearing if a hearing is deemed warranted. A written notice of the time and place of the hearing, together with a statement of the charges, shall be served upon the licensee at least ten days before the hearing in the manner required for the service of notice of the commencement of an ordinary action.

2. If the licensee has left the state, the notice and statement of the charges shall be so served at least twenty days before the date of the hearing, wherever the licensee may be found. If the whereabouts of the licensee is unknown, service may be had by publication as provided in the rules of civil procedure upon filing the affidavit required by those rules. If the licensee fails to appear either in person or by counsel at the time and place designated in the notice, the board shall proceed with the hearing.

3. The hearing shall be before a member or members designated by the board or before an administrative law judge appointed by the board according to the requirements of [section 17A.11, subsection 1](#). The presiding board member or administrative law judge may issue subpoenas, administer oaths, and take or cause depositions to be taken in connection with the hearing. The member or officer shall issue subpoenas at the request and on behalf of the licensee.

4. A mechanized or stenographic record of the proceedings shall be kept. The licensee shall be given the opportunity to appear personally and by attorney, with the right to produce evidence in one's own behalf, to examine and cross-examine witnesses, and to examine documentary evidence produced against the licensee.

5. If a person refuses to obey a subpoena issued by the presiding member or administrative law judge or to answer a proper question put to that person during the hearing, the presiding

member or administrative law judge may invoke the aid of a court of competent jurisdiction in requiring the attendance and testimony of that person and the production of papers. A failure to obey the order of the court may be punished by the court as a civil contempt may be punished.

6. Unless the hearing is before the entire board, a transcript of the proceeding, together with exhibits presented, shall be considered by the entire board at the earliest practicable time. The licensee and attorney shall be given the opportunity to appear personally to present the licensee's position and arguments to the board. The board shall determine the charge upon the merits on the basis of the evidence in the record before it.

7. Upon three members of the board voting in favor of finding the licensee guilty of an act or offense specified in [section 169.13](#), the board shall prepare written findings of fact and its decision imposing one or more of the following disciplinary measures:

a. Suspend the license to practice veterinary medicine for a period to be determined by the board.

b. Revoke the license to practice veterinary medicine.

c. Suspend imposition of judgment and penalty or impose the judgment and penalty, but suspend enforcement and place the veterinarian on probation. The probation ordered may be vacated upon noncompliance. The board may restore and reissue a license to practice veterinary medicine, and may impose a disciplinary or corrective measure which it might originally have imposed.

8. Judicial review of the board's action may be sought in accordance with [chapter 17A](#).

9. The filing of a petition for review does not in itself stay execution or enforcement of board action. Upon application, the board or the review court, in appropriate cases, may order a stay pending the outcome of the review proceedings.

[C31, 35, §2799-d1, -d3, -d4, -d6; C39, §2799.1, 2799.3, 2799.4, 2799.6; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.37, 169.39, 169.40, 169.42; C79, 81, §169.14]

[83 Acts, ch 115, §9](#); [88 Acts, ch 1109, §18](#); [88 Acts, ch 1158, §44](#); [89 Acts, ch 296, §19](#); [98 Acts, ch 1202, §33, 46](#)

Referred to in [§169.5](#), [169.8](#), [169.20](#)

169.15 Appeal.

Any party aggrieved by a decision of the board may appeal the matter to the district court as provided in [section 17A.19](#).

[C79, 81, §169.15]

[83 Acts, ch 115, §10](#)

169.16 Reinstatement.

A person whose license is suspended or revoked may be relicensed or reinstated at any time by a vote of five members of the board after written application made to the board showing cause justifying relicensing or reinstatement. Examination of the applicant may be waived by the board.

[C79, 81, §169.16]

[83 Acts, ch 115, §11](#)

169.17 Forgeries.

Any person who shall file or attempt to file with the department or board of veterinary medicine any false or forged diploma or certificate or affidavit of identification or qualification is guilty of a fraudulent practice.

[C24, 27, 31, 35, 39, §2803; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.43; C79, 81, §169.17]

169.18 Fraud.

Any person who shall present to the department or board of veterinary medicine a diploma or certificate of which the person is not the rightful owner, for the purpose of procuring a license, or who shall falsely impersonate anyone to whom a license has been granted by said department, is guilty of a fraudulent practice.

[C24, 27, 31, 35, 39, §2804; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.44; C79, 81, §169.18]

169.19 Enforcement — penalties.

1. Any person who practices veterinary medicine without a currently valid license or temporary permit is guilty of a fraudulent practice. Each act of such unlawful practice shall constitute a distinct and separate offense.

2. A person who shall practice veterinary medicine without a currently valid license or temporary permit shall not receive any compensation for services so rendered.

3. The county attorney of the county in which any violation of [this chapter](#) occurs shall conduct the necessary prosecution for such violation. Notwithstanding this provision, the board of veterinary medicine or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. The action brought to restrain a person from engaging in the practice of veterinary medicine without possessing a license shall be brought in the name of the state of Iowa. If the court finds that the individual is violating or threatening to violate [this chapter](#) it shall enter an injunction restraining the individual from such unlawful acts.

4. The successful maintenance of an action based on any one of the remedies set forth in [this section](#) shall in no way prejudice the prosecution of an action based on any other remedy set forth in [this section](#).

5. The department shall cooperate with the board of veterinary medicine in the enforcement of the provisions of [this chapter](#).

[S13, §2538-1; C24, 27, 31, 35, 39, §2805 – 2807; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.45 – 169.48; C79, 81, §169.19]

[83 Acts, ch 115, §12; 2012 Acts, ch 1023, §157](#)

Referred to in [§331.756\(31\)](#)

169.20 Veterinary assistants.

1. A veterinarian may employ certified veterinary assistants for any purpose other than diagnosis, prescription or surgery. Veterinary assistants must act under the direct supervision of a licensed veterinarian.

2. The board shall issue certificates to veterinary assistants who have met the educational, experience and testing requirements as the board shall specify by rule. The certificate is not a license and does not expire. The certificate may be suspended or revoked, or any other disciplinary action may be taken as specified in [section 272C.3, subsection 2](#). All disciplinary actions shall be taken pursuant to [section 169.14](#).

[83 Acts, ch 115, §1](#)

Referred to in [§169.4](#)

Section not amended; unnumbered paragraphs 1 and 2 editorially numbered as subsections 1 and 2

**RULES
OF
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-01
GENERAL RULES GOVERNING VETERINARIANS**

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1730-01-.01 DEFINITIONS. As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

- (1) Acupuncture – The insertion of needles into the body of an animal, which may then be twirled, electrically stimulated, or warmed, in an effort to treat, correct, change, alleviate or prevent animal disease, illness, pain, defect, injury, or other physical or mental condition.
- (2) Advertisement - Information communicated to the public, in any manner, designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
- (3) Advertising - Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individuals, radio, video, television broadcasting, electronic communication, or any other means designed to secure public attention.
- (4) Anesthesiology – The branch of veterinary medicine which involves inducing a state of unconsciousness in an animal for the purpose of treating and/or preventing pain and/or distress in the animal.
- (5) Applicant - Any individual requesting licensure by the board by submitting a completed application and application fee.
- (6) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (7) Behavioral Medicine – The branch of veterinary medicine that involves diagnosing animal behavioral conditions and treating those behavioral conditions by prescribing or administering any drug, medicine, biologic, or other therapeutic or diagnostic substance.

(Rule 1730-01-.01, continued)

- (8) Board - The Tennessee Board of Veterinary Medical Examiners.
- (9) Cardiology – The branch of veterinary medicine that deals with the diagnosis and treatment of diseases or conditions that affect an animal heart and its functions.
- (10) Castration – The removal of the testicles of a male by surgical, chemical, or other means.
- (11) Chiropractic Therapy – The manipulation and treatment of the structures of the animal body, especially those of the spinal column, for the treatment, correction, alleviation or prevention of any animal disease, illness, pain, deformity, defect, injury or other physical condition.
- (12) Client - The patient's owner, owner's agent, or other person responsible for the patient.
- (13) Collection of Blood – The act of removing the fluid that circulates through an animal's heart, arteries, capillaries, and veins for the purpose of analyzing such fluid for diagnostic, therapeutic, or other treatment purposes.
- (14) Consultation – Shall have the meaning as established in T.C.A. § 63-12-103(6).
- (15) Dentistry – The branch of veterinary medicine that deals with an animal's teeth, oral cavity, and associated parts, including the diagnosis and treatment of their diseases and the restoration of defective or missing tissue.
- (16) Department - Tennessee Department of Health.
- (17) Dermatology – The branch of veterinary medicine that deals with the diagnosis and treatment of diseases that affect animal skin.
- (18) Discounted Fee – A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge are not considered to be offered at a "discounted fee."
- (19) Division – The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.
- (20) Floating – The rasping or cutting of enamel points from the cheek teeth of an equine.
- (21) House Call – A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client's residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations.
- (22) Infertility – Inability to produce offspring; sterility.
- (23) Laser Therapy – The use of intense beams of light to treat, correct, change, alleviate or prevent animal disease, illness, pain, deformity, defect, injury or other physical, dental, or mental conditions.
- (24) Licensee – Any person that has been lawfully issued a license to practice veterinary medicine or as a veterinary technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced in the State of Tennessee.

(Rule 1730-01-.01, continued)

- (25) **Massage** – The systematic therapeutic friction, stroking, and kneading of the animal body for the treatment, correction, alleviation or prevention of any animal disease, illness, pain, deformity, defect, injury, or other physical or mental conditions.
- (26) **Material Fact** – Any fact which an ordinary, reasonable, and prudent person would rely upon in making an informed decision on which veterinarian or veterinary facility to choose.
- (27) **Neuter** – The removal of an animal's reproductive organs.
- (28) **Obstetrics** – The branch of veterinary medicine that deals with the management of pregnancy and labor in animals as well as the management and treatment of sterility or infertility.
- (29) **Oncology** – The branch of veterinary medicine that deals with the diagnosis and treatment of animal tumors and cancer.
- (30) **Ophthalmology** – The branch of veterinary medicine that deals with the diagnosis and treatment of the animal eye and its diseases.
- (31) **Patient** – An animal that is examined or treated by a veterinarian.
- (32) **Premises** – Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (33) **Premises Owner** – Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, holding title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (34) **Premises Permit** – A permit issued by the Board to operate a veterinary medicine facility when the premises meet minimum standards established by the Board.
- (35) **Public Rabies Vaccination Clinic** – A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, under the local health department's ordinances and regulations.
- (36) **Radiology** – The branch of veterinary medicine that deals with the use of radiant energy in the diagnosis and treatment of disease in animals.
- (37) **Retail Establishment** – Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.
- (38) **Spay** – The surgical removal of the ovaries or ovaries and uterus from a female animal.
- (39) **Sterility** – Inability to produce offspring.
- (40) **Supervising Veterinarian** – A person who is validly and currently licensed to practice veterinary medicine in Tennessee, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and is responsible for the supervision of a temporary licensee, veterinary student intern, employee, or consulting veterinarian.
- (41) **Surgery** – The art, practice, or work of treating disease, injuries, deformities, or conditions by manual or operative procedures. The castrating or dehorning of any wild or domestic animal is not considered veterinary surgery.

(Rule 1730-01-.01, continued)

- (42) Ultrasound – The application of ultrasonic waves for the purpose of diagnosing or treating an animal.
- (43) Veterinarian-client-patient relationship (VCPR) has the same meaning as established by T.C.A. § 63-12-103(17).
- (44) Veterinary Facility has the same meaning as established by T.C.A. § 63-12-103(18).
- (45) Veterinary Practice means:
 - (a) Large Animal Practice – A practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as “large animal” by the Board.
 - (b) Small Animal Practice – A practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as “small animal” by the Board.
 - (c) Mixed Animal Practice – A practice in which both large and small animals are seen or treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.
- (46) Veterinary Rehabilitative Therapy – Therapeutic or rehabilitative interventions that are used to treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical conditions for the purpose of physical rehabilitation.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-102, 63-12-103, 63-12-105, 63-12-106, and 63-12-133.

Administrative History: Original rule filed November 22, 1978; effective January 8, 1979. Amendment filed August 21, 1984; effective September 20, 1984. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed October 18, 2004; effective January 1, 2005. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.02 BRANCHES OF VETERINARY MEDICINE AND TREATMENT METHODS.

- (1) In addition to veterinary surgery, obstetrics, and dentistry, other branches of veterinary medicine include, but are not limited to, the following: anesthesiology, behavioral medicine, cardiology, dermatology, oncology, ophthalmology, and radiology.
- (2) In addition to the specific methods, therapies, and procedures named in T.C.A. § 63-12-103(10) the practice of veterinary medicine includes, but is not limited to, the following: acupuncture, chiropractic therapy, laser therapy, massage therapy, veterinary rehabilitative therapy, and ultrasound.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-102, 63-12-103, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed October 3, 2005; effective December 17, 2005. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.03 ACCEPTED LIVESTOCK MANAGEMENT PRACTICES. In addition to any specific exemptions listed in T.C.A. § 63-12-103(10) or T.C.A. § 63-12-133, the following does not constitute the practice of veterinary medicine.

- (1) An individual may perform the following services to livestock of the equine species:

(Rule 1730-01-.03, continued)

- (a) Administer any over the counter drug, medicine or biologic.
 - (b) Administer a prescription drug or biologic, including intra-uterine administration, under the direction of a licensed veterinarian in the context of a valid veterinarian-client-patient relationship.
 - (c) Perform any manual or mechanical procedure for artificial insemination.
- (2) An individual may perform the following services to livestock other than the equine species:
- (a) Administer any over-the-counter drug, medicine or biologic.
 - (b) Use any manual or mechanical procedure for artificial insemination.
 - (c) Implant frozen embryos.
 - (d) De-worm.
 - (e) Implant commercially available growth promotants.
 - (f) Clip needle teeth.
 - (g) Feed commercially available medicated feed.
 - (h) Administer prescription drugs, medicine, or biologics, under the direction of a licensed veterinarian in the context of a valid veterinarian-client-patient relationship.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-102, 63-12-103, 63-12-105, 63-12-106, and 63-12-133.

Administrative History: Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.04 QUALIFICATIONS FOR LICENSURE. To be eligible for licensure as a veterinarian, an applicant must meet all of the following qualifications and follow the procedures listed in Rule 1730-01-.05.

- (1) Veterinarian by Examination
 - (a) Submit a written application in the form determined by the Board.
 - (b) Graduate and receive a doctorate degree from a school or college of veterinary medicine approved by the Board.
 - (c) Pass the North American Veterinary Licensing Exam (NAVLE) within the past five (5) years preceding application.
 - (d) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.
 - (e) Pay the required fees set forth in Rule 1730-01-.06.
- (2) Veterinarian by Reciprocity
 - (a) Submit a written application in the form determined by the Board.

(Rule 1730-01-.04, continued)

- (b) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.
 - (c) Provide proof of initial licensure by examination and proof that such license is in good standing.
 - (d) Provide proof that any other veterinary licenses granted by any other states, privileges or certifications have not been disciplined or restricted for any reason. The Board shall have the discretion to assess the magnitude of any disciplinary action to determine the licensure eligibility of the applicant.
 - (e) Provide proof of having engaged in active veterinary practice for three (3) of the five (5) years preceding application. "Active veterinary practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. § 63-12-103(10) for an average of twenty-five (25) hours per week in another state or jurisdiction. The Board may consider a waiver upon request.
 - 1. The Board may grant a waiver pertaining to the number of years and average weekly hours of active practice.
 - 2. Waivers will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
 - (f) Provide proof of completion of a minimum of sixty (60) hours of continuing education in the five (5) years preceding application. Forty-five (45) hours must pertain to the medical and surgical care of animals. Fifteen (15) hours may pertain to a special interest in veterinary medicine in fields other than the medical and surgical care of animals, including but not limited to practice management and state and federal regulatory programs. A maximum of thirty (30) hours may be obtained in a multi-media format as set forth in Rule 1730-01-.12(3)(d)(2).
 - 1. The Board may grant a waiver of the need to attend and complete the required hours of continuing education.
 - 2. Waivers will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
 - (g) Pay the required fees set forth in Rule 1730-01-.06.
- (3) Foreign Graduates. In addition to meeting the prerequisites outlined in Rule 1730-01-.04(1) or (2) graduates from a Foreign Veterinary Medical School must:
- (a) Be certified by
 - 1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or
 - 2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or

(Rule 1730-01-.04, continued)

3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE;
and
- (b) Be a graduate from a veterinary school approved by the American Veterinary Medical Association or the Board; and
- (c) Provide an official copy of grades and curriculum, translated if not in English. The original document and the translation must be certified as authentic by the issuing source.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed November 2, 2005; effective January 16, 2006. Amendments filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.05 PROCEDURES FOR LICENSURE.

- (1) Veterinarian by Examination
 - (a) An applicant shall obtain an application from the Board's administrative office, and respond truthfully and completely to every question or request for information.
 - (b) Applications for licensure must be submitted to the Board's administrative office in accordance with the National Board of Veterinary Medical Examiners (NBVME) deadline.
 - (c) An applicant shall pay, at the time of application, the non-refundable application fee and the State Regulatory fee as provided in Rule 1730-01-.06.
 - (d) An applicant shall submit with his/her application two recent photographs, one signed and notarized.
 - (e) An applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's administrative office. The transcript must show that the degree has been conferred and carry the official seal of the institution.
 - (f) An applicant shall pass the North American Veterinary Licensing Examination (NAVLE) within the five (5) years preceding licensure application. Official scores shall be submitted to the Board's administrative office directly from American Association of Veterinary State Boards (AAVSB).
 - (g) An applicant shall disclose the circumstances surrounding any of the following:
 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
 2. Denial of a licensure application or the discipline of a license by any other state.
 3. Loss or restriction of certification, licensure privileges, state or federal accreditation.

(Rule 1730-01-.05, continued)

4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
 - (h) An applicant shall cause to be submitted to the Board's administrative office, directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (i) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
 - (j) Where necessary, all required documents shall be translated in English. The original document and the translation must be certified as authentic by the issuing source.
 - (k) Application review and licensure decisions are governed by Rule 1730-01-.07.
 - (l) If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.
- (2) Veterinarian by Reciprocity. The Board may grant full licensure by reciprocity to veterinarians licensed in another state. The process for obtaining a license by reciprocity is as follows:
 - (a) An applicant shall obtain an application form from the Board's administrative office and respond truthfully and completely to every question or request for information.
 - (b) An applicant shall submit proof of successful completion of the North American Veterinary Licensing Exam (NAVLE) or the National Board Examination and Clinical Competency Test, with official scores submitted to the Board's administrative office directly from American Association of Veterinary State Boards (AAVSB).
 - (c) An applicant shall pay, at the time of application, the non-refundable application, reciprocity, and State Regulatory fees as provided in Rule 1730-01-.06.
 - (d) An applicant shall submit with his or her application two recent photographs, one signed and notarized.
 - (e) An applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's administrative office. The transcript must show that the degree has been conferred and carry the official seal of the institution.
 - (f) An applicant shall disclose the circumstances surrounding any of the following:
 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
 2. Denial of licensure application or the discipline of a license by any other state.
 3. Loss or restriction of certification or licensure privileges or state or federal accreditation.

(Rule 1730-01-.05, continued)

4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
 - (g) An applicant shall cause to be submitted to the Board's administrative office, directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (h) An applicant shall submit proof of United States or Canadian citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
 - (i) Where necessary, all required documents shall be translated into English. The original document and the translation must be certified as authentic by the issuing source.
 - (j) Application review and licensure decisions are governed by Rule 1730-01-.07.
 - (k) If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.
 - (l) An applicant for licensure by reciprocity shall furnish an affidavit or other proof that he or she has engaged actively in the practice of veterinary medicine for three (3) of the five (5) years preceding licensure application for an average of at least twenty-five (25) hours per week in another state or jurisdiction.
 - (m) An applicant for licensure by reciprocity shall furnish independent documentation of attendance and completion of all continuing education courses as required under Rule 1730-01-.04(2)(f).
- (3) Foreign Graduates. In addition to meeting the prerequisites outlined in Rule 1730-01-.04(1) or (2), graduates from a Foreign Veterinary Medical School must:
 - (a) Be certified by
 1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or
 2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or
 3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE; and
 - (b) Be a graduate from a veterinary school approved by the American Veterinary Medical Association or the Board; and
 - (c) Provide an official copy of grades and curriculum, translated if not in English. The original document and the translation must be certified as authentic by the issuing source.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004.

(Rule 1730-01-.05, continued)

Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed March 14, 2006; effective May 28, 2006. Amendments filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.06 FEES.

- (1) The fees are as follows:
 - (a) Application Fee - A non-refundable fee to be paid by all applicants including those seeking licensure by reciprocity. It must be paid each time an application for licensure is filed.
 - (b) Endorsement/Verification - Endorsement of licensure to state licensing boards and government agencies will be provided at no charge on behalf of the licensee. A non-refundable fee is to be paid for each verification of licensure to anyone other than a state licensing board or government agency.
 - (c) Late Renewal Fee - A non-refundable fee to be paid when an individual fails to timely renew a license.
 - (d) License Renewal Fee - A non-refundable fee to be paid by all licensees. This fee also applies to individuals who reactivate a retired or lapsed license.
 - (e) Reciprocity License Fee - A non-refundable fee to be paid at the time of application for licensure.
 - (f) Replacement License or Renewal Certificate Fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" license or renewal certificate.
 - (g) State Regulatory Fee - To be paid by all individuals at the time of application and with all renewal applications.
 - (h) Temporary License Fee - A non-refundable fee to be paid each time an application for a temporary license is filed.
- (2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.

(3) Fee Schedule:	Amount
(a) Application	\$ 125.00
(b) Endorsement/Verification	20.00
(c) Late Renewal	80.00
(d) Renewal (biennial)	360.00
(e) Reciprocity License Fee	150.00
(f) Replacement License or Renewal Certificate Fee	25.00
(g) State Regulatory Fee (biennial)	10.00
(h) Temporary License	25.00

(Rule 1730-01-.06, continued)

- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 4-32-1011, 63-1-106, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, 63-12-121, and 63-23-123. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed December 18, 1995; effective March 1, 1996. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed March 14, 2006; effective May 28, 2006.

1730-01-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS.

- (1) Applications for licensure are accepted throughout the year.
- (2) Initial review of all applications to determine whether the application file is complete may be delegated by the Board to the Board's Executive Director, provided that final approval of all applications is made and ratified by the Board.
- (3) If an application is incomplete when reviewed by the Board or the Board's Executive Director, a deficiency letter will be sent to notify the applicant of the deficiency.
 - (a) For an applicant who has completed the requirements for licensure, all documentation must be received within sixty (60) days of mailing of the deficiency notification. Otherwise, the application shall be closed and the applicant may reapply.
 - (b) After an application file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.
- (4) For an applicant who has not passed the National Board Examination (NAVLE), the file will remain open until the applicant has had the opportunity to take the NAVLE three (3) times. At that time, the file will be closed and the applicant notified.
- (5) If a complete application has been denied and ratified as such by the Board, the action shall become final and a notification of the denial shall be sent by the Board's administrative office via certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all of the specific statutory or rule authorities for the denial.
 - (a) The denial notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Uniform Administrative Procedures Act (T.C.A. § 4-5-101 to -404) to contest the denial.
 - (b) An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.
 - (c) An applicant will not be granted a contested case hearing if the licensure denial was based on objective, clearly-defined criteria, unless the reasons for continued denial present a genuine issue of material fact or law that is appropriate for appeal. A request for

(Rule 1730-01-.07, continued)

appeal must be made in writing to the Board within 30 days of receipt of the denial notification from the Board.

- (6) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination. If the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.
- (7) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.
- (8) Abandonment of Application
 - (a) The Board's Executive Director will deem an application "abandoned" if:
 1. The application has not been completed by the applicant within 18 months after it was initially reviewed by the Board; or
 2. An applicant fails to sit for a scheduled examination within twelve (12) months after being notified of eligibility.
 - (b) Written notification of abandonment will be mailed to the applicant and the application file will be closed.
 - (c) An application submitted after the abandonment of a prior application shall be treated as a new application.
- (9) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or a Board's designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-142, 63-12-105, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendments filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.08 EXAMINATIONS.

- (1) An individual seeking licensure shall be required to pass the examination as stated in paragraph (2), or pass the examinations referred to in paragraphs (3) and (4) below.
- (2) North American Veterinary Licensing Examination (NAVLE)
 - (a) The Board adopts the NAVLE as its state and national examinations under T.C.A. § 63-12-115.
 - (b) This examination is developed by and administered under the direction of the National Board of Veterinary Medical Examiners (NBVME).
 - (c) The Board adopts the NBVME's determination of the passing score for the examination.

(Rule 1730-01-.08, continued)

- (d) All examination applications and fees for the NAVLE shall be sent directly to the NBVME.
 - (e) An applicant for licensure by examination must provide proof of passing the NAVLE no more than five (5) years before the date of submission of the application for licensure by examination.
- (3) National Board Examination (NBE)
- (a) This examination was administered under the direction of the National Board Examination Committee.
 - (b) The Board adopts the passing grade established by the National Board Examination Committee.
- (4) Clinical Competency Test (CCT)
- (a) This examination was administered under the direction of the National Board Examination Committee.
 - (b) The Board adopts the passing grade established by the National Board Examination Committee.
- (5) Official scores from the NAVLE, NBE, or CCT must be submitted to the Board's administrative office directly from the American Association of Veterinary State Boards (AAVSB).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.09 RENEWAL OF LICENSE.

- (1) Renewal Application
- (a) The due date for license renewal is the last day of the month of the license period pursuant to the Division's biennial renewal system.
 - (b) Methods of Renewal
 - 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:
www.tennesseeanytime.org
 - 2. Paper Renewals - For individuals who have not renewed their license online via the Internet, a renewal application form will be mailed to each individual licensed by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.
 - (c) To be eligible for renewal, an individual must have completed continuing education requirements provided in Rule 1730-01-.12 and submit to the Division of Health Related Boards on or before the expiration date all of the following:

(Rule 1730-01-.09, continued)

1. A completed Board renewal application form; and
 2. The renewal and state regulatory fees as provided in Rule 1730-01-.06.
- (d) Anyone submitting a renewal form or letter which is found to be untrue may be subjecting himself to disciplinary action as provided in Rule 1730-01-.15.
- (e) Licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses processed in accordance with rule 1200-10-01-.10.
- (2) Reinstatement of an Expired License
- (a) Reinstatement of a license that has expired may be accomplished upon meeting the following conditions:
1. Payment of all past due renewal and state regulatory fees,
 2. Payment of the late renewal fee provided in Rule 1730-01-.06; and
 3. Compliance with continuing education requirement pursuant to Rule 1730-01-.12.
- (b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-107, 63-12-105, 63-12-106, 63-12-107, 63-12-119, 63-12-120, 63-12-121, 63-12-122, 63-12-124, and 63-12-128. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 25, 2003; effective September 8, 2003.

1730-01-.10 SUPERVISION.

- (1) A veterinarian with a temporary license must be under the responsible supervision of a Tennessee-licensed veterinarian.
- (2) No veterinary technician, veterinary student intern, or employee shall provide any professional services as covered by these rules without the responsible supervision of a licensed veterinarian, except that an employee of the veterinarian may be permitted to float teeth using non-motorized equipment without the physical presence of a licensed veterinarian as long as the employee is functioning under the supervision, control, and responsibility of the licensed veterinarian within the context of a valid veterinarian-client-patient relationship.
- (3) A supervising veterinarian must provide responsible supervision to a consulting veterinarian.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-103, 63-12-106, 63-12-113, 63-12-119, 63-12-124, 63-12-128, 63-12-119, 63-12-133, and 63-12-135. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.11 RETIREMENT AND REACTIVATION OF LICENSE.

- (1) In order to retire a license, the licensee shall complete an Affidavit of Retirement on the form furnished by the Board's administrative office.
- (2) If a licensee wishes to reactivate a Tennessee license after actively practicing veterinary medicine in another state, then the licensee must show the following:

(Rule 1730-01-.11, continued)

- (a) Evidence of continuous practice in another state or jurisdiction during the period of retirement of the Tennessee license;
 - (b) Evidence of good standing in the other state or jurisdiction; and
 - (c) Evidence of having completed continuing education courses equal to the number of hours required by the Board during the period of retirement, with a maximum requirement of eighty (80) hours.
- (3) Veterinarians who have not engaged in continuous practice during the period of retirement must appear before the Board for an interview and at that time show evidence of having completed continuing education equal to the number of hours required by the Board during the period of retirement, with a maximum requirement of eighty (80) hours.
 - (4) Licensure reactivation applications shall be treated as licensure applications. The Board's review and decisions required by this Rule shall be governed by Rule 1730-01-.07.
 - (5) If reactivation is requested within one (1) year from the date of retirement, the Board will require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-01-.06.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-120, and 63-12-121. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 2, 2005; effective January 16, 2006. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.12 CONTINUING EDUCATION.

- (1) Hours Required
 - (a) In order to renew a license, the licensee must obtain twenty (20) hours of continuing education each calendar year. Fifteen (15) hours must pertain to the medical and surgical care of animals. Five (5) hours may pertain to a special interest in veterinary medicine in fields other than the medical and surgical care of animals, including but not limited to practice management and state and federal regulatory programs. A maximum of ten (10) hours may be obtained in a multi-media format as defined in part (3)(d)2 of this rule.
 - (b) For every two-year period, two (2) of the required hours must pertain to regulatory issues, controlled substances, or professional ethics.
 - (c) A licensee is exempt from continuing education requirements during the calendar year of the licensee's graduation from an approved school or college of veterinary medicine.
 - (d) The Board approves courses for only the number of hours contained in the course. A licensee will not receive credit for repeating the same course in a calendar year.
- (2) Proof of Compliance
 - (a) The due date for attendance and completion of the required continuing education hours is December 31 of each year. Each veterinarian must attest, on a Board provided form, to attendance and completion of the required continuing education hours and that such hours were obtained during the preceding calendar year.

(Rule 1730-01-.12, continued)

- (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except for multi-media courses, the licensee must be physically present at these continuing education meetings.
 - (c) Each veterinarian must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board during its verification process.
- (3) Course Approval
- (a) Courses to be offered for credit toward the required continuing education hours must receive approval from the Board, except as provided in subparagraph (e) of this rule.
 - (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except as provided in part (3)(d)2, the licensee must be physically present at these continuing education meetings and will be required to attest, at the time of renewal, that the requirement has been met.
 - (c) Approval may be obtained by submitting the following information to the Board's administrative office at least thirty (30) days before the scheduled date of the course.
 - 1. A course description or outline;
 - 2. Names of all speakers and sponsors;
 - 3. Number of hours of educational credit requested; and
 - 4. Date of course.
 - (d) Continuing education courses may be presented in any of the following formats:
 - 1. Lecture.
 - 2. Multi-Media – With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit. Multi-Media courses may include courses using:
 - (i) The Internet
 - (ii) Closed circuit television
 - (iii) Satellite broadcasts
 - (iv) Correspondence courses
 - (v) Videotapes
 - (vi) CD-ROM
 - (vii) DVD
 - (viii) Teleconferencing
 - (ix) Videoconferencing

(Rule 1730-01-.12, continued)

- (x) Distance learning
- (e) The following courses need not receive approval and constitute Board approved continuing education courses:
 - 1. Courses sponsored or approved by any of the following organizations:
 - American Animal Hospital Association
 - American Association for Wildlife Veterinarians
 - American Association for Women Veterinarians
 - American Association of Avian Pathologists
 - American Association of Bovine Practitioners
 - American Association of Equine Practitioners
 - American Association of Sheep and Goat Practitioners
 - American Association of Swine Practitioners
 - American Association of Veterinary Clinicians
 - American Association of Veterinary Parasitologists
 - American College of Veterinary Toxicologists
 - American College of Laboratory Animal Medicine
 - American College of Poultry Veterinarians
 - American College of Theriogenologists
 - American College of Veterinary Internal Medicine
 - American Dairy Science Association
 - American Society of Animal Scientists
 - American Society for Veterinary Clinical Pathology
 - American Society of Veterinary Ophthalmology
 - American Veterinary Epidemiology Society
 - 2. Educational courses sponsored by an accredited school of veterinary medicine or AVMA-recognized veterinary specialty organization. A course taken for or assigned three (3) semester credit hours or equivalent quarter credit hours counts as fifteen (15) continuing education hours. No credits will be counted for courses failed.
 - 3. Courses and programs approved by the Registry of Approved Continuing Education (RACE), which is the American Association of Veterinary State Boards' national clearinghouse for approval of continuing education.
 - 4. Educational programs dealing with the practice of veterinary medicine provided by any local, state, regional, national or international veterinary associations, Board-certified specialties recognized by the American Veterinary Medical Association (AVMA), schools or colleges of veterinary medicine accredited by the AVMA, and the United States Department of Agriculture; and any program approved by another state veterinary board.
- (4) Waiver or Extension of Continuing Education
 - (a) The Board may grant a waiver or extension of the need to attend and complete the required hours of continuing education.
 - (b) Waivers or extensions will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
 - (c) A waiver or extension approved by the Board is effective for only the calendar year for which the waiver is sought unless otherwise specified in writing by the Board.

(Rule 1730-01-.12, continued)

- (5) Continuing Education for Reactivation of a Retired License
 - (a) Any veterinarian who applies for reactivation of a retired license must attest to having completed Board approved continuing education credit equal to that required by this rule, with a maximum requirement of eighty (80) hours.
 - (b) Any continuing education hours obtained as a prerequisite for licensure reactivation shall not count toward the continuing education hours required to be obtained before the end of the calendar year of reactivation.
 - (c) The Board, upon receipt of a written request and explanation, may waive any or all of the continuing education for reactivation of a retired license.
- (6) Violations
 - (a) Any veterinarian who falsely attests to the attendance and completion of the required continuing education hours or fails to obtain the required continuing education hours may be subject to discipline by the Board pursuant to T.C.A. §63-12-124(a)(1), (2), (4), (12), or (14).
 - (b) Education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not count toward the continuing education hours a licensee must obtain each calendar year.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-120, 63-12-121, 63-12-122, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed June 25, 2007; effective September 9, 2007. Amendment filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.13 UNPROFESSIONAL CONDUCT. Unprofessional conduct includes but is not limited to the following:

- (1) Failure to maintain a record for each companion animal which accurately reflects the veterinary problems and interventions.
- (2) Being under the influence of alcoholic beverages or illegal drugs while on duty in any animal health care facility, institution or other work place location.
- (3) Impersonating another licensed practitioner.
- (4) Practicing veterinary medicine in this state on an expired, retired, suspended, or revoked license or beyond the period of a valid temporary license.
- (5) Failing to responsibly supervise persons to whom veterinary functions are delegated or assigned.
- (6) Revealing without written permission knowledge obtained in a professional capacity about animals or owners, except:
 - (a) When the information is requested during a formal investigation by representatives of the State of Tennessee or other law enforcement agencies;

(Rule 1730-01-.13, continued)

- (b) When required to do so by a court of law; or
 - (c) When required by law to report to state or federal agencies.
- (7) Failure to cooperate with authorities investigating incompetent, unethical or illegal practices of another individual.
 - (8) Performing veterinary techniques or procedures without proper education.
 - (9) Engaging in acts of dishonesty which relate to the practice of veterinary medicine.
 - (10) Treating, professing to treat, or issuing any pharmaceutical to any human.
 - (11) Practicing in a facility without a premises permit.
 - (12) Practicing veterinary medicine in a setting not specifically authorized or designated by T.C.A. § 63-12-103.
 - (13) Violation of any lawful order of the Board.
 - (14) Violation of the provisions of the Non-Livestock Animal Humane Death Act, codified at T.C.A. §§ 44-17-301 to -304, while performing euthanasia in a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-103, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-129. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed October 18, 2004; effective January 1, 2005. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.14 TEMPORARY LICENSE.

- (1) Veterinarian by Examination.
 - (a) An applicant who is a graduate of a school or college of veterinary medicine that is approved by the board and who meets all the qualifications and requirements for a Tennessee veterinary license may also file an application for a temporary license.
 - (b) Unless the Board revokes the temporary license, the temporary license shall expire thirty (30) days after the date of the next scheduled examination.
 - (c) If a holder of a temporary license does not report, without prior notice in writing, to take the next scheduled examination, the temporary license expires on the date of the examination.
 - (d) If a holder of a temporary license fails the examination, he may file an application for another temporary license and pay the fee pursuant to Rule 1730-01-.06.
 - (e) No individual shall be issued more than three (3) temporary licenses under this section.
- (2) Veterinarian by Reciprocity.

(Rule 1730-01-.14, continued)

- (a) An applicant who is a licensed veterinarian according to the laws of another state and who meets all other qualifications for licensure may also file an application for a temporary license.
 - (b) The temporary license shall expire upon the Board's ruling on the application for licensure.
- (3) Foreign graduates.
- (a) An applicant who is a graduate of a non-accredited or non-approved college of veterinary medicine and who satisfactorily completed the fourth (4th) year of clinical study at an accredited or approved college of veterinary medicine may also file an application for a temporary license.
 - (b) The veterinarian shall have passed the examinations as provided in Rule 1730-01-.08.
 - (c) The veterinarian shall be currently seeking certification from:
 1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or
 2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or
 3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE.
 - (d) The temporary license is valid until the veterinarian obtains ECFVG certification, PAVE certification, or certification from an agency deemed by the Board to be equivalent to ECFVG or PAVE.
 - (e) A temporary license issued pursuant to this section shall not be valid for more than a maximum of eighteen (18) months from the date the temporary license is issued.
- (4) The application for temporary license must be completed and signed by the supervising veterinarian in the presence of a notary. Information submitted must include the supervising veterinarian's name, Tennessee license number, facility name, address, and telephone number where the temporary license holder will be working.
- (5) The Temporary License fee specified in Rule 1730-01-.06 must accompany the application for temporary license.
- (6) The supervising veterinarian must attest that he will provide direct supervision of the temporary license holder. Direct supervision is defined in Rule 1730-01-.10.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-112, and 63-12-113. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed November 2, 2005; effective January 16, 2006. Amendment filed September 10, 2009; effective December 9, 2009.

1730-01-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SCREENING PANELS.

- (1) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed.
- (2) Upon a finding by the Board that a veterinarian and/or premises owner has violated any provision of the Tennessee Veterinary Medical Practice Act (T.C.A. §§63-12-101, et seq.) or the

(Rule 1730-01-.15, continued)

rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense:

- (a) Advisory Censure - This is a written action issued to the veterinarian and/or premises owner for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
- (b) Formal censure or reprimand - This is a written action issued to a veterinarian and/or premises owner for one time and less severe violations. It is a formal disciplinary action.
- (c) Probation - This is a formal disciplinary action which places a veterinarian and/or premises owner on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.
- (d) Licensure Suspension - This is a formal disciplinary action which suspends a licensee's right to practice and/or premises owner to operate for a fixed period of time. It contemplates the reentry of the individual into the practice under the licensure previously issued.
- (e) Revocation for Cause. This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification or licensure previously issued. The Board, in its discretion, may allow reinstatement of a revoked certificate or license upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification or licensure from a person whose license was revoked shall be considered prior to the expiration of at least one year unless otherwise stated in the Board's revocation order.
- (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
 1. During any period of probation, suspension; or
 2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
 4. As a stand-alone requirement(s) in any disciplinary order.
- (g) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (5) of this rule.
- (h) When the Board suspends a license, the person may not practice veterinary medicine during the period of suspension and is also prohibited from doing the following:
 1. Direct assistance to another veterinarian in the veterinary treatment of any animal.
 2. Appear before animal owners in a laboratory coat, clinic smock or other garment which is customarily worn by practitioners when treating animal.
 3. Consultation with another practitioner concerning the treatment of the person's animal(s) in the presence of or within hearing of any animal owner; provided, however, that he may discuss with a subsequent treating practitioner, out of the

(Rule 1730-01-.15, continued)

presence or hearing of any animal owner, prior diagnosis or pre-existing treatment plan and such subsequent treating practitioner's proposed treatment plan. However, the fact or substance of such discussion shall not be communicated or conveyed to an animal owner personally, or by another treating practitioner who presents it to the owner, as that person's judgment, diagnosis, treatment plan, or other professional determination.

4. Personal acceptance of payment for veterinary services directly from an animal owner in the reception area of the office, clinic, or animal hospital.
 - (i) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee petitions, pursuant to paragraph (3) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.
- (3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.
 - (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:
 1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
 2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
 3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a license previously revoked.
 - (b) Procedures
 1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
 - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted

(Rule 1730-01-.15, continued)

will be considered in making an initial determination on, or a final order in response to, the petition.

2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order of Compliance
Board of Veterinary Medical Examiners

Petitioner's Name: _____
 Petitioner's Mailing Address: _____

 Petitioner's E-Mail Address: _____
 Telephone Number: _____

 Attorney for Petitioner: _____
 Attorney's Mailing Address: _____

 Attorney's E-Mail Address: _____
 Telephone Number: _____

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or

(Rule 1730-01-.15, continued)

3. An order issued reflecting that compliance and reinstating a license previously revoked.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20_____.

Petitioner's Signature

- (4) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unlicensed practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
 - (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
 - (b) Procedures
 1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
 - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
 2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:

(Rule 1730-01-.15, continued)

- (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
 4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order Modification
Board of Veterinary Medical Examiners

Petitioner's Name: _____
 Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
 Telephone Number: _____

Attorney for Petitioner: _____
 Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
 Telephone Number: _____

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

(Rule 1730-01-.15, continued)

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20_____.

Petitioner's Signature

(5) Civil Penalties

(a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to Public Chapter 389, Acts of 1989.

(b) Schedule of Civil Penalties

1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed or certified by the Board is guilty of a willful and knowing violation of the Practice Act, or regulations pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual client or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a veterinarian without a license from the Board.
2. A Type B civil penalty may be imposed whenever the Board finds the person required to be licensed by the Board is guilty of a violation of the Veterinary Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of clients or the public.
3. A Type C civil penalty may be imposed whenever the Board finds the person required to be licensed, permitted, or authorized by the Board is guilty of a violation of the Veterinary Practice Act or regulations promulgated thereto, which are neither directly detrimental to clients or the public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil Penalties

1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the

(Rule 1730-01-.15, continued)

- proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
 3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefits gained by the violator as a result of non-compliance; and,
 - (v) The interest of the public.
 4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.
- (e) The Board shall refund all monetary fines and civil penalties imposed and collected in fiscal years 2004-2005 and 2005-2006 for the artificial insemination of livestock without a veterinary medical license, upon receipt by June 30, 2008 of a written request for such refund and provided such funds are specifically appropriated by the General Appropriations Act.
- (6) Informal Settlements - The Board consultant is authorized to enter into informal settlement agreements pursuant to Rule 1045-02-.19 under which a complaint against an individual may be closed without any disciplinary action. Any matter proposed for informal settlement must be subsequently ratified by the full board before it will become effective. Such agreement may include any terms deemed appropriate by the Board consultant including, but not limited to:
- (a) Mandatory education program or course attendance;
 - (b) Submission of reports, records or other appropriate documentation;
 - (c) Conditioning of the individual's activities in any manner which affects his practice in Tennessee.
- (7) It is an offense to knowingly operate a veterinary facility in this state without a premise permit. A violation of this section is a Class B misdemeanor and each violation constitutes a separate offense.
- (8) It is unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person other than a veterinarian duly licensed in this state or a veterinary facility operated at all times under the direct medical supervision of a veterinarian duly licensed in this state.

(Rule 1730-01-.15, continued)

- (a) No person, corporation or other similar organization, public or private, for-profit or not-for-profit, other than a veterinarian duly licensed in this state, shall own or operate a veterinary facility within this state, except as follows:
 - 1. Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, shall apply for and receive a premises permit before the commencement of operations at the veterinary facility; and
 - 2. The owner of the veterinary facility shall not restrict or interfere with medically appropriate veterinary diagnostic or treatment decisions by the licensed veterinarians employed at the veterinary facility.
- (b) The following are exempt from this section:
 - 1. A veterinarian employed by a person, corporation or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal(s);
 - 2. A veterinarian employed by an official agency of the federal or state government, or any subdivision thereof; and
 - 3. A veterinarian employed by any licensed research facility.
- (9) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§ 63-1-144 and 63-12-143.
- (10) Screening Panels - Any screening panel(s) established pursuant to T.C.A. § 63-1-138:
 - (a) Shall have concurrent authority with the Board and any individual appointed by the Board pursuant to Rule 1730-01-.19, to do the acts enumerated in Rule 1730-01-.19 (1)
 - (b) 1. and 2. subject to the conditions contained therein.
 - 1. A Screening panel(s) comprised of two (2) or more persons shall elect a chairperson prior to convening to conduct business.
 - 2. A screening panel(s) comprised of two (2) or more persons is required to conduct the informal hearings authorized in subparagraph (b) immediately below.
 - (b) After completion of an investigation by the Division, may upon request of either the state, or the licensee who is the subject of an investigation with the agreement of the state, or upon request of both the licensee and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
 - 1. Neither the Rules of Civil Procedure, the Rules of Mediation and Arbitration, the Rules of Evidence, or Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.
 - (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
 - (ii) Prior to convening the panel and in the absence of an agreement of the parties, the screening panel chairperson shall determine the manner and order of presentation of evidence.

(Rule 1730-01-.15, continued)

2. Neither the state nor a licensee who is the subject of an investigation being considered by a screening panel can be compelled to participate in any informal hearing.
 3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
 - (i) Approved by a majority of the members of the screening panel which issued them; and
 - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the licensee; and
 - (iii) Subsequently presented to and ratified by the Board.
- (11) Reconsiderations and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, and 63-12-128. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004. Amendment filed June 26, 2007; effective September 9, 2007. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

1730-01-.16 LICENSE.

- (1) Before engaging in the practice of veterinary medicine in Tennessee, a person must hold a current Tennessee license or valid temporary license issued by the Board, except as provided in T.C.A. § 63-12-103 and T.C.A. § 63-12-133.
- (2) Display of License - Every person licensed by the Board in this state shall display the license and renewal certificate in a conspicuous place in the licensee's office and, whenever required, show such license to the Board or its authorized representative.
- (3) Replacement License or Renewal Certificate - A license holder whose license or renewal certificate has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board's administrative office.
- (4) Use of Titles - Only a person who possesses a valid, unsuspended and unrevoked, Board-issued license to practice veterinary medicine is authorized to use the title "Veterinarian," "Doctor of Veterinary Medicine," "D.V.M." or "V.M.D.", and to practice veterinary medicine, as defined in T.C.A. § 63-12-103. Any licensee to whom this rule applies must use one of these authorized titles in every advertisement that he or she publishes. The failure to do so constitutes the omission of a material fact which makes the advertisement misleading and deceptive and subjects the licensee to disciplinary action.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-12-103, 63-12-106, 63-12-112, 63-12-124, and 63-12-124.3. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed July 27, 2006; effective October 10, 2006. Amendment filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.17 CHANGE OF NAME AND/OR ADDRESS.

(Rule 1730-01-.17, continued)

- (1) Change of Name - An individual registered with the Board shall notify the Board in writing within 30 days of a name change. The notice shall provide both the old and new names and must reference the individual's profession, and license number.
- (2) Change of Address – A licensee must notify the Board of a change of address within thirty (30) days of such change. The notification must be in writing and include both the old and new addresses along with the licensee's name, profession and license number.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-106, and 63-1-108. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.18 MANDATORY RELEASE OF CLIENT RECORDS.

- (1) Upon request from a client or the client's authorized representative, the veterinarian shall provide a complete copy of the patient's records or summary of such records which were maintained by the veterinarian.
- (2) It shall be the veterinarian's option as to whether copies of the records or a summary will be given to the client.
- (3) Requests for records shall be honored by the veterinarian in a timely manner.
- (4) The individual requesting the records shall be responsible for payment of a reasonable fee to the veterinarian for copying and mailing of the records.
- (5) Radiographs are considered to be a part of the client's records.
- (6) A client's records shall not be used to fill a prescription or to have a prescription dispensed.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-12-103, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed May 26, 2004; effective August 9, 2004.

1730-01-.19 BOARD CONSULTANTS, RECORDS AND COMPLAINTS, AND DECLARATORY ORDERS.

- (1) Board Consultants are appointed by the Board and vested with the authority to do the following acts:
 - (a) Review and make determinations on licensure, registration, exemption, renewal, and reactivation of licensure applications subject to the rules governing those respective applications.
 - (b) Serve as Consultant to the Division to carry out the following:
 1. Review and advise whether and what type of disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.
 2. Review and advise whether and under what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be ratified by the full Board before it becomes effective.
 3. Any other matters authorized by a majority vote of the Board.
- (2) All requests, applications, notices, complaints, other communications and correspondence shall be directed to the Board's administrative office. Any requests or inquiries requiring a

(Rule 1730-01-.19, continued)

Board decision or official Board action except documents relating to disciplinary actions, declaratory orders or hearing requests must be received fourteen (14) days prior to a scheduled Board meeting and will be retained in the administrative office and presented to the Board at the Board meeting. Such documents not timely received shall be set over to the next Board meeting.

(3) Records and Complaints

- (a) Minutes of the board meetings and all records, documents, applications, and correspondence will be maintained in the Board's administrative office.
- (b) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Board's administrative office.
- (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
- (d) Complaints made against a licensee become public information only upon the filing of a notice of charges by the Department of Health.

(4) Requests for Verification of Licensure must be made in writing to the Board's administrative office.

(5) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-129. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed October 27, 1999; effective January 10, 2000. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.20 ADVERTISING.

(1) The lack of sophistication on the part of many of the public concerning veterinary services, the importance of the interests affected by the choice of a veterinarian and the foreseeable consequences of unrestricted advertising by veterinarians which is recognized to pose special possibilities for deception, require that special care be taken by veterinarians to avoid misleading the public. The veterinarian must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by veterinarians is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.

(2) Advertising Veterinary Fees and Services

- (a) Fixed Fees may be advertised for any service. It is presumed unless otherwise stated in the advertisement that a fixed fee for a service shall include the cost of all professionally recognized components within generally accepted standards that are required to complete the service.

(Rule 1730-01-.20, continued)

- (b) Range of Fees. A range of fees may be advertised for services and the advertisement must disclose the factors used in determining the actual fee, necessary to prevent deception of the public.
 - (c) Discount fees may be advertised if:
 - 1. The discount fee is in fact lower than the licensee's customary or usual fee charged for the service; and
 - 2. The licensee provides the same quality and components of service and material at the discounted fee that are normally provided at the regular non-discounted fee for that service.
 - (d) Related Services and Additional Fees. Related services which may be required in conjunction with the advertised services for which additional fees will be charged must be identified as such in any advertisement.
 - (e) Time Period of Advertised Fees.
 - 1. Advertised fees shall be honored for those seeking the advertised services during the entire time period stated in the advertisement whether or not the services are actually rendered or completed within that time.
 - 2. If no time period is stated in the advertisement of fees, the advertised fee shall be honored for thirty (30) days from the last date of publication or until the next scheduled publication whichever is later whether or not the services are actually rendered or completed within that time.
- (3) Advertising Content. The following acts or omissions in the context of advertisement by any licensee shall constitute unethical and unprofessional conduct and are grounds for disciplinary action pursuant to T.C.A. § 63-12- 124(a)(10).
- (a) Claims that the services performed, personnel employed, materials or office equipment used are professionally superior to that which is ordinarily performed, employed, or used, or that convey the message that one licensee is better than another when superiority of services, personnel, materials or equipment cannot be substantiated.
 - (b) The misleading use of an unearned or non-health degree in any advertisement.
 - (c) Promotion of professional services which the licensee knows or should know is beyond the licensee's ability to perform.
 - (d) Techniques of communication which intimidate, exert undue pressure or undue influence over a prospective client.
 - (e) Any appeals to an individual's anxiety in an excessive or unfair manner.
 - (f) The use of any personal testimonial attesting to the quality of competency of a service or treatment offered by a licensee that is not reasonably verifiable.
 - (g) Use of any statistical data or other information based on past performances for prediction of future services, which creates an unjustified expectation about results the licensee can achieve.
 - (h) The communication of personal identifiable facts, data, or information about a client or patient without first obtaining client consent.

(Rule 1730-01-.20, continued)

- (i) Any misrepresentation of a material fact.
- (j) The knowing suppression, omission or concealment of any material fact or law without which the advertisement would be deceptive or misleading.
- (k) Statements concerning the benefits or other attributes of veterinary procedures or products that involve significant risks without including:
 - 1. A realistic assessment of the safety and efficiency of those procedures or products;
 - 2. The availability of alternatives; and
 - 3. Where necessary to avoid deception, descriptions or assessment of the benefits or other attributes of those alternatives.
- (l) Any communication which creates an unjustified expectation concerning the potential results of any veterinary treatment.
- (m) Failure to comply with the rules governing advertisement of veterinary fees and services, or advertising records.
- (n) The use of "bait and switch" advertisements. When the circumstances indicate a "bait and switch" advertisement, the Board may require the licensee to furnish data or other evidence that pertain to those sales at the advertised fee as well as other sales.
- (o) Misrepresentation of a licensee's credentials, training, experience or ability, including the use of the words "diplomate" or "specialist" if not recognized as such by the American Veterinary Medical Association (AVMA) or National Association of Veterinary Technicians in America (NAVTA).
- (p) Failure to include the corporation, partnership or individual licensee's name, address and telephone number in any advertisement. Any veterinary corporation, partnership or association which advertises by use of a trade name or otherwise fails to list all licensees practicing at a particular location shall:
 - 1. Upon request provide a list of all licensees at that location; and
 - 2. Maintain and conspicuously display at the licensee's office, a directory listing all licensees practicing at that location.
- (q) Failure to disclose the fact of giving compensation or anything of value to a representative of the press, radio, television or other communicative medium in anticipation of or in return for any advertisement (for example, newspaper article) unless the nature, format or medium of such advertisement make the fact of compensation apparent.
- (r) After thirty (30) days of the licensee's departure, the use of the individual name of any licensee formerly practicing at or associated with any advertised location or on office signs or buildings. This rule shall not apply in the case of a retired or deceased former associate who practiced veterinary medicine in association with one or more of the present occupants if the status of the former associate is disclosed in any advertisement or sign.
- (s) Stating or implying that a certain licensee provides all services when any such services are performed by another licensee.

(Rule 1730-01-.20, continued)

- (t) Directly or indirectly offering, giving, receiving or agreeing to receive any fee or other consideration to or from a third party for the referral of an animal in connection with the performance of professional services.
- (4) Advertising Records and Responsibility
- (a) Each licensee who is a partner, officer, or agent of a firm or entity identified in any advertisement may be held jointly and severally responsible for the form and content of any advertisement. The supervising veterinarian named on a premises permit application may also be held responsible for the advertisements of the veterinary premises.
 - (b) Any and all advertisements are presumed to have been approved by the licensee(s) named in the advertisement.
 - (c) The following advertising records shall be maintained by a licensee for a period of two (2) years from the date of publication and shall be made available for review upon request by the Board or its designee:
 - 1. A recording of every advertisement communicated by electronic media;
 - 2. A copy of every advertisement communicated by print media; and
 - 3. A copy of any other form of advertisement.
 - (d) At the time any type of advertisement is placed, the licensee must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.
- (5) Severability. It is hereby declared that the sections, clauses, sentences and parts of these rules are severable, are not matters of mutual essential inducement, and any of them shall be rescinded if these rules would otherwise be unconstitutional or ineffective. If any one or more sections, clauses, sentences or parts shall for any reason be questioned in court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part in any one or more instance shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-116, 63-1-145, 63-12-102, 63-12-103, 63-12-106, 63-12-107, 63-12-112, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.21 PRESCRIBING, DISPENSING, OR OTHERWISE DISTRIBUTING PHARMACEUTICALS.

- (1) Prerequisites to Prescribing
- (a) For purposes of this Rule, pursuant to 21 CFR 201.105, "animal drugs" are those drugs that are required by federal law to be prescribed by a licensed veterinarian.
 - (b) Before prescribing animal drugs, the veterinarian must first, pursuant to appropriate protocols or veterinary orders, complete and appropriately document all of the following for the animal, herd, or flock on whose behalf the prescription is to be written:

(Rule 1730-01-.21, continued)

1. Perform an appropriate history and physical examination;
 2. Make a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests;
 3. Formulate a therapeutic plan and discuss it with the animal's owner, along with the basis for it and the risks and benefits of various treatment options, a part of which might be a prescription or drug; and
 4. Ensure availability of the veterinarian or the veterinarian's staff for appropriate follow-up care.
- (c) Notwithstanding the provisions of subparagraph (b), a veterinarian, pursuant to appropriate protocols or veterinary orders, may prescribe or dispense drugs for an animal when such prescribing or dispensing is consistent with sound veterinary practice, examples of which are as follows:
1. As part of an initial evaluation order; or
 2. For an animal/patient of another veterinarian for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or
 3. For continuation medications on a short-term basis before the veterinarian personally examining the animal, herd, or flock; or
 4. For medications administered by the owner of the animal, herd, or flock when the veterinarian has prescribed and/or dispensed in a manner consistent with this rule.
- (2) Dispensing Requirements. Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:
- (a) All federal and state regulations for the dispensing of controlled substances.
 - (b) Except for labeled manufactured drugs with proper instructions, all non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:
 1. Animal's name and the name of the animal's owner;
 2. Date dispensed;
 3. Complete directions for usage;
 4. The facility's name, address and phone number;
 5. The name, strength, and amount of the medication;
 6. The statement: "For veterinary use only";
 7. The dispensing veterinarian's name; and
 8. Keep out of the reach of children.
 - (c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals, this record shall be by individual animal.

(Rule 1730-01-.21, continued)

- (3) Distribution of Veterinary Prescription Drugs.
 - (a) Distribution of veterinary prescription drugs to laymen may occur only on the prescription or other order of a licensed veterinarian. The prescriptions must be issued in the course of professional practice, with a veterinarian-client-patient relationship existing.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-103, 63-12-105, and 63-12-106. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.22 RECORDKEEPING.

- (1) The following minimum standards apply to all patient recordkeeping.
 - (a) Records shall be maintained for a minimum of three (3) years.
 - (b) A separate log shall be maintained for all controlled substances.
 - (c) Each patient record shall indicate the strength and quantity of any medication prescribed, administered or dispensed. In the case of companion animals, this record shall be maintained for each individual animal.
 - (d) Records shall reflect the problems the patient presents and the veterinary interventions performed or prescribed.
 - (e) Records shall reflect referral of cases where further expertise or equipment is needed.
 - (f) A veterinarian shall comply with requests for veterinary records as required by the Medical Records provisions of T.C.A. § 63-2-101 et seq.
- (2) Medical records for small animal practices shall be clear, legible, retrievable, and contain pertinent information such as:
 - (a) Name, address, and phone number of the owner/agent.
 - (b) Identification of patient including name, species, breed, age, sex, and description.
 - (c) Separate record for each patient. This record may be in a group of records for the owner/agent.
 - (d) Patient's vaccinations, medical and surgical history and procedures.
- (3) Medical records for large animal practices shall be clear, legible, retrievable, maintained on either a herd, flock or individual basis, and contain:
 - (a) Name, business/farm name, address, and phone number of the owner/agent.
 - (b) Identification of any animal(s) suspected of having a reportable disease or other disease with public health implications.
 - (c) Relevant medical and surgical procedures, including vaccinations given and lab reports, to the individual, group, or herd.

(Rule 1730-01-.22, continued)

- (d) A record of all drugs administered or dispensed, including quantity and withdrawal times.
- (4) Veterinarians providing written or oral instructions for persons who are not licensed as veterinarians to perform accepted livestock management practices must record the order, including specific information on the substance of the order and the date given, in the records of the animal.
- (5) For the purpose of these rules, the records shall be “owned” by the practice.
- (6) Radiographs are considered to be a part of the client’s records.
- (7) Outside of a valid veterinarian-client-patient relationship, records from another veterinary practice may not be used as the sole basis for prescribing or dispensing medication.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-133. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.23 EUTHANASIA IN C.A.C.A.S AND FACILITIES GOVERNED BY THE NON-LIVESTOCK ANIMAL HUMANE DEATH ACT (T.C.A. §§ 44-17-301, ET SEQ.). The only drugs approved by the Board for the euthanasia of animals by a licensed veterinarian who performs euthanasia in a certified animal control agency or in a facility governed by the provisions of the Non-Livestock Animal Humane Death Act codified at T.C.A. §§ 44-17-301, et seq., shall be sodium pentobarbital and all commercially available F.D.A. approved euthanasia agents containing sodium pentobarbital.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 44-17-301, et seq., 63-12-106, and 63-12-141. **Administrative History:** Original rule filed July 28, 2003; effective October 11, 2003.

1730-01-.24 CONSUMER RIGHT-TO-KNOW REQUIREMENTS.

- (1) Health Care Liability Reporting Requirements - The threshold amount for which licensees must report health care liability judgments, awards, or settlements in which payments are awarded to complaining parties, is set forth by statute under T.C.A. § 63-51-105 of the “Health Care Consumer Right-To-Know Act of 1998.”
- (2) Criminal Conviction Reporting Requirements - For purposes of the “Health Care Consumer Right-To-Know Act of 1998,” the following criminal convictions must be reported:
 - (a) Conviction of any felony; and
 - (b) Conviction or adjudication of guilt of any misdemeanor, regardless of its classification, in which any element of the misdemeanor involves any one (1) or more of the following:
 - 1. Sex.
 - 2. Alcohol or drugs.
 - 3. Physical injury or threat of injury to any person or any animal.
 - 4. Abuse or neglect of any minor, spouse or the elderly, or abuse of any animal.
 - 5. Fraud or theft.

(Rule 1730-01-.24, continued)

- (c) If any misdemeanor conviction reported under this rule is ordered expunged, a copy of the order of expungement signed by the judge must be submitted to the Department before the conviction will be expunged from any profile.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, and 63-51-101 et seq. **Administrative History:** Original rule filed June 24, 2004; effective September 7, 2004. Amendment filed May 23, 2014; effective August 21, 2014.

1730-01-.25 CONSULTING VETERINARIANS.

- (1) No unlicensed person may be called into Tennessee as a consulting veterinarian unless licensed as a veterinarian in another state and acting under the direction of and in consultation with a licensed veterinarian of this state.
- (2) The supervising veterinarian is responsible for notifying the Board's administrative office of the name of the non-licensed consulting veterinarian and the date(s) and location of the consultation. The request for consulting services must be for a specific case and can only be made by the supervising veterinarian and not by individual consumers.
- (3) The non-licensed consulting veterinarian shall not:
 - (a) Open an office or appoint a place to do business in Tennessee;
 - (b) Print or use letterhead or business cards, establish answering services or advertise the existence of a practice's address within this state; or
 - (c) Provide consultation for twelve (12) or more days per calendar year.

Authority: T.C.A. §§ 63-12-102, 63-12-103, and 63-12-133. **Administrative History:** Original rule filed May 23, 2014; effective August 21, 2014.



A Query from an AAVSB Member Board (updated 01/09/19)

Veterinary Facility Registration

Question:

John Helenberg with the Texas Board of Veterinary Medical Examiners is asking for information from those states/provinces that register veterinary facilities. What is the amount charged for a veterinary facility registration and what is the term for the registration? (i.e. annual, 2yrs, etc...)

Member Board Responses:

Alaska - Alaska does not register veterinary facilities.

Colorado - Colorado does not regulate veterinary facilities.

District of Columbia - All veterinary facility licenses are for a one year term. Each facility is inspected annually as part of the renewal of the license.

New facility license = \$195.00

Renewal facility license = \$117.00

Florida - The fee for an Establishment is \$250 – it is a 1 time fee, there are no renewal fees, no expiration date. The only other fee is a \$60 inspection fee once every 2 years paid once inspection is performed. We do not require an establishment license for Agricultural animal facilities.

Kentucky - Kentucky does not license veterinary facilities.

Louisiana - Louisiana does not license facilities

Maine - The Maine Board of Veterinary Medicine does not license veterinary facilities.

Maryland - Maryland registers veterinary facilities, including hospitals, mobile units and limited use facilities. The initial license is \$250. The annual registration is \$150.

Minnesota - Minnesota does not register facilities, just veterinary professional firms. Firms may have multiple locations.

Missouri - The facilities renew their licenses annually.

1. Initial Application Fee \$100.00
 2. Change of Ownership Fee \$100.00
 3. Change of Physical Address Fee \$100.00
 4. Annual Review Fee \$25.00
 5. Change in Function Fee \$25.00
 6. Change in Facility Name Fee \$25.00
 7. Late Renewal Penalty Fee \$50.00
-

Mississippi - Mississippi does not register facilities. However, we do evaluate each facility once every three years. At that time they are charged a basic \$100 fee plus an additional \$50 for each veterinarian practicing at the facility.

Montana - Montana does not license veterinary facilities, only veterinarians.

We do license certified euthanasia agencies (i.e. humane society-type places that need to keep euthanasia drugs on the premises). It is annual renewal. The initial application is \$150 and annual renewal is \$457 (\$200 for renewal and \$200 for the annual inspection which is paid at renewal).

Nevada - In Nevada, we register facilities Brick and mortar are facilities and any work done solely from a truck (usually equine or mobile euthanasia services would be a mobile practice. The license is yearly.

Applications and renewal costs for facilities:

Non-profit: 100

Owned by a DVM: 200

Owned by a non-DVM: 300

Mobile: 50

New Hampshire - We only license veterinarians, we don't register facilities. The only thing I can think of is that you could contact Secretary of State. I'm not sure if they do that, but if not, they may be able to point you to a resource.

New Mexico - The New Mexico Board of Veterinary Medicine licenses veterinary facilities and they are recognized as such. The application fee for an initial license is \$125 with annual renewals in September for the same fee amount. Veterinary facilities are inspected biennially by a the Board's facility inspector; there are minimum standards for veterinary facilities in the Board's rules.

New York - New York State does not register veterinary facilities.

North Carolina - In North Carolina the fee for a facility inspection is \$125. Inspections occur every two years. Exceptions to the time frame for re-inspection includes: complaints against a veterinarian/facility, if the facility had a serious violation (we will re-inspect within 2 weeks to 6 months), change of ownership (generates a re-inspections), or major renovation to the facility.

Ohio - The Ohio law licenses veterinary business facilities if they are not wholly or majority owned by veterinarians. <http://codes.ohio.gov/orc/4741.28v1> The charge is \$300 for initial licenses and biennial renewal of \$300 per facility.

Oklahoma - Oklahoma doesn't regulate facilities.

Ontario - The renewal term for accredited facilities in Ontario is 5 years. There is no annual fee.

The accreditation fee structure is outlined below:

<https://cvo.org/For-Licensed-Members/Accreditation/Accreditation-Fee-Schedule.aspx>

Prince Edward Island - we do not currently register veterinary practices; however, we intend to do so in the near future with pending changes to our provincial statutes. We have not yet determined a fee to do so, but the registration will likely be an annual renewal.

Rhode Island - RI does not license veterinary facilities.

Saskatchewan - In Saskatchewan we have a \$150 annual fee for practice registration. It covers the cost of practice inspection which is done on a five year cycle. Rather than having the practice pay \$700-800 once every 5 years we charge annually which allows us to budget our income/expenses for inspections more consistently. Also, the practices don't see the inspection fee as one large lump sum.

South Carolina - SC does not do registration of its vet. facilities.

Tennessee - In Tennessee we regulate veterinary facilities and animal control agencies if they are performing veterinary medicine there.

Animal control agencies are charged \$260, and that will include the application fee and the inspection fee to make sure they are within the states rules.

Veterinary owned facilities are charged \$235, and that includes the application fee and inspection fee. Non-Veterinary owned facilities are charged \$395, and that includes the application fee, inspection fee and then we charge them for the premise permit as well (we don't do this to vet owned practices).

The permits are good for two years and they renew the permits (\$370) just like they do their licenses, except that they have to be inspected again before we can renew the permit.

So we mail them out the renewal and they mail it back in with the money. When I get the renewal with the money, I send off a copy of the renewal (it has their name and address on it) to our inspector (he's a licensed vet with the state, contracted to inspect facilities and animal control). He inspects them and sends me the inspection reports, if they passed I renew their permit and they're good for another two years. If he failed them they have 30 days to fix what he cited them for failing and show proof (photos, copies of drug logs, etc.), once they've shown me the proof, I'll renew their permit and they're good for another two years. If they failed and needed to fix an extreme amount of items, or they didn't submit the proof of fixing what was asked in the 30 days, they will need to pay (\$150) be re-inspected.

See attachments starting on page 5 for the rules we have in place for veterinary facilities and animal control agencies and if you'd like copies of our inspection reports, just let me know and I'll send you copies of that as well.

I'm also going to attach our policy on premise permit exemptions and working without or on an expired permit.

I really hope this wasn't too long winded of an explanation but if you need more information, please don't hesitate to contact us.

Utah - Utah does not register/license veterinary facilities.

Virginia - Virginia's veterinary establishment registration fee is \$300 for the initial application/inspection and \$200 for annual renewal. Re-inspections occur about every 3 – 4 years.

West Virginia - The WV Board of Veterinary Medicine does register and inspect veterinary facilities. Below are our fees:

Initial Registration - \$100.00

Initial Registration (if applying after opening) - \$125.00

Renewal (1 year)- \$100.00

Renewal after expiration date (1 year)- \$125.00

Initial Inspection - \$300.00

After the initial inspection fee, the facility is inspected every 2 years and the inspection fee is \$300.00.

We also register and inspect animal euthanasia facilities.

**RULES
OF
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-02
GENERAL RULES GOVERNING VETERINARY FACILITIES**

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1730-02-.01 DEFINITIONS. As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

- (1) Advertisement - Information communicated to the public, in any manner, designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
- (2) Advertising - Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individuals, radio, video, television broadcasting, electronic communication, or any other means designed to secure public attention.
- (3) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (4) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (5) Board - The Tennessee Board of Veterinary Medical Examiners.
- (6) Conspicuous Place - A place easily viewable by the public.
- (7) Department - Tennessee Department of Health.
- (8) "Discounted Fee" - A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge are not considered to be offered at a "discounted fee".
- (9) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.

- (10) House Call - A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client's residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;
- (11) Licensee - Any person who has been lawfully issued a license to practice veterinary medicine or as a veterinary technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced in the State of Tennessee.
- (12) Practitioner - Refers to a Tennessee licensed Veterinarian.
- (13) Premises - Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (14) Premises Owner - Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, holding title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (15) Premises Permit - A permit issued by the board to operate a veterinary medical facility when the premises meet minimum standards established by the Board.
- (16) Public Rabies Vaccination Clinic - A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, under the local health department's ordinances and regulations.
- (17) Retail Establishment - Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.
- (18) Supervising Veterinarian – A person who is validly and currently licensed to practice veterinary medicine in Tennessee, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and is responsible for the supervision of a temporary licensee, veterinary student intern, employee, or consulting veterinarian.
- (19) Surgery – The art, practice, or work of treating disease, injuries, deformities, or conditions by manual or operative procedures. The castrating or dehorning of any wild or domestic animal is not considered veterinary surgery.
- (20) Veterinary Facility has the same meaning established by T.C.A. § 63-12-103(18).
- (21) Veterinary Practice means:
 - (a) Large Animal Practice - a practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as "large animal" by the Board of Veterinary Medical Examiners.
 - (b) Small Animal Practice - a practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as "small animal" by the Board of Veterinary Medical Examiners.
 - (c) Mixed Animal Practice - a practice in which both large and small animals are seen/treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-101, 63-1-116, 63-12-101 et. seq., 63-12-102, 63-12-103, 63-12-104, 63-12-105, 63-12-106, 63-12-110, 63-12-112, 63-12-113, 63-12-121, 63-12-129, 63-12-133, 63-12-139, and 68-8-103. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed October 18, 2004; effective January 1, 2005. Amendment filed May 23, 2014; effective August 21, 2014.

1730-02-02 VETERINARY FACILITY INSPECTIONS AND PREMISES PERMIT. The costs of any inspection undertaken by the board shall be set by the board and paid, in advance, by the applicant in addition to the fee established by the board for the premises permit.

- (1) The board shall be authorized to employ such persons who may be required in its discretion to inspect premises under the jurisdiction of the board. The board shall establish a fee schedule for inspections required under this chapter. Applicants for a premises permit shall remit to the board an application fee which shall be equal to the license fee required of licensed veterinarians. Licensed veterinarians or applicants for licensure as a veterinarian shall not be required to submit an additional fee for a premises permit but shall be required to submit the required inspection fee if such licensed veterinarian or applicant also submits an application for a premises permit.
- (2) The board shall make inspections of veterinary premises once every two (2) years. Inspections shall be done by licensed veterinarian(s) representing the board.
- (3) Upon request by the inspector, all veterinarians and veterinary technicians working at the site shall provide for inspection evidence of having completed continuing education pursuant to Rule 1730-01-.12 and Rule 1730-03-.12.
- (4) For the purpose of these rules, the written records shall be “owned” by the facility.
- (5) Any facility, permanent or mobile, where a licensed veterinarian practices must have a premises permit issued by the board. Upon application and payment of fees as set by rule of the board, the board shall cause such facility to be inspected, with re-inspections as necessary. A premises permit shall be issued if the facility meets minimum standards including, but not limited to sanitary conditions, recordkeeping, physical plant and equipment, method of operation, services required, and surgical area.
- (6) Each application for a premises permit shall set forth the name of the licensed veterinarian who will be responsible for the management of the facility and the name and address of the owners of the establishment.
- (7) The premises permit may be revoked, suspended, or denied when the inspection reveals that the facility does not meet the standards set by rule or when the license/premises permit of the responsible veterinarian has been suspended or revoked.
- (8) Each person to whom a license or premises permit is issued shall keep such document conspicuously displayed in his office, place of business, or place of employment, whether a permanent or mobile veterinary facility or clinic, and shall, whenever required, exhibit said document to any member or authorized representative of the board, pursuant to T.C.A. §§63-12-139.
- (9) The following are exempt from obtaining a premises permit:
 - (a) A veterinary facility owned by a person, corporation or other similar organization, public or private, for-profit, or not for profit, to treat such employer’s animal(s);

- (b) A veterinary facility operated by an official agency of the federal or state government; and
- (c) A licensed research facility.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-109, 63-2-101, 63-12-101 et. seq., 63-12-106, 63-12-124, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendments filed November 2, 2005; effective January 16, 2006. Amendment filed May 23, 2014; effective August 21, 2014.

1730-02-.03 VETERINARY FACILITY INSPECTIONS TO OBTAIN A PREMISES PERMIT.

- (1) The Board must be notified, in writing, at least 60 days prior to the opening of veterinary facility.
- (2) All areas of the premises shall be maintained in a sanitary, clean, orderly condition, and free of objectionable odors, at all times.
- (3) The minimum standards for all facilities, permanent or mobile, where veterinary medicine is practiced shall be:
 - (a) Heating and cooling shall be provided for the comfort of the animals and the facility shall have sufficient ventilation in all areas.
 - (b) Proper lighting shall be provided in all rooms utilized for the practice of veterinary medicine.
 - (c) Hot and cold running water shall be provided along with toilets and lavatories inside the facility for personnel and clients.
 - (d) All premises shall have sanitary storage which is adequate for the size of the facility.
 - (e) The facility shall have receptacles for waste disposal which shall comply with state, county, and municipal health laws, ordinances and regulations.
 - (f) Disposal of dead animals and waste
 - 1. Veterinary facilities shall dispose of dead animals, biological waste, and medical waste (including sharps) in a prompt, sanitary, and aesthetic manner.
 - 2. The disposal of dead animals, biological waste, and medical waste (including sharps) shall comply with all federal, state, county and municipal laws, ordinances, and regulations.
 - 3. With the exception of large animals, all dead animals on the premises shall be refrigerated.
 - 4. Dead animals not claimed within forty-eight (48) hours by the owner or agent shall be disposed at the discretion of the veterinarian.
 - (g) The facility's examination rooms shall have the following:
 - 1. Lined waste receptacles or chutes;

2. A sink with disposable towels must be readily accessible; and
 3. A table with impervious surface which shall be sanitized between patients.
- (h) Cages, exercise areas, pens, and stalls are to be kept in a clean and orderly condition, in a well-lighted area, and in good repair to prevent injury to animals and to promote physical comfort.
- (i) Small animals housed outside must have adequate shelter and bedding if the temperature drops below fifty degrees (50°) Fahrenheit and sufficient cooling or shade if the temperature rises above eighty-five degrees (85°) Fahrenheit.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-101 et. seq., 63-12-103, 63-12-106, 63-12-124, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed May 23, 2014; effective August 21, 2014.

1730-02-.04 RECORDKEEPING.

- (1) The following minimum standards apply to all patient recordkeeping.
 - (a) Records shall be maintained for a minimum of three (3) years.
 - (b) A separate log shall be maintained for all controlled substances.
 - (c) Each patient record shall indicate the strength and quantity of any medication prescribed, administered or dispensed. In the case of companion animals, this record shall be maintained for each individual animal.
 - (d) Records shall reflect the problems the patient presents and the veterinary interventions performed or prescribed.
 - (e) Records shall reflect referral of cases where further expertise or equipment is needed.
 - (f) A veterinarian shall comply with requests for veterinary records as required by the Medical Records provisions of T.C.A. §§ 63-2-101 to 102.
- (2) Medical records for small animal facilities and practices shall be clear, legible, retrievable, and contain pertinent information such as:
 - (a) Name, address, and phone number of the owner/agent.
 - (b) Identification of patient including name, species, breed, age, sex, and description.
 - (c) Separate record for each patient. This record may be in a group of records for the owner/agent.
 - (d) Patient's vaccinations, medical and surgical history and procedures.
- (3) Medical records for large animal facilities and practices shall be clear, legible, retrievable, maintained on either a herd, flock or individual basis and contain:

- (a) Name, business/farm name, address, and phone number of the owner/agent.
 - (b) Identification of any animal(s) suspected of having a reportable disease or other disease with public health implications.
 - (c) Relevant medical and surgical procedures, including vaccinations given and lab reports, to the individual, group, or herd.
 - (d) A record of all drugs administered or dispensed, including quantity and withdrawal times.
- (4) Veterinarians providing written or oral instructions for persons who are not licensed as veterinarians to perform accepted livestock management practices must record the order, including specific information on the substance of the order and the date given, in the records of the animal.
 - (5) For the purpose of these rules, the records shall be “owned” by the practice.
 - (6) Radiographs are considered to be a part of the client’s records.
 - (7) Outside of a valid veterinarian-client-patient relationship, records from another veterinary practice may not be used as the sole basis for prescribing or dispensing medication.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-12-105, 63-12-106, 63-12-133, and 63-12-139. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed May 23, 2014; effective August 21, 2014.

1730-02-.05 PRESCRIBING, DISPENSING, OR OTHERWISE DISTRIBUTING PHARMACEUTICALS.

- (1) Prerequisites to Prescribing
 - (a) For purposes of this Rule, pursuant to 21 CFR 201.105, “animal drugs” are those drugs that are required by federal law to be prescribed by a licensed veterinarian.
 - (b) Before prescribing animal drugs, the veterinarian must first, pursuant to appropriate protocols or veterinary orders, complete and appropriately document all of the following for the animal, herd, or flock on whose behalf the prescription is to be written:
 - 1. Perform an appropriate history and physical examination;
 - 2. Make a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests;
 - 3. Formulate a therapeutic plan and discuss it with the animal’s owner, along with the basis for it and the risks and benefits of various treatment options, a part of which might be a prescription or drug; and
 - 4. Ensure availability of the veterinarian or the veterinarian’s staff for appropriate follow-up care.
 - (c) Notwithstanding the provisions of subparagraph (b), a veterinarian, pursuant to appropriate protocols or veterinary orders, may prescribe or dispense drugs for an

animal when such prescribing or dispensing is consistent with sound veterinary practice, examples of which are as follows:

1. As part of an initial evaluation order; or
 2. For an animal/patient of another veterinarian for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or
 3. For continuation medications on a short-term basis before the veterinarian personally examining the animal, herd, or flock; or
 4. For medications administered by the owner of the animal, herd, or flock when the veterinarian has prescribed and/or dispensed in a manner consistent with this rule.
- (2) Dispensing Requirements. Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:
- (a) All federal and state regulations for the dispensing of controlled substances.
 - (b) Except for labeled manufactured drugs with proper instructions, all non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:
 1. Animal's name and the name of the animal's owner;
 2. Date dispensed;
 3. Complete directions for usage;
 4. The facility's name, address and phone number;
 5. The name, strength, and amount of the medication;
 6. The statement: "For veterinary use only";
 7. The dispensing veterinarian's name; and
 8. Keep out of the reach of children.
 - (c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals, this record shall be by individual animal.
- (3) Distribution of Veterinary Prescription Drugs.
- (a) Distribution of veterinary prescription drugs to laymen may occur only on the prescription or other order of a licensed veterinarian. The prescriptions must be issued in the course of professional practice, with a veterinarian-client-patient relationship existing.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-101 et. seq., 63-12-103, 63-12-105, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed May 23, 2014; effective August 21, 2014.

1730-02-.06 FEES.

- (1) The fees are as follows:
- (a) Premises Application Fee - A non-refundable fee to be paid by the owner of the facility seeking a premises permit. It must be paid each time an application for a premises permit is filed.
 - (b) Initial Inspection/Biennial Inspection Fee - A non-refundable fee to be paid at time of application for premises permit and every two years at time or renewal.
 - (c) Premises Permit Fee - A non-refundable fee to be paid at time of application by a facility owned by a non-veterinarian.
 - (d) State Regulatory Fee - To be paid by all facilities owners at the time of application and renewal application.
 - (e) Premises Permit Renewal Fee - A non-refundable fee to be paid by all applicants for renewal of a Premises Permit.
 - (f) Late Renewal Fee - A non-refundable fee to be paid when a facility owner fails to timely renew a premises permit.
 - (g) Reinspection Fee (follow-up) - A non-refundable fee to be paid when a facility does not pass the initial inspection or the biennial inspection.
- (2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.
- (3) Fee Schedule:
- | | Amount |
|--|---------------------|
| (a) Premises Application | \$ 25.00 |
| (b) Initial Inspection/Biennial Inspection | \$200.00 |
| (c) Premises Permit | \$360.00 |
| (d) State Regulatory Fee | \$ 10.00 (biennial) |
| (e) Premises Permit Renewal | \$160.00 (biennial) |
| (f) Late Renewal | \$ 80.00 |
| (g) Reinspection Fee(follow-up) | \$150.00 |
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

Authority: T.C.A. §§ 4-3-1011, 4-5-202, 4-5-204, 63-12-101 et. seq., 63-12-106, 63-12-124, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10,

1999; effective August 24, 1999. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed January 6, 2004; effective March 21, 2004.

1730-02-.07 MOBILE FACILITY/SATELLITE VETERINARY CLINICS/EMERGENCY HOSPITALS/ HOUSE CALLS.

- (1) If complete veterinary medical services are not offered, the public shall be so informed of the limitation of services by way of a posted notice, in plain view, which clearly specifies those veterinary medical services which are not available.
- (2) The minimum health and sanitary regulations applying to all veterinary premises shall apply equally to the facilities covered by this Rule.
- (3) If emergency or any other veterinary medical services are not available, the veterinarians must have a written agreement with a clinic or hospital for the provision of emergency services or any other non-provided services. Additionally, the name and address of the clinic or hospital offering emergency services shall be posted in a conspicuous place.
- (4) If hospitalization, laboratory services, or radiology are not available, veterinarians must have a written agreement with a clinic or hospital for the provision of these services.
- (5) This does not preclude veterinarians from offering emergency services on an "on call" basis, nor does this preclude veterinarians from participating in the operation of public rabies vaccination clinics. Only public rabies vaccination clinics and mobile facilities may provide veterinary services in scheduled visits to multiple clients at transitory locations.
- (6) Any practitioner who provides veterinary services on a house-call basis and does not maintain a veterinary facility for the receipt of patients shall not be required to secure a premises permit, but must provide for appropriate equipment and facilities.
- (7) Any practitioner who provides veterinary services solely to agricultural animals and does not maintain a veterinary facility for the receipt of patients shall not be required to obtain a premises permit, but must provide for appropriate equipment and facilities.
- (8) Mobile large and small animal veterinary facilities operating in more than one (1) location and examining and/or treating animals belonging to multiple clients whose animals are not permanently housed or boarded at that location(s) shall have a premises permit for the mobile facilities that are utilized. Such mobile facilities shall also specify the locations at which such mobile facilities will operate. Such information shall be considered as part of the application for a premises permit. Any change in the locations at which the mobile facilities will operate shall be reported to the board at least thirty (30) days in advance of the effective date of the change.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-101 et. seq., 63-12-103, 63-12-106, 63-12-124, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed October 18, 2004; effective January 1, 2005.

1730-02-.08 SMALL ANIMAL SURGERY.

- (1) Small animal surgery shall be performed in a manner compatible with current veterinary medical practice with regard to anesthesia, asepsis, life support and monitoring procedures as well as recovery care. The standards for current veterinary practice are made available to the licensee through the courses required for mandatory continuing education.

- (2) Small animal surgery shall be performed in a room designated and reserved for surgery. The minimum standards for small animal surgery shall be:
- (a) The surgery room shall be completely and totally enclosed, and shall have four (4) walls, a ceiling, and a solid door or partition that extends to the ceiling.
 - (b) Sterilization must include steam pressure sterilization or autoclave. Gas sterilization is acceptable. Cold sterilization may be used for specialty items.
 - (c) Instruments and equipment utilized in surgery shall be commensurate with the type of surgical service being provided.
 - (d) Emergency drugs must be readily available to the surgery area.
 - (e) The operating table shall be constructed of a smooth and impervious material.
 - (f) There shall be a separate preparation area.
 - (g) There shall be available for surgery sterilized instruments, gowns, towels, drapes, gloves, caps, and surgically appropriate scrub brushes and masks.
 - (h) The surgery room shall be equipped with emergency lighting.
 - (i) Surgeries shall be carried out using aseptic techniques appropriate for the procedure.
 - (j) Safe and effective anesthesia shall be used appropriately for the surgical procedure being performed.
 - 1. There shall be a preanesthesia examination for all patients undergoing general anesthesia when possible.
 - 2. Positive pressure ventilation with oxygen shall be available.
 - 3. Endotracheal intubation shall be available.
 - 4. A gas scavenger shall be used with the gas anesthesia machines.
 - 5. A monitoring device shall be available.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed November 2, 2005; effective January 16, 2006.

1730-02-.09 LABORATORY SERVICES.

- (1) The facilities shall have the capability for use of either in-house or consultant laboratory service for blood chemistry, cultures and antibiotic sensitivity testing, complete blood counts, histopathological examinations and necropsies. The in-house laboratory facility shall meet the following minimum standards:
- (a) The laboratory room shall be clean and orderly with provision made for ample storage;
 - (b) Adequate refrigeration shall be provided;

(c) All facilities must have a minimum, in-house capability of the conduct of:

1. Urine tests,
2. Micro-hematocrit determination,
3. Flotation tests for ova of internal parasites,
4. Skin scraping for external parasite diagnosis, and
5. Exams for diagnosing heartworm disease.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-12-101 et. seq., 63-12-103, 63-12-106, 63-12-124, and 63-12-129. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001.

1730-02-10 RADIOLOGY. The following minimum standards apply to radiology:

- (1) Either in-house or consultant services for obtaining diagnostic quality radiographs will be provided.
- (2) Radiology equipment and use shall be in accordance with federal and state statutes and regulations.
- (3) All radiographic devices must meet the requirements of the Division of Radiological Health of the Department of Environment and Conservation.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-124, and 63-12-139. **Administrative History:** Original rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed May 26, 2004; effective August 9, 2004.

1730-02-11 REPEALED.

Authority: T.C.A. §§ 4-5-202, 4-5-204, and 63-12-106. **Administrative History:** Original rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Repeal filed May 26, 2004; effective August 9, 2004.

1730-02-12 RENEWAL OF PREMISES PERMIT/REINSTATEMENT OF EXPIRED PREMISES PERMIT.

- (1) The due date for renewal is the expiration date on the most current facility premises permit/renewal permit.
- (2) A renewal application form will be mailed to each facility registered with the Board to the last address provided to the Board. Failure to receive such notification does not relieve the facility of the responsibility of timely meeting all requirements for renewal.
- (3) To be eligible for renewal, a facility must have all of the following items completed and submitted to the Division of Health Related Boards on or before the expiration date:
 - (a) A completed Board renewal application form;
 - (b) The renewal and state regulatory fees as provided in Rule 1730-02-.06; and
 - (c) Compliance with renewal inspection as provided in Rule 1730-02-.02.

- (4) Any facility submitting a renewal form or letter which is found to be untrue may be subjecting the supervising veterinarian to disciplinary action as provided in rule 1730-02-.15.
- (5) Facilities that fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their premises permits processed in accordance with rule 1200-10-01-.10.
- (6) Reinstatement of an Expired Premises Permit
 - (a) Reinstatement of a premises permit that has expired may be accomplished upon meeting the following conditions:
 1. Payment of all past due renewal and state regulatory fees; and
 2. Payment of the late renewal fee provided in Rule 1730-02-.06; and
 3. Compliance with inspection as provided in Rule 1730-02-.02.
 - (b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-107, 63-12-105, 63-12-106, 63-12-121, and 63-12-139.
Administrative History: Original rule filed June 25, 2003; effective September 8, 2003.

1730-02-.13 UNPROFESSIONAL CONDUCT OF A PREMISES OWNER AND/OR VETERINARIAN.
 Unprofessional conduct shall include but not be limited to the following:

- (1) Failure to maintain a record for each companion animal which accurately reflects the veterinary problems and interventions.
- (2) Being under the influence of alcoholic beverages, or under the influence of illegal drugs which impair judgment while on duty in any animal health care facility, institution or other work place location.
- (3) Impersonating another licensed practitioner.
- (4) Practicing veterinary medicine in this state on an expired, retired, suspended, or revoked license or beyond the period of a valid temporary license.
- (5) Failure to supervise persons to whom veterinary functions are delegated or assigned.
- (6) Revealing without written permission, knowledge obtained in a professional capacity about animals or owners. Exceptions:
 - (a) When said information is requested during a formal investigation by representatives of the State of Tennessee or other law enforcement agencies;
 - (b) Or when required to do so pursuant to any action in a court of law; or
 - (c) Where required by law to report to state or federal agencies.
- (7) Failing to cooperate with authorities investigating incompetent, unethical or illegal practice of another veterinarian, a veterinary medical technician, or operation of a veterinary facility.
- (8) Performing veterinary techniques or procedures without proper education.

- (9) Engaging in acts of dishonesty which relate to the practice of veterinary medicine.
- (10) Treating or professing to treat, or issuing any pharmaceutical to, any human.
- (11) Practice in a facility without a premises permit.
- (12) Practicing veterinary medicine in a setting not specifically authorized or designated by T.C.A. §63-12-103 or rule 1730-02-.01.
- (13) Submission of an untrue veterinary facility renewal form or letter in conjunction with such renewal.
- (14) Any violation of T.C.A. §63-12-124.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-117, 63-12-102, 63-12-103, 63-12-106, 63-12-112, 63-12-119, 63-12-121, 63-12-124, 63-12-137, 63-12-139, and 63-12-140. **Administrative History:** Original rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed October 18, 2004; effective January 1, 2005.

1730-02-.14 EXAMINATION AND TREATMENT AREAS.

- (1) Small Animal – The examination and treatment areas can be in the same room and:
 - (a) The areas shall be clean, orderly, and well lit.
 - (b) Surfaces shall be constructed of material easily cleaned and disinfected.
 - (c) The waste receptacles shall be covered or concealed.
 - (d) The areas shall be of ample size for proper functions.
 - (e) A sink with disposable towels shall be readily accessible.
- (2) Large Animal - Examination and Treatment Areas
 - (a) The areas shall be of ample size for proper function and shall be clean and orderly and well lit.
 - (b) The waste receptacles shall be covered.
 - (c) Loading and restraint facilities shall be adequate for the type of practice.
 - (d) There shall be adequate floor drainage.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed June 25, 2003; effective September 8, 2003. Amendment filed June 24, 2004; effective September 7, 2004.

1730-02-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SCREENING PANELS.

- (1) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed.

- (2) Upon a finding by the Board that a veterinarian and/or premises owner has violated any provision of the Tennessee Veterinary Medical Practice Act (T.C.A. §§63-12-101 et seq.) or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination, deemed appropriate to the offense:
- (a) Advisory Censure - This is a written action issued to the veterinarian and/or premises owner for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) Formal censure or reprimand - This is a written action issued to a veterinarian and/or premises owner for one time and less severe violations. It is a formal disciplinary action.
 - (c) Probation - This is a formal disciplinary action which places a veterinarian and/or premises owner on close scrutiny for a fixed period of time. This action may be combined with any other formal disciplinary action and include conditions which must be met before probation will be lifted and/or which restrict or condition the licensee's activities during the probationary period.
 - (d) Suspension - This is a formal disciplinary action which suspends a licensee's right to practice and/or premises owner to operate for a fixed period of time. It contemplates the reentry of the licensee into the practice and/or operation under the premises permit previously issued.
 - (e) Revocation for Cause. This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification or licensure previously issued. The Board, in its discretion, may allow reinstatement of a revoked certificate, license or premises permit upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification, licensure, or premises permit from a person whose license or permit was revoked shall be considered prior to the expiration of at least one year unless otherwise stated in the Board's revocation order.
 - (f) Conditions - Any action deemed appropriate by the Board to be required of a premises permit holder in any of the following circumstances:
 - 1. During any period of probation, suspension; or
 - 2. During any period of revocation after which the premises permit holder may petition for an order of compliance to reinstate the revoked premises permit; or
 - 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked premises permit; or
 - 4. As a stand-alone requirement(s) in any disciplinary order.
 - (g) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (5) of this rule.
 - (h) When the Board suspends a license and/or premises permit, the person may not practice veterinary medicine during the period of suspension and is also prohibited from doing the following:
 - 1. Direct assistance to another veterinarian in the veterinary treatment of any animal.

2. Appear before animal owners in a laboratory coat, clinic smock or other garment which is customarily worn by practitioners when treating animals.
 3. Consultation with another practitioner concerning the treatment of the person's animal(s) in the presence of or within hearing of, any animal owner; provided, however, that he may discuss with a subsequent treating practitioner, out of the presence or hearing of any animal owner, prior diagnosis or pre-existing treatment plan and such subsequent treating practitioner's proposed treatment plan. However, the fact or substance of such discussion shall not be communicated or conveyed to an animal owner personally, or by another treating practitioner who presents it to the owner, as that person's judgment, diagnosis, treatment plan, or other professional determination.
 4. Personal acceptance of payment for veterinary services directly from an animal owner in the reception area of the office, clinic, or animal hospital.
- (i) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee and/or premises owner petitions, pursuant to paragraph (3) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.
- (3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including a veterinary facility civil penalty order regarding operation without a permit, and wishes or is required to obtain an order reflecting that compliance.
- (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:
1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
 2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
 3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a premises permit previously revoked.
- (b) Procedures
1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and

- (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
 3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
 4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.
- (c) Form Petition

Petition for Order of Compliance
Board of Veterinary Medical Examiners

Petitioner's Name: _____
 Petitioner's Mailing Address: _____

 Petitioner's E-Mail Address: _____
 Telephone Number: _____

 Attorney for Petitioner: _____
 Attorney's Mailing Address: _____

 Attorney's E-Mail Address: _____
 Telephone Number: _____

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a license and/or premises permit previously revoked.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board’s consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the day of _____, 20____.

 Petitioner’s Signature

- (4) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including a veterinary facility civil penalty order regarding operation without a permit, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
 - (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term “impossible” does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
 - (b) Procedures
 1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board’s Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
 - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely

upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.

2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order Modification
Board of Veterinary Medical Examiners

Petitioner's Name: _____
Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
Telephone Number: _____

Attorney for Petitioner: _____
Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20_____.

Petitioner's Signature

(5) Civil Penalties:

(a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to Public Chapter 389, Acts of 1989.

(b) Schedule of Civil Penalties:

1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed or certified by the Board is guilty of a willful and knowing violation of the Practice Act, or regulations pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual patient or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a veterinarian or operating a premises without a license or permit from the Board.
2. A Type B civil penalty may be imposed whenever the Board finds the person required to be licensed by the Board is guilty of a violation of the Veterinary Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of patients or the public.
3. A Type C civil penalty may be imposed whenever the Board finds the person and/or premises required to be licensed, permitted, or authorized by the Board is guilty of a violation of the Veterinary Practice Act or regulations promulgated thereto, which are neither directly detrimental to patients or the public, nor directly impact their care, but have only an indirect relationship to patient care or the public.

(c) Amount of Civil Penalties:

1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.

3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.
- (d) Procedures for Assessing Civil Penalties:
1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
 2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
 3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefits gained by the violator as a result of non-compliance; and
 - (v) The interest of the public.
 4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.
- (6) Informal Settlements - The Board consultant is authorized to enter into informal settlement agreements pursuant to Rule 1045-02-19 under which a complaint against an individual may be closed without any disciplinary action. Any matter proposed for informal settlement must be subsequently ratified by the full board before it will become effective. Such agreement may include any terms deemed appropriate by the Board consultant including, but not limited to:
- (a) Mandatory education program or course attendance;
 - (b) Submission of reports, records or other appropriate documentation;
 - (c) Conditioning of the individual's activities in any manner which affects his practice in Tennessee.
- (7) It is an offense to knowingly operate a veterinary facility in this state without a premises permit. A violation of this section is a Class B misdemeanor and each violation constitutes a separate offense.

- (8) It is unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person other than a veterinarian duly licensed in this state or a veterinary facility operated at all times under the direct medical supervision of a veterinarian duly licensed in this state:
- (a) No person, corporation or other similar organization, public or private, for-profit or not-for-profit, other than a veterinarian duly licensed in this state, shall own or operate a veterinary facility within this state, except as follows:
 - 1. Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, shall apply for and receive a premises permit before the commencement of operations at the veterinary facility; and
 - 2. The owner of the veterinary facility shall not restrict or interfere with medically appropriate veterinary diagnostic or treatment decisions by the licensed veterinarians employed at the veterinary facility.
 - (b) The following are exempt from this section:
 - 1. A veterinarian employed by a person, corporation or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal(s);
 - 2. A veterinarian employed by an official agency of the federal or state government, or any subdivision thereof; and
 - 3. A veterinarian employed by any licensed research facility.
- (9) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§ 63-1-144 and 63-12-143.
- (10) Screening Panels - Any screening panel(s) established pursuant to T.C.A. § 63-1-138:
- (a) Shall have concurrent authority with the Board and any individual appointed by the Board pursuant to Rule 1730-1-19, to do the acts enumerated in Rule 1730-01-19(1)(b) 1. and 2. subject to the conditions contained therein.
 - 1. A screening panel(s) comprised of two (2) or more persons shall elect a chairperson prior to convening to conduct business.
 - 2. A screening panel(s) comprised of two (2) or more persons is required to conduct the informal hearings authorized in subparagraph (b) immediately below.
 - (b) After completion of an investigation by the Division, may upon request of either the state, or the licensee and/or premises owner who is the subject of an investigation with the agreement of the state, or upon request of both the licensee and/or premises owner, and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
 - 1. Neither the Rules of Civil Procedure, the Rules of Mediation and Arbitration, the Rules of Evidence, or Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.

- (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
 - (ii) Prior to convening the panel and in the absence of an agreement of the parties, the screening panel chairperson shall determine the manner and order of presentation of evidence.
2. Neither the state nor a licensee and or premises owner who is the subject of an investigation being considered by a screening panel can be compelled to participate in any informal hearing.
 3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
 - (i) Approved by a majority of the members of the screening panel which issued them; and
 - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the licensee and/or premises owner; and
 - (iii) Subsequently presented to and ratified by the Board.
- (11) Reconsiderations and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-04-01-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-139. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

1730-02-16 HOSPITALIZATION.

- (1) Inpatients shall be examined at least once daily by facility personnel.
- (2) Where appropriate, hospitalized animals shall be fed and watered at least once daily, and more frequently if required.
- (3) Wards shall be orderly, free of bad odors, have adequate ventilation and temperature control.
- (4) Cages or kennels shall have solid partitions and have a method for securely fastening them closed.
- (5) Pens and stalls shall be clean, orderly, free of objectionable odors and have adequate ventilation.
- (6) Pens and stalls shall be well lighted and have a method for securely fastening them closed.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed August 18, 2003; effective November 1, 2003. Amendment filed June 24, 2004; effective September 7, 2004.

1730-02-.17 PROVISIONS FOR NON-PROVIDED SERVICES. If not provided, a list of the following services must be posted in a conspicuous place.

- (1) Radiology
- (2) Hospitalization
- (3) Surgery
- (4) Emergency Services

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-129, and 63-12-139.

Administrative History: Original rule filed June 25, 2003; effective September 8, 2003. Amendment filed June 24, 2004; effective September 7, 2004.

**TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS
POLICY STATEMENT**

**PRACTICING WITHOUT A PREMISES PERMIT, OR
WITH AN EXPIRED PREMISES PERMIT**

Pursuant to T.C.A. § 63-12-139(a), any person who owns or operates a premises where a licensed veterinarian practices or where the practice of veterinary medicine occurs shall apply for and secure a premises permit from the board prior to the commencement of any veterinary medical services.

In the event that a facility permit is not renewed following a six (6) month grace period, the supervising veterinarian for the facility shall pay a Type C civil penalty of \$100.00 for each month that the practice of veterinary medicine continued at the facility beyond the six (6) month grace period.

Should any person be found to be practicing veterinary medicine at an unpermitted facility, the owner and/or operator of such facility shall pay a Type B civil penalty of \$200.00 for each month that the practice of veterinary medicine occurred at the facility while it was without a permit. In the event that a facility is owned and/or operated by a licensee or licensees and one or more laypeople, the licensee or licensees shall be held responsible for payment of any civil penalties.

Adopted by the Tennessee Board of Veterinary Medical Examiners on December 1, 2016.

**POSITION STATEMENT
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

PREMISE PERMIT EXEMPTIONS

The Board of Veterinary Medical Examiners hereby adopts following position statement in regard to facilities that are exempt from obtaining a premises permit. In a Declaratory Order issued by the Board in April 2001, the Board found that a humane society/animal shelter was exempt from obtaining a premises permit (and undergoing the accompanying inspection). As the humane society/animal shelter was a quasi-governmental entity that treated animals whose ownership had been forfeited to it, the humane society/animal shelter was exempt pursuant to:

Tenn. Code Ann. § 63-12-139(i) and Tenn. Comp. R. & Regs. 1730-2-.02(12), which exempts from the premises permit requirement:

1. Veterinary facilities owned by a person, corporation or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal(s);
2. Veterinary facilities operated by an official agency of the federal or state government; and
3. Licensed research facilities.

It is the position of the Board of Veterinary Medical Examiners that the exemption from obtaining a premises permit does not exempt such facilities from meeting the minimum standards established by the Board nor does it exempt licensees employed at the facilities from the general rules governing the practice of veterinary medicine (Tenn. Code Ann. § 63-12-101 *et seq.* and Tenn. Comp. R. & Regs. 1730-1 thru 1730-5). The Board has the authority to discipline any practitioner or facility which, after investigation and proper hearing, has been found guilty by the Board of a violation of the Tennessee Veterinary Practice Act or Board rules.

Adopted by the Board of Veterinary Medical Examiners on the 24th day of August, 2005. Reviewed by the Board on the 25th day of August, 2010.

For further information, please contact the Board of Veterinary Medical Examiners by telephone at (615)532-5090 or toll-free 1-800-778-4123 ext. 25090 or in writing:

Board of Veterinary Medical Examiners
227 French Landing, Suite 300
Heritage Place MetroCenter
Nashville, TN 37243

**RULES
OF
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-04
GENERAL RULES GOVERNING CERTIFIED ANIMAL CONTROL AGENCIES**

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1730-04-.01 DEFINITIONS.

- (1) Animal Control Agency - A county or municipal animal shelter, dog pound, or a private humane society with administrative or contractual arrangements with or support of a local government agency, or a state county or municipal law enforcement agency, or any combination thereof which temporarily houses stray, unwanted, or injured animals.
- (2) Applicant - An Animal Control Agency seeking certification by the Board that has submitted an official application and paid the application fee.
- (3) Board - The Tennessee Board of Veterinary Medical Examiners.
- (4) Certificate - Document issued to an applicant who successfully completes the certification process. The certificate takes the form of an "artistically designed" certificate as well as other versions bearing an expiration date.
- (5) Certificate Holder - Any person or facility who has been lawfully issued a certificate to operate as a Certified Animal Control Agency in the State of Tennessee.
- (6) Certified Animal Control Agency (C.A.C.A.) - A county or municipal animal shelter, dog pound or animal control agency, private humane society, state, county or municipal law enforcement agency, or any combination thereof, which temporarily houses stray, unwanted or injured animals pursuant to this chapter and T.C.A. § 5-1-120, and is certified by the Board of Veterinary Medical Examiners.
- (7) Certified Animal Euthanasia Technician (C.A.E.T.) - A person employed by a certified animal control agency who is authorized by the Board of Veterinary Medical Examiners (BVME) to humanely euthanize domestic canine and feline animals by administering such drugs as are designated by the Board for such use.
- (8) D.E.A. – United States Drug Enforcement Administration.
- (9) Department - Tennessee Department of Health.
- (10) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.

- (11) Fee - Money, gifts, services or anything of value offered or received as compensation in return for rendering services; also the required certification fee(s).
- (12) Person - Any individual, corporation, partnership, association, governmental subdivision, or public or private organization of any character, including another agency.
- (13) Registrant - Any person who has been lawfully issued a certificate.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-101, 63-12-102, 63-12-103, 63-12-104, 63-12-105, 63-12-106, 63-12-112, 63-12-121, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed May 23, 2014; effective August 21, 2014.

1730-04-.02 NECESSITY OF CERTIFICATION. Prior to engaging in the operation of a Certified Animal Control Agency, a facility must hold a current Tennessee certificate or a valid temporary certificate from the Board.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-106, 63-12-106, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-04-.03 QUALIFICATIONS FOR CERTIFICATION. Entities that wish to apply to the D.E.A. for a restricted controlled substance registration certificate must be certified by the Board. To be eligible for a certificate as a Certified Animal Control Agency, an applicant must meet all of the following qualifications:

- (1) Meet the definition of a Certified Animal Control Agency contained in T.C.A. § 63-12-141 and these rules.
- (2) Employ at least one (1) Certified Animal Euthanasia Technician, except as provided in Rule 1730-05-.02
- (3) Pass an onsite inspection by the premises inspector.
- (4) Provide a copy of the Non-Livestock Animal Humane Death Act, codified at T.C.A. §§ 44-17-301 to -304, to each employee who will perform euthanasia, and maintain documentation of compliance with this paragraph.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 44-17-301, 44-17-302, 44-17-303, 63-1-106, 63-12-106, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed May 23, 2014; effective August 21, 2014.

1730-04-.04 PROCEDURE FOR CERTIFICATION OF AN ANIMAL CONTROL AGENCY.

- (1) The entity shall obtain an application from the Board's administrative office, and respond truthfully and completely to every question or request for information.
- (2) A notarized letter from a municipal or county official stating that the entity is an Animal Control Agency is required.
- (3) Notarized documentation of employment of at least one (1) Certified Animal Euthanasia Technician is required, except as provided in Rule 1730-05-.02
- (4) Pass an onsite inspection by the premises inspector.
- (5) The entity shall submit with the application, the non-refundable application fee, inspection fee, and state regulatory fee as provided in Rule 1730-04-.05.

- (6) An entity shall disclose the circumstances surrounding any of the following:
 - (a) Conviction of any criminal law violations of any country, state, or municipality.
 - (b) The denial of certification by any other state and any disciplinary action in any state.
 - (c) Loss or restriction of certification, licensure privileges, state or federal accreditation.
 - (d) Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
- (7) Application review and certification shall be governed by Rule 1730-04-.05.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-124, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed May 23, 2014; effective August 21, 2014.

1730-04-.05 APPLICATION REVIEW, APPROVAL, DENIAL.

- (1) Applications for certification will be accepted throughout the year.
- (2) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Board's Unit Director, provided that approval of all applications is made and ratified by the Board.
- (3) If an application is incomplete when reviewed by the Board, a deficiency letter will be sent to the applicant notifying it of the deficiency.
 - (a) Such notification shall be sent certified mail return receipt requested from the Board's administrative office.
 - (b) For an applicant that has completed the requirements for certification, all documentation must be received in the Board's administrative office within sixty (60) days after receipt of the deficiency notification. If the requested information is not received within sixty (60) days, the file will be closed and the applicant notified.
 - (c) After an applicant file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.
- (4) If a completed application has been denied and ratified as such by the Board, the action shall become final and the following shall occur:
 - (a) A notification of the denial shall be sent by the Board's Administrative Office by certified mail, return receipt requested, which shall contain all the specific statutory or regulatory authorities for the denial.
 - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act. (T.C.A. §§ 4-5-101, et seq.) to contest the denial and the procedure necessary to accomplish that action.
 1. An applicant has a right to a contested case hearing only if the certification denial was based on subjective or discretionary criteria.

2. An applicant may be granted a contested case hearing if certification denial is based upon objective, clearly defined criteria only if after review and attempted resolution by the Board's administrative staff the certification application cannot be approved and the reasons for continued denial present genuine issues of fact and/or law which are appropriate for appeal. Such request must be made in writing to the Board within thirty (30) days of the receipt of the notice of denial from the Board.
- (5) Any entity furnishing false information or omitting pertinent information in such application shall be denied certification. If the applicant has already been certified before the falseness of such information has been made known to the Board, such certification shall be subject to suspension or revocation by the Board.
- (6) If the Board finds it has erred in the issuance of a certificate, the Board will give written notice by certified mail of its intent to void the certificate. The notice will allow the applicant the opportunity to meet the requirements of certification within thirty (30) days from the date of receipt of the notification.
- (7) Abandonment of Application
 - (a) An application shall be deemed abandoned and closed if the application has not been completed by the applicant within sixty (60) days after it was initially reviewed by the Board.
 - (b) A determination of abandonment must be ratified by the Board.
 - (c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-301, 63-12-106, 63-12-107, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-04-.06 FEES.

- (1) The fees are as follows:
 - (a) Application Fee - A non-refundable fee to be paid by all applicants. It must be paid each time an application for certification is filed.
 - (b) Endorsement/Verification - Endorsement of certification to state licensure boards and government agencies will be provided at no charge on behalf of the certificate holder. A non-refundable fee is to be paid for each verification of the certificate holder to anyone other than a state licensing board or government agency.
 - (c) Late Renewal Fee - A non-refundable fee to be paid when an entity fails to timely renew a certificate.
 - (d) Certificate Renewal Fee - A non-refundable fee to be paid by all certificate holders. This fee also applies to entities who reactivate a retired or administratively revoked certificate.
 - (e) State Regulatory Fee - To be paid by all entities at the time of application and with all renewal applications.
 - (f) Inspection Fee - A non-refundable fee to be paid each time an application for certification or renewal is filed.

- (g) Re-inspection Fee - A non-refundable fee to be paid when the certified Animal Control Agency does not pass the initial inspection or the biennial re-inspection.
- (2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.
- (3) Fee Schedule:

	Amount
(a) Application	\$ 50.00
(b) Endorsement/Verification	20.00
(c) Late Renewal	80.00
(d) Renewal (biennial)	160.00
(e) State Regulatory Fee (with applications)	10.00
(f) Inspection Fee/Biennial Inspection	200.00
(g) Re-inspection Fee (follow up)	150.00
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-12-106, 63-12-128, 63-12-129, 63-12-139, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed August 18, 2003; effective November 1, 2003.

1730-04-07 REQUIREMENTS FOR INSPECTION.

- (1) Upon receipt of a completed application packet and fees an on-site inspection will be scheduled by a premises inspector. The inspection will include the physical location where the euthanasia and/or pre-euthanasia solutions will be stored and administered, and a review of the paperwork requirements with the responsible person of the entity and/or the C.A.E.T.(s).
 - (a) The euthanasia room shall be enclosed and in a separate location from other animals temporarily housed on the premises.
 - (b) Cages, pens, and stalls are to be kept in a clean and orderly condition, in a well-lighted area, and in good repair to prevent injury to animals and to promote physical comfort.
 - (c) Small animals housed outside must have adequate shelter and bedding if the temperature drops below fifty degrees (50°) Fahrenheit and sufficient cooling or shade if the temperature rises above eighty-five degrees (85°) Fahrenheit.
- (2) The premises inspector will provide the Board with a report of compliance or describing areas of non-compliance.
- (3) If in compliance the Board will issue a compliance certificate which allows the entity to apply to the D.E.A. for a restricted controlled substance registration certificate. The D.E.A. certificate allows the C.A.C.A. to purchase, possess and use sodium pentobarbital to be administered by a C.A.E.T. employed by the entity.
- (4) Inspection of C.A.C.A.'s will be conducted at least every two (2) years or as determined by the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-128, 63-12-129, 63-12-141, and 44-17-303. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed November 2, 2005; effective January 16, 2006. Amendment filed July 27, 2006; effective October 10, 2006.

1730-04-.08 RENEWAL APPLICATION/REINSTATEMENT OF EXPIRED CERTIFICATE.

- (1) Renewal Application
 - (a) The due date for renewal is the expiration date on the C.A.C.A.'s renewal certificate.
 - (b) A renewal application form will be mailed to each C.A.C.A. registered with the Board to the last address provided to the Board. Failure to receive such notification does not relieve the C.A.C.A. of the responsibility of timely meeting all requirements for renewal.
 - (c) To be eligible for renewal, C.A.C.A. must submit to the Division of Health Related Boards on or before the expiration date all of the following:
 1. A completed Board renewal application form; and
 2. The renewal and state regulatory fees as provided in Rule 1730-04-.06; and
 3. Compliance with inspection as provided in Rule 1730-04-.07.
 - (d) Any entity submitting a renewal form or letter which is found to be untrue may be subjecting itself to disciplinary action as provided in Rule 1730-04-.12.
 - (e) Certificate holders who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their certificates processed in accordance with rule 1200-10-01-.10.
- (2) Reinstatement of an Expired Certificate
 - (a) Reinstatement of a certificate that has expired may be accomplished upon meeting the following conditions:
 1. Payment of all past due renewal and state regulatory fees; and
 2. Payment of the late renewal fee provided in Rule 1730-04-.06; and
 3. Compliance with inspection.
 - (b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-12-105, 63-12-106, 63-12-107, 63-12-121, 63-12-124, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed June 25, 2003; effective September 8, 2003.

1730-04-.09 RECORDKEEPING.

- (1) The following minimum standards shall apply to recordkeeping.
 - (a) Every C.A.C.A. shall keep a written report of the animals euthanized. This record shall include pertinent medical data including dates, estimated age, breed, weight, sex,

amount and type of euthanasia and/or pre-euthanasia solution administered, and description of verification of death.

- (b) Records shall be kept for a period of three (3) years.
- (2) A separate log must be maintained for all controlled substances used by a C.A.C.A.
- (3) A C.A.C.A. shall comply within ten (10) days to requests for euthanasia records, within the provisions of T.C.A. §§ 63-2-101 and 63-2-102.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-2-101, et seq., and 63-12-103, 63-12-106, and 63-12-141.

Administrative History: Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed July 28, 2003; effective October 11, 2003.

1730-04-10 CERTIFICATE.

- (1) Issuance - Upon the Board determining that an applicant for certification has successfully met all the requirements as set forth in T.C.A. § 63-12-101, et seq., and these rules, the Board shall issue the applicant a certificate to operate as a C.A.C.A. in this state.
- (2) Display a Certificate - Every Animal Control Agency certified by the Board in this state shall display its certification and renewal certificate in a conspicuous place in its principal office and, whenever required, exhibit such certificate to the Board or its authorized representative.
- (3) Replacement Certificate or Renewal Certificate - A C.A.C.A. whose certificate has been lost or destroyed, may be issued a replacement document upon receipt of a written request in the Board's administrative office.
- (4) Verification - Requests for verification of certification must be made in writing to the Board's administrative office.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-109, and 63-12-103. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-04-11 UNPROFESSIONAL CONDUCT. Unprofessional conduct shall include but not be limited to the following:

- (1) Failing to maintain a record of each animal euthanized, and the euthanasia and/or pre-euthanasia solution dosages, or failing to maintain a record of how the euthanasia and/or pre-euthanasia drugs were obtained.
- (2) Failing to employ a C.A.E.T. to whom euthanasia functions are delegated or assigned.
- (3) Revealing without written permission knowledge obtained in a professional capacity about animals or owners. Exceptions:
 - (a) When said information is requested during a formal investigation by representatives of the State of Tennessee; or
 - (b) Other law enforcement agencies; or when required to do so pursuant to any action in a court of law; or
 - (c) When required by law to report state or federal agencies; or
 - (d) When animals are adopted.

- (4) Failing to cooperate with authorities investigating incompetent, unethical, or illegal practices of a C.A.C.A.
- (5) Performing euthanasia techniques or procedures without proper education and/or certification.
- (6) Engaging in acts of dishonesty which relate to the operation of a C.A.C.A.
- (7) Treating or professing to treat, or issuing any pharmaceutical to any human.
- (8) Any violation of T.C.A. §§ 63-12-124.
- (9) Violation of the provisions of the Non-livestock Animal Humane Death Act codified at T.C.A. §§ 44-17-301, et seq.
- (10) Violation of Rule 1730-04-.13 and Rule 1730-05-.14 regarding the dispensing and distribution of pharmaceuticals.

Authority: T.C.A. §§4-5-202, 4-5-204 44-17-303, 63-12-106, 63-12-124, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed July 27, 2006; effective October 10, 2006.

1730-04-.12 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SCREENING PANELS.

- (1) Upon a finding by the Board that a C.A.C.A. has violated any provision of the Tennessee Veterinary Medical Practice Act (T.C.A. §§ 63-12-101, et seq.) or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense:
 - (a) Advisory Censure - This is a written action issued to the C.A.C.A. for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) Formal Censure or Reprimand - This is a written action issued to a C.A.C.A. for one time and less severe violations. It is a formal disciplinary action.
 - (c) Probation - This is a formal disciplinary action which places a C.A.C.A. on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict activities during the probationary period.
 - (d) Suspension - This is a formal disciplinary action which suspends a C.A.C.A. owner from operating for a fixed period of time. It contemplates the reinstatement of the C.A.C.A.'s certificate previously issued. When the Board suspends a certificate, the Animal Control Agency may not continue to operate in Tennessee as a Certified Animal Control Agency during the period of suspension.
 - (e) Conditions - Any action deemed appropriate by the Board to be required of a disciplined certificate holder in any of the following circumstances:
 1. During any period of probation, suspension; or
 2. During any period of revocation after which the certificate holder may petition for an order of compliance to reinstate the revoked certificate; or

3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked certificate; or
 4. As a stand-alone requirement(s) in any disciplinary order.
- (f) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (5) of this rule.
- (g) Revocation for Cause. This is the most severe form of disciplinary action which terminates the certification previously issued. The Board, in its discretion, may allow reinstatement of a revoked certificate upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification from an entity whose certificate was revoked shall be considered prior to the expiration of at least one (1) year unless otherwise stated in the Board's revocation order.
- (2) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the certificate holder petitions, pursuant to paragraph (3) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.
- (3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an uncertified operation of an animal control agency civil penalty order, and wishes or is required to obtain an order reflecting that compliance.
- (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:
1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
 2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
 3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a certificate previously revoked.
- (b) Procedures
1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
 - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testi-

mony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.

2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order of Compliance
Board of Veterinary Medical Examiners

Petitioner's Name: _____
Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
Telephone Number: _____

Attorney for Petitioner: _____
Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or

2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a certificate previously revoked.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20_____.

Petitioner's Signature

- (4) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an uncertified operation of an animal control agency civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
 - (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
 - (b) Procedures
 1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
 - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No docu-

mentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.

2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order Modification
Board of Veterinary Medical Examiners

Petitioner's Name: _____
Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
Telephone Number: _____

Attorney for Petitioner: _____
Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20_____.

Petitioner's Signature

(5) Civil Penalties:

(a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to Tennessee Code Annotated, § 63-1-134.

(b) Schedule of Civil Penalties:

1. A Type A civil penalty may be imposed whenever the Board finds the entity that is required to be certified by the Board is guilty of a willful and knowing violation of the Practice Act, or regulations pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual patient or the public. For purposes of this section, a type A penalty shall include, but not be limited to, an entity that willfully and knowingly is or was operating as a C.A.C.A. without a certificate from the Board.
2. A Type B civil penalty may be imposed whenever the Board finds the C.A.C.A. is guilty of a violation of the Veterinary Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of patients or the public.
3. A Type C civil penalty may be imposed whenever the Board finds the C.A.C.A. required to be certified by the Board is guilty of a violation of the Veterinary Practice Act or regulations promulgated thereto, which are neither directly detrimental to patients or the public, nor directly impact their care, but have only an indirect relationship to patient care or the public.

(c) Amount of Civil Penalties:

1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties:

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
 2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
 3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefits gained by the violator as a result of non-compliance; and
 - (v) The interest of the public.
 4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.
- (6) Informal Settlements - The Board consultant is authorized to enter into informal settlement agreements pursuant to Rule 1730-01-.19 under which a complaint against an entity may be closed without any disciplinary action. Any matter proposed for informal settlement must be subsequently ratified by the full board before it will become effective. Such agreement may include any terms deemed appropriate by the Board consultant including, but not limited to:
- (a) Mandatory education program or course attendance;
 - (b) Submission of reports, records or other appropriate documentation;
 - (c) Conditioning of the C.A.C.A.'s activities in any manner which affects its operation in Tennessee.
- (7) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§ 63-1-144 and 63-12-143.
- (8) Screening Panels - Any screening panel(s) established pursuant to T.C.A. § 63-1-138:
- (a) Shall have concurrent authority with the Board and any individual appointed by the Board pursuant to Rule 1730-01-.19, to do the acts enumerated in Rule 1730-01-.19(1)(b) 1. and 2. subject to the conditions contained therein.
 1. A Screening panel(s) comprised of two (2) or more persons shall elect a chairperson prior to convening to conduct business.

2. A screening panel(s) comprised of two (2) or more persons is required to conduct the informal hearings authorized in subparagraph (b) immediately below.
- (b) After completion of an investigation by the Division, may upon request of either the state, or the C.A.C.A. which is the subject of an investigation with the agreement of the state, or upon request of both the C.A.C.A. and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
1. Neither the Rules of Civil Procedure, the Rules of Mediation and Arbitration, the Rules of Evidence, or Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.
 - (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
 - (ii) Prior to convening the panel and in the absence of an agreement of the parties, the screening panel chairperson shall determine the manner and order of presentation of evidence.
 2. Neither the state nor a C.A.C.A. which is the subject of an investigation being considered by a screening panel can be compelled to participate in any informal hearing.
 3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
 - (i) Approved by a majority of the members of the screening panel which issued them; and
 - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the C.A.C.A.; and
 - (iii) Subsequently presented to and ratified by the Board.
- (9) Reconsiderations and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-04-01-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-141.
Administrative History: Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

1730-04-.13 DISPENSING, OR OTHERWISE DISTRIBUTING PHARMACEUTICALS.

- (1) All Federal Regulations for the use of controlled substances must be followed including storage and recordkeeping.
- (2) A record of all euthanasia and pre-euthanasia solutions administered shall be kept.

- (3) The only drugs approved by the Board for the euthanasia of animals by a licensed veterinarian, a licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia technician in a certified animal control agency shall be sodium pentobarbital and all commercially available F.D.A. approved euthanasia agents containing sodium pentobarbital. The only drugs approved by the Board for the pre-euthanasia of animals by a certified animal euthanasia technician in a certified animal control agency shall be acepromazine and xylazine.

Authority: T.C.A. §§4-5-202, 4-5-204, 44-17-303, 63-12-106 and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed July 27, 2006; effective October 10, 2006.



A Query from an AAVSB Member Board (updated 01/09/19)

Discussing/Prescribing Cannabis-based Products

On December 14, 2018, the Maryland State Board of Veterinary Medical Examiners asked whether any boards have developed policy statements or regulations regarding the legality or propriety of discussing/prescribing cannabis-based products, especially CBD oils.

Alaska – See Attachment #1 on page 7 - a letter drafted by the board chair, addressed to staff. A licensee proposed a question to the board, and the board discussed the topic during the May 11, 2018 Board Meeting.

Alberta - In Canada, veterinarians are able to prescribe appropriately approved (by Health Canada) products. However, there are none of these products available yet on the market.

We also instruct our practitioners that they should be warning their clients of the toxic effect of THC contained in many of the products that are available. As well, products that have not been tested and approved may not have the levels of CBD that they claim or may contain other toxic agents.

Veterinarians should be educating their clients, and warning of the potential dangers. When more critical research has been completed and regulated products are available, there may be a place for these products in veterinary medicine. Until then, we are not sure if there are any positive benefits.

Arizona – No, AZ has not and is a long way from that.

Arkansas - The Board has not developed a policy statement, but when I get questions about this (and I get a lot), I pass along the information given to me by the local Little Rock office of the DEA. They have told me that no, veterinarians cannot do this. They say that since there is no guarantee that all traces of THC are out of the product, that they consider the CBD products to be scheduled. I know it's confusing, as you can basically buy CBD products almost anywhere, but I was told that since veterinarians are registrants of the DEA that makes it different. I've talked to the Pharmacy Board about this as well, and their answer to pharmacists is the same thing – they aren't supposed to be counseling on it/selling it.

California - Effective January 1, 2019, AB [2215](#) allows veterinarians to discuss cannabis with their clients. The bill requires the Board to develop guidelines by January 2020 for Veterinarians to follow when discussing cannabis within the veterinarian-client-patient relationship. At our November meeting, the Board delegated the guidelines to a committee, and that committee begins the discussion next month. I'm happy to keep everyone in the loop on this and send periodic updates when available.

District of Columbia - DC has provisions for the use of medical marijuana in the human field of medicine but not in the field of veterinary medicine.

Florida - Florida has not to date.

Idaho - This will be an issue Idaho has to eventually deal with in the next 3-4 years, so I will also be interested in the responses.

Iowa - Iowa law prohibits the use of CBD in animals and is only permitted for certain prescribed conditions in humans by Iowa law (see Attachment #2 starting on page 8).

I have also attached a copy of Iowa rules which have listed the requirements for prescriptions and labeling (see Attachment #3 starting on page 18).

Kentucky - Kentucky does not currently have a formal written policy by the Board of Veterinary Examiners (KBVE), even though the Kentucky Department of Agriculture (KDA) is a world leader in Industrial Hemp growing and processing. KDA anticipates approximately 30,000 + acres to be grown in 2019, and has currently licensed over 120 processors, most of whom are focused on CBD production. The KBVE would like to see more federal clarity on this issue. Although Industrial Hemp is set to be descheduled from the CSA and moved over for regulation to the USDA (with the signing of the 2018 Farm Bill by the POTUS – by the end of the year!?!), there is still gray area on whether CBD is a supplement or a drug. Until such time as the federal agencies issue a clear statement(s) in writing or federal law is clearly updated to define CBD products as either a supplement or a drug, Kentucky will continue to view CBD as a supplement and treat it accordingly. See [40 KRS 218A.010\(27\)](#) – scroll down to definition # 27. The KBVE is telling vets and clinics that selling or prescribing CBD supplements is at their own risk, in the event a patient has a poor reaction.

Louisiana - Louisiana has addressed in our newsletter for December 2018 (see Attachment #4 starting on page 24).

Maine – No. Would be interested in the results of this survey.

Minnesota - The Board of Veterinary Medicine defers to the Board of Pharmacy on this one, as there are no specific regulations in the Veterinary Practice Act referring to CBD products. Technically, all CBD products are controlled substances.

This recent statement from Dr. Wiberg, Executive Director of the Board of Pharmacy, may be helpful: The sale of CBD products derived from hemp appears to be illegal in Minnesota. I have now been featured in news stories on WCCO TV and NPR news, making that assertion. However, the agencies that have been working on this issue (Health, Public Safety, Agriculture, and the Governor's Office) have decided not to take aggressive enforcement action at this time. We are hoping that Congress and/or the Legislature will resolve this issue – hopefully by next year. It is simply not practical to try to make thousands of in-state and Internet sellers stop selling the products. Our Board is telling pharmacies that, as licensees of the Board, we can't allow them to break federal and state laws.

Montana - The MT Vet Board does not have any policy statements or regulations regarding the legality, etc. of cannabis-based products. In fact, no specific drugs or products are mentioned in board laws. To paraphrase, board laws broadly state that veterinarians need to follow all other state and federal laws pertaining to drugs and the practice of veterinary medicine. People do ask me about CBD oils. However, I just tell them that the board does not have specific regulations on any products and that veterinarians are required to follow all other state and federal laws pertaining to the practice of veterinary medicine. I also direct them to the unprofessional conduct rule ([ARM 24.225.550](#)).

To give you my limited knowledge, marijuana law in Montana is rather complicated with local zoning and the easiest thing to say is that medical marijuana for people is legal (where you can sell it is a whole other thing). I have no idea how legal CBD oil, etc. sales actually are in the state although things are certainly sold. How this would factor into a complaint against a vet if these products were used and something went wrong would have to be adjudicated through the individual complaint process at this point.

Nevada - Yes, we have addressed this in a newsletter article that I wrote for the Spring edition of this year's newsletter. See Attachment #5 starting on page 26—the article on pages 4 -5.

New Hampshire - We recently approved/adopted a policy regarding cannabis products, including marijuana, hemp and CBD oil. It will be going up on our web site soon. See Attachment #6 on page 40.

New Jersey - In NJ, we have not developed any regulations regarding cannabis-based products.

New York - In New York, we do not.

North Carolina - “The Drug Enforcement Agency’s (“DEA”) stance is that CBD, and other cannabinoids derived from cannabis, are Schedule I substance under the Controlled Substances Act (“CSA”), regardless of their source. Last year the DEA created a rule defining “marihuana extract” as an extract “containing one or more cannabinoids derived from any plant of the genus Cannabis,” as marijuana, a Schedule I controlled substance. Use of “any” means it applies to any derivative of the cannabis plant including, CBD and other cannabinoids found in cannabis.”

The NC Veterinary Practice Act states that:

.0207 MINIMUM FACILITY AND PRACTICE STANDARDS

(11) The minimum standards for drug procedures shall be:

(A) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and state laws, rules and regulations.

The DEA currently has not shown signs of enforcing these rules but that does not mean that it may not happen in the future.

As long as the DEA lists CBD as a controlled substance I recommend that NC Licensees adhere to all the above legal rules/regulations/definitions.

Ohio - The Ohio Board of Pharmacy has issued a press release that at this time all cannabis-based and hemp-based products, especially CBD oils is prohibited under Ohio law. Therefore, our Board abides by the Board of Pharmacy laws until such time as something changes in the law and meets their approval.

Oklahoma - We haven't actually issued a policy statement but this is some info that we have been giving the veterinarians and I have also discussed it multiple times with veterinarians. We printed this in our Newsletter (below) a year ago and we continue to have slides at every venue we are invited to present.

Also, we were given advice by the Board of Pharmacy to have the veterinarian ask for a Certificate of Analysis that states the oil does has less than 0.3%. But then the problem becomes the lab that is 'certifying' this who accredits them? are they legit? I also tell the veterinarian if they do continue on with recommending the product it might be in their best interest to have the client sign a waiver.

I imagine that many of you have gotten calls about the use of CBD oil (none hallucinogenic part of marijuana) since Channel 6 in Tulsa and Channel 9 in OKC aired a news story about its many benefits. There is so much confusion regarding what is legal and what is not, that the Board invited Mark Woodward, the Public Information Officer for the Bureau of Narcotics and Dangerous Drugs to speak with us on the subject. He informed us that 100% pure CBD oil is legal in Oklahoma and can be sold without a prescription. However, the FDA does not regulate the manufacturing of the products. He indicated that many of the over the counter products could contain THC (the hallucinogenic part of marijuana) and this makes the product illegal in our state. CBD oil that contains 0.3% or less of THC is legal in our state as a last resort for children who have severe seizures participating in research studies. These studies currently reveal that these severe seizures can be helped about 26% of the time. Using CBD oil with no THC is not shown to be helpful in controlling seizures. Higher amounts of THC in the CBD oil causes too many side effects in the children. He said if a veterinarian wanted to advise a client to pick up 100% CBD oil that we must be very diligent and investigate that the product is not contaminated with THC-any amount would be illegal. The veterinarian needs to question the manufacturing and delivery process. Please call our Board is you have any further questions.

Ontario - Here is a link to the College of Veterinarians of Ontario's FAQs on cannabis:
<https://cvo.org/Utility-Pages/Cannabis-FAQs.aspx>

In this link there is a question about discussing cannabis and a question about prescribing cannabis.

Oregon - none at this time.

Rhode Island - RI has not.

Tennessee - Tennessee has not developed policy statements or regulations regarding the legality or propriety of discussing/prescribing cannabis-based products or CBD oils.

Texas - Texas is a no on both policy and regulation, however it is a topic that keeps coming up.

Utah - Utah is not currently.

Vermont - Vermont is currently discussing this, however no policy statements have been created as of yet.

Virginia - The Virginia Board of Veterinary Medicine adopted [Guidance Document 150-13 Controlled Substances \(Schedule II-VI\) in Veterinary Practice](#) which states the following regarding cannabidiol oil and THC-A oil:

14. May a veterinarian issue a written certification for cannabidiol oil or THC-A oil?

Pursuant to the Code of Virginia, a veterinarian is not included in the definition of a “practitioner” who is authorized to issue written certification for possession and use of cannabidiol oil or THC-A oil. In 2018, legislation was passed amending §§ 54.1-3408.3 and 18.2-250.1, relating to cannabidiol oil or THC-A oil and possession of marijuana.

§ 54.1-3408.3. Certification for use of cannabidiol oil or THC-A oil for treatment.

A. As used in this section:

"Cannabidiol oil" means a processed Cannabis plant extract that contains at least 15 percent cannabidiol but no more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of cannabidiol per milliliter but not more than five percent tetrahydrocannabinol.

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine.

"THC-A oil" means a processed Cannabis plant extract that contains at least 15 percent tetrahydrocannabinol acid but not more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of tetrahydrocannabinol acid per milliliter but not more than five percent tetrahydrocannabinol.

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabidiol oil or THC-A oil for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use.

D. No practitioner shall be prosecuted under § [18.2-248](#) or [18.2-248.1](#) for dispensing or distributing cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ [54.1-3400](#) et seq.).

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is guilty of a misdemeanor and shall be confined in jail not more than 30 days and fined not more than \$500, either or both; any person, upon a second or subsequent conviction of a violation of this section, is guilty of a Class 1 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

C. In any prosecution under this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the individual possessed such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the individual's diagnosed condition or disease or (ii) if such individual is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.

In addition, the following information is provided if an inquirer contacts the Board directly: The legality of CBD oil derived from hemp is unclear. The hemp program is under the Virginia Department of Agriculture and Consumer Services (some information available at <http://www.vdacs.virginia.gov/plant-industry-services-hemp.shtml>). You may wish to contact that department for more information or seek legal guidance from an attorney of your choice.

Washington - In Washington state, there are no guidelines on this topic yet. However, the board has been doing strategic planning, and this is on their list of strategic priorities for 2019. I imagine they will have some guidance developed near the end of next year.

West Virginia - The WV Board of Veterinary Medicine has not; however, we would be very interested in hearing back of the replies. This is most likely going to be an agenda topic for our January 4 board meeting.

Wisconsin - The Wisconsin VEB maintains that under current statutes that products containing THC are prohibited in the practice of veterinary medicine. Hemp seed oil is available and can be utilized. This is a continuing topic of interest here in WI.

Alaska – Attachment #1

Letter to staff

Dear staff

Thank you for your query concerning the position of the Board of Veterinary Examiners on the use of CBD oil. Currently, there is no regulation or statute addressing its use in Veterinary practice in Alaska. It is not approved by the FDA nor is its efficacy supported by scientific evidence. Any evidence that exists is anecdotal at best and has not been published in the referee journals. The latest formularies, Saunders Handbook of Veterinary Drugs, fourth edition, and Plumb's Veterinary Drug Handbook, eighth edition, fail to include CBD oil as a viable veterinary pharmaceutical.

The Board of Veterinary Examiners will remain silent on the professional use of CBD oil, but will caution any veterinarian against recommending or condoning the use of it in their patients. This caution is based on the fact that the veterinarian has no defense should the animal have an adverse reaction, resulting in a complaint against the veterinarian who recommended its use or gave advice on how to use it. When asked to comment, a veterinarian's best response is "no opinion" until efficacy studies including species, indications for use, dose, toxicity, duration and frequency are published.

Thank you for the opportunity to comment on this issue.

James, H. Hagee, DVM

Chair, Alaska Board of Veterinary Examiners

Iowa - Attachment #2

CHAPTER 124E

MEDICAL CANNABIDIOL ACT

Referred to in §730.5

For transition provisions relating to medical cannabidiol registration cards issued under chapter 124D prior to May 12, 2017, see 2017 Acts, ch 162, §24, 25

124E.1	Short title.	124E.10	Fees.
124E.2	Definitions.	124E.11	Department duties — rules.
124E.3	Health care practitioner certification — duties.	124E.12	Use of medical cannabidiol — affirmative defenses.
124E.4	Medical cannabidiol registration card.	124E.13	Medical cannabidiol source.
124E.5	Medical cannabidiol board — duties.	124E.14	Out-of-state medical cannabidiol dispensaries.
124E.6	Medical cannabidiol manufacturer licensure.	124E.15	Iowa patients and primary caregivers registering in the state of Minnesota.
124E.7	Medical cannabidiol manufacturers.	124E.16	Penalties.
124E.8	Medical cannabidiol dispensary licensure.	124E.17	Use of medical cannabidiol — smoking prohibited.
124E.9	Medical cannabidiol dispensaries.	124E.18	Reciprocity.

124E.1 Short title.

This chapter shall be known and may be cited as the “*Medical Cannabidiol Act*”.

2017 Acts, ch 162, §4, 25

NEW section

124E.2 Definitions.

As used in **this chapter**:

1. “*Bordering state*” means the same as defined in [section 331.910](#).
2. “*Debilitating medical condition*” means any of the following:
 - a. Cancer, if the underlying condition or treatment produces one or more of the following:
 - (1) Severe or chronic pain.
 - (2) Nausea or severe vomiting.
 - (3) Cachexia or severe wasting.
 - b. Multiple sclerosis with severe and persistent muscle spasms.
 - c. Seizures, including those characteristic of epilepsy.
 - d. AIDS or HIV as defined in [section 141A.1](#).
 - e. Crohn’s disease.
 - f. Amyotrophic lateral sclerosis.
 - g. Any terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
 - (1) Severe or chronic pain.
 - (2) Nausea or severe vomiting.
 - (3) Cachexia or severe wasting.
 - h. Parkinson’s disease.
 - i. Untreatable pain.
3. “*Department*” means the department of public health.
4. “*Disqualifying felony offense*” means a violation under federal or state law of a felony under federal or state law, which has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. §802(6).
5. “*Health care practitioner*” means an individual licensed under [chapter 148](#) to practice medicine and surgery or osteopathic medicine and surgery who is a patient’s primary care provider. “*Health care practitioner*” shall not include a physician assistant licensed under [chapter 148C](#) or an advanced registered nurse practitioner licensed pursuant to [chapter 152](#) or [152E](#).
6. “*Medical cannabidiol*” means any pharmaceutical grade cannabinoid found in the

plant *Cannabis sativa* L. or *Cannabis indica* or any other preparation thereof that has a tetrahydrocannabinol level of no more than three percent and that is delivered in a form recommended by the medical cannabidiol board, approved by the board of medicine, and adopted by the department pursuant to rule.

7. “*Primary caregiver*” means a person who is a resident of this state or a bordering state as defined in [section 331.910](#), including but not limited to a parent or legal guardian, at least eighteen years of age, who has been designated by a patient’s health care practitioner as a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabidiol pursuant to the provisions of [this chapter](#).

8. “*Untreatable pain*” means any pain whose cause cannot be removed and, according to generally accepted medical practice, the full range of pain management modalities appropriate for the patient has been used without adequate result or with intolerable side effects.

9. “*Written certification*” means a document signed by a health care practitioner, with whom the patient has established a patient-provider relationship, which states that the patient has a debilitating medical condition and identifies that condition and provides any other relevant information.

[2017 Acts, ch 162, §5, 25](#)

NEW section

124E.3 Health care practitioner certification — duties.

1. Prior to a patient’s submission of an application for a medical cannabidiol registration card pursuant to [section 124E.4](#), a health care practitioner shall do all of the following:

a. Determine, in the health care practitioner’s medical judgment, whether the patient whom the health care practitioner has examined and treated suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol under [this chapter](#), and if so determined, provide the patient with a written certification of that diagnosis.

b. Provide explanatory information as provided by the department to the patient about the therapeutic use of medical cannabidiol and the possible risks, benefits, and side effects of the proposed treatment.

2. Subsequently, the health care practitioner shall do the following:

a. Determine, on an annual basis, if the patient continues to suffer from a debilitating medical condition and, if so, issue the patient a new certification of that diagnosis.

b. Otherwise comply with all requirements established by the department pursuant to rule.

3. A health care practitioner may provide, but has no duty to provide, a written certification pursuant to [this section](#).

[2017 Acts, ch 162, §6, 25](#)

NEW section

124E.4 Medical cannabidiol registration card.

1. *Issuance to patient.* Subject to [subsection 7](#), the department may approve the issuance of a medical cannabidiol registration card by the department of transportation to a patient who:

a. Is at least eighteen years of age.

b. Is a permanent resident of this state.

c. Submits a written certification to the department signed by the patient’s health care practitioner that the patient is suffering from a debilitating medical condition.

d. Submits an application to the department, on a form created by the department, in consultation with the department of transportation, that contains all of the following:

(1) The patient’s full name, Iowa residence address, date of birth, and telephone number.

(2) A copy of the patient’s valid photograph identification.

(3) Full name, address, and telephone number of the patient’s health care practitioner.

(4) Full name, residence address, date of birth, and telephone number of each primary caregiver of the patient, if any.

(5) Any other information required by rule.

e. Submits a medical cannabidiol registration card fee of one hundred dollars to the department. If the patient attests to receiving social security disability benefits, supplemental security insurance payments, or being enrolled in the medical assistance program, the fee shall be twenty-five dollars.

f. Has not been convicted of a disqualifying felony offense.

2. *Patient card contents.* A medical cannabidiol registration card issued to a patient by the department of transportation pursuant to [subsection 1](#) shall contain, at a minimum, all of the following:

a. The patient's full name, Iowa residence address, and date of birth.

b. The patient's photograph.

c. The date of issuance and expiration date of the medical cannabidiol registration card.

d. Any other information required by rule.

3. *Issuance to primary caregiver.* For a patient in a primary caregiver's care, subject to [subsection 7](#), the department may approve the issuance of a medical cannabidiol registration card by the department of transportation to the primary caregiver who:

a. Submits a written certification to the department signed by the patient's health care practitioner that the patient in the primary caregiver's care is suffering from a debilitating medical condition.

b. Submits an application to the department, on a form created by the department, in consultation with the department of transportation, that contains all of the following:

(1) The primary caregiver's full name, residence address, date of birth, and telephone number.

(2) The patient's full name.

(3) A copy of the primary caregiver's valid photograph identification.

(4) Full name, address, and telephone number of the patient's health care practitioner.

(5) Any other information required by rule.

c. Has not been convicted of a disqualifying felony offense.

d. Submits a medical cannabidiol registration card fee of twenty-five dollars to the department.

4. *Primary caregiver card contents.* A medical cannabidiol registration card issued by the department of transportation to a primary caregiver pursuant to [subsection 3](#) shall contain, at a minimum, all of the following:

a. The primary caregiver's full name, residence address, and date of birth.

b. The primary caregiver's photograph.

c. The date of issuance and expiration date of the registration card.

d. The medical cannabidiol registration card number of each patient in the primary caregiver's care. If the patient in the primary caregiver's care is under the age of eighteen, the full name of the patient's parent or legal guardian.

e. Any other information required by rule.

5. *Expiration date of card.* A medical cannabidiol registration card issued pursuant to [this section](#) shall expire one year after the date of issuance and may be renewed.

6. *Card issuance — department of transportation.* The department may enter into a [chapter 28E](#) agreement with the department of transportation to facilitate the issuance of medical cannabidiol registration cards pursuant to [subsections 1 and 3](#).

7. *Federally approved clinical trials.* The department shall not approve the issuance of a medical cannabidiol registration card pursuant to [this section](#) for a patient who is enrolled in a federally approved clinical trial for the treatment of a debilitating medical condition with medical cannabidiol.

[2017 Acts, ch 162, §7, 25](#)

Referred to in [§124E.3](#), [124E.11](#)

NEW section

124E.5 Medical cannabidiol board — duties.

1. a. A medical cannabidiol board is created consisting of eight practitioners representing the fields of neurology, pain management, gastroenterology, oncology, psychiatry, pediatrics, family medicine, and pharmacy, and one representative from law enforcement.

b. The practitioners shall be licensed in this state and nationally board-certified in their area of specialty and knowledgeable about the use of medical cannabidiol.

c. Applicants for membership on the board shall submit a membership application to the department and the governor shall appoint members from the applicant pool.

d. For purposes of [this subsection](#), “representative from law enforcement” means a regularly employed member of a police force of a city or county, including a sheriff, or of the state patrol, in this state, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.

2. The medical cannabidiol board shall convene at least twice but no more than four times per year.

3. The duties of the medical cannabidiol board shall include but not be limited to the following:

a. Accepting and reviewing petitions to add medical conditions, medical treatments, or debilitating diseases to the list of debilitating medical conditions for which the medical use of cannabidiol would be medically beneficial under [this chapter](#).

b. Making recommendations relating to the removal or addition of debilitating medical conditions to the list of allowable debilitating medical conditions for which the medical use of cannabidiol under [this chapter](#) would be medically beneficial.

c. Working with the department regarding the requirements for the licensure of medical cannabidiol manufacturers and medical cannabidiol dispensaries, including licensure procedures.

d. Advising the department regarding the location of medical cannabidiol manufacturers and medical cannabidiol dispensaries throughout the state.

e. Making recommendations relating to the form and quantity of allowable medical uses of cannabidiol.

4. Recommendations made by the medical cannabidiol board pursuant to [subsection 3](#), paragraphs “b” and “e”, shall be made to the board of medicine for consideration, and if approved, shall be adopted by the board of medicine by rule.

5. On or before January 1 of each year, beginning January 1, 2018, the medical cannabidiol board shall submit a report detailing the activities of the board.

6. The medical cannabidiol board may recommend a statutory revision to the definition of medical cannabidiol contained in [this chapter](#) that increases the tetrahydrocannabinol level to more than three percent, however, any such recommendation shall be submitted to the general assembly during the regular session of the general assembly following such submission. The general assembly shall have the sole authority to revise the definition of medical cannabidiol for purposes of [this chapter](#).

[2017 Acts, ch 162, §8, 25](#)

NEW section

124E.6 Medical cannabidiol manufacturer licensure.

1. a. The department shall issue a request for proposals to select and license by December 1, 2017, up to two medical cannabidiol manufacturers to manufacture and to possess, cultivate, harvest, transport, package, process, or supply medical cannabidiol within this state consistent with the provisions of [this chapter](#). The department shall license new medical cannabidiol manufacturers or relicense the existing medical cannabidiol manufacturers by December 1 of each year.

b. Information submitted during the application process shall be confidential until a medical cannabidiol manufacturer is licensed by the department unless otherwise protected from disclosure under state or federal law.

2. As a condition for licensure, a medical cannabidiol manufacturer must agree to begin supplying medical cannabidiol to medical cannabidiol dispensaries in this state no later than December 1, 2018.

3. The department shall consider the following factors in determining whether to select and license a medical cannabidiol manufacturer:

a. The technical expertise of the medical cannabidiol manufacturer regarding medical cannabidiol.

- b. The qualifications of the medical cannabidiol manufacturer's employees.
 - c. The long-term financial stability of the medical cannabidiol manufacturer.
 - d. The ability to provide appropriate security measures on the premises of the medical cannabidiol manufacturer.
 - e. Whether the medical cannabidiol manufacturer has demonstrated an ability to meet certain medical cannabidiol production needs for medical use regarding the range of recommended dosages for each debilitating medical condition, the range of chemical compositions of any plant of the genus cannabis that will likely be medically beneficial for each of the debilitating medical conditions, and the form of the medical cannabidiol in the manner determined by the department pursuant to rule.
 - f. The medical cannabidiol manufacturer's projection of and ongoing assessment of fees on patients with debilitating medical conditions.
4. The department shall require each medical cannabidiol manufacturer to contract with the state hygienic laboratory at the university of Iowa in Iowa City or an independent medical cannabidiol testing laboratory to perform spot-check testing of the medical cannabidiol produced by the manufacturer as provided in [section 124E.7](#). The department shall require that the laboratory report testing results to the manufacturer in a manner determined by the department pursuant to rule.
 5. Each entity submitting an application for licensure as a medical cannabidiol manufacturer shall pay a nonrefundable application fee of seven thousand five hundred dollars to the department.

[2017 Acts, ch 162, §9, 25](#)

NEW section

124E.7 Medical cannabidiol manufacturers.

1. A medical cannabidiol manufacturer shall contract with the state hygienic laboratory at the university of Iowa in Iowa City or an independent medical cannabidiol testing laboratory to perform spot-check testing of the medical cannabidiol manufactured by the medical cannabidiol manufacturer as to content, contamination, and consistency. The cost of all laboratory testing shall be paid by the medical cannabidiol manufacturer.
2. The operating documents of a medical cannabidiol manufacturer shall include all of the following:
 - a. Procedures for the oversight of the medical cannabidiol manufacturer and procedures to ensure accurate recordkeeping.
 - b. Procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabidiol and unauthorized entrance into areas containing medical cannabidiol.
3. A medical cannabidiol manufacturer shall implement security requirements, including requirements for protection of each location by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system.
4. A medical cannabidiol manufacturer shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner.
5. A medical cannabidiol manufacturer shall not permit any person to consume medical cannabidiol on the property of the medical cannabidiol manufacturer.
6. A medical cannabidiol manufacturer is subject to reasonable inspection by the department.
7. A medical cannabidiol manufacturer shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol manufacturer shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.
8. A medical cannabidiol manufacturer owner shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.

9. A medical cannabidiol manufacturer shall not operate at the same physical location as a medical cannabidiol dispensary.

10. A medical cannabidiol manufacturer shall not operate in any location, whether for manufacturing, possessing, cultivating, harvesting, transporting, packaging, processing, or supplying, within one thousand feet of a public or private school existing before the date of the medical cannabidiol manufacturer's licensure by the department.

11. A medical cannabidiol manufacturer shall comply with reasonable restrictions set by the department relating to signage, marketing, display, and advertising of medical cannabidiol.

12. *a.* A medical cannabidiol manufacturer shall provide a reliable and ongoing supply of medical cannabidiol to medical cannabidiol dispensaries pursuant to [this chapter](#).

b. All manufacturing, cultivating, harvesting, packaging, and processing of medical cannabidiol shall take place in an enclosed, locked facility at a physical address provided to the department during the licensure process.

c. A medical cannabidiol manufacturer shall not manufacture edible medical cannabidiol products.

[2017 Acts, ch 162, §10, 25](#)

Referred to in [§124E.6](#)

NEW section

124E.8 Medical cannabidiol dispensary licensure.

1. *a.* The department shall issue a request for proposals to select and license by April 1, 2018, up to five medical cannabidiol dispensaries to dispense medical cannabidiol within this state consistent with the provisions of [this chapter](#). The department shall license new medical cannabidiol dispensaries or relicense the existing medical cannabidiol dispensaries by December 1 of each year.

b. Information submitted during the application process shall be confidential until a medical cannabidiol dispensary is licensed by the department unless otherwise protected from disclosure under state or federal law.

2. As a condition for licensure, a medical cannabidiol dispensary must agree to begin supplying medical cannabidiol to patients by December 1, 2018.

3. The department shall consider the following factors in determining whether to select and license a medical cannabidiol dispensary:

a. The technical expertise of the medical cannabidiol dispensary regarding medical cannabidiol.

b. The qualifications of the medical cannabidiol dispensary's employees.

c. The long-term financial stability of the medical cannabidiol dispensary.

d. The ability to provide appropriate security measures on the premises of the medical cannabidiol dispensary.

e. The medical cannabidiol dispensary's projection and ongoing assessment of fees for the purchase of medical cannabidiol on patients with debilitating medical conditions.

4. Each entity submitting an application for licensure as a medical cannabidiol dispensary shall pay a nonrefundable application fee of five thousand dollars to the department.

[2017 Acts, ch 162, §11, 25](#)

NEW section

124E.9 Medical cannabidiol dispensaries.

1. *a.* The medical cannabidiol dispensaries shall be located based on geographical need throughout the state to improve patient access.

b. A medical cannabidiol dispensary may dispense medical cannabidiol pursuant to the provisions of [this chapter](#) but shall not dispense any medical cannabidiol in a form or quantity other than the form or quantity allowed by the department pursuant to rule.

2. The operating documents of a medical cannabidiol dispensary shall include all of the following:

a. Procedures for the oversight of the medical cannabidiol dispensary and procedures to ensure accurate recordkeeping.

b. Procedures for the implementation of appropriate security measures to deter and

prevent the theft of medical cannabidiol and unauthorized entrance into areas containing medical cannabidiol.

3. A medical cannabidiol dispensary shall implement security requirements, including requirements for protection by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system.

4. A medical cannabidiol dispensary shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner.

5. A medical cannabidiol dispensary shall not permit any person to consume medical cannabidiol on the property of the medical cannabidiol dispensary.

6. A medical cannabidiol dispensary is subject to reasonable inspection by the department.

7. A medical cannabidiol dispensary shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol dispensary shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.

8. A medical cannabidiol dispensary owner shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.

9. A medical cannabidiol dispensary shall not operate at the same physical location as a medical cannabidiol manufacturer.

10. A medical cannabidiol dispensary shall not operate in any location within one thousand feet of a public or private school existing before the date of the medical cannabidiol dispensary's licensure by the department.

11. A medical cannabidiol dispensary shall comply with reasonable restrictions set by the department relating to signage, marketing, display, and advertising of medical cannabidiol.

12. Prior to dispensing of any medical cannabidiol, a medical cannabidiol dispensary shall do all of the following:

a. Verify that the medical cannabidiol dispensary has received a valid medical cannabidiol registration card from a patient or a patient's primary caregiver, if applicable.

b. Assign a tracking number to any medical cannabidiol dispensed from the medical cannabidiol dispensary.

c. Properly package medical cannabidiol in compliance with federal law regarding child resistant packaging and exemptions for packaging for elderly patients, and label medical cannabidiol with a list of all active ingredients and individually identifying information.

2017 Acts, ch 162, §12, 25

NEW section

124E.10 Fees.

Medical cannabidiol registration card fees and medical cannabidiol manufacturer and medical cannabidiol dispensary application and annual fees collected by the department pursuant to [this chapter](#) shall be retained by the department, shall be considered repayment receipts as defined in [section 8.2](#), and shall be used for the purpose of regulating medical cannabidiol manufacturers and medical cannabidiol dispensaries, for the cost of salaries for two agents of the division of criminal investigation of the department of public safety to inspect medical cannabidiol manufacturers and medical cannabidiol dispensaries, and for other expenses necessary for the administration of [this chapter](#).

2017 Acts, ch 162, §13, 25

NEW section

124E.11 Department duties — rules.

1. a. The department shall maintain a confidential file of the names of each patient to or for whom the department issues a medical cannabidiol registration card and the name of each primary caregiver to whom the department issues a medical cannabidiol registration card under [section 124E.4](#).

b. Individual names contained in the file shall be confidential and shall not be subject to disclosure, except as provided in subparagraph (1).

(1) Information in the confidential file maintained pursuant to paragraph “a” may be released on an individual basis to the following persons under the following circumstances:

(a) To authorized employees or agents of the department and the department of transportation as necessary to perform the duties of the department and the department of transportation pursuant to [this chapter](#).

(b) To authorized employees of law enforcement agencies of a state or political subdivision thereof, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to [this chapter](#).

(c) To authorized employees of a medical cannabidiol dispensary, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to [this chapter](#).

(d) To any other authorized persons recognized by the department by rule, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to [this chapter](#).

(2) Release of information pursuant to subparagraph (1) shall be consistent with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

2. The department shall adopt rules pursuant to [chapter 17A](#) to administer [this chapter](#) which shall include but not be limited to rules to do all of the following:

a. Govern the manner in which the department shall consider applications for new and renewal medical cannabidiol registration cards.

b. Ensure that the medical cannabidiol registration card program operates on a self-sustaining basis.

c. Establish the form and quantity of medical cannabidiol allowed to be dispensed to a patient or primary caregiver pursuant to [this chapter](#) as appropriate to serve the medical needs of patients with debilitating medical conditions, subject to recommendation by the medical cannabidiol board and approval by the board of medicine.

d. Establish requirements for the licensure of medical cannabidiol manufacturers and medical cannabidiol dispensaries and set forth procedures for medical cannabidiol manufacturers and medical cannabidiol dispensaries to obtain licenses.

e. Develop a dispensing system for medical cannabidiol within this state that provides for all of the following:

(1) Medical cannabidiol dispensaries within this state housed on secured grounds and operated by licensed medical cannabidiol dispensaries.

(2) The dispensing of medical cannabidiol to patients and their primary caregivers to occur at locations designated by the department.

f. Establish and collect annual fees from medical cannabidiol manufacturers and medical cannabidiol dispensaries to cover the costs associated with regulating and inspecting medical cannabidiol manufacturers and medical cannabidiol dispensaries.

g. Specify and implement procedures that address public safety including security procedures and product quality including measures to ensure contaminant-free cultivation of medical cannabidiol, safety, and labeling.

h. Establish and implement a real-time, statewide medical cannabidiol registry management sale tracking system that is available to medical cannabidiol dispensaries on a twenty-four-hour-a-day, seven-day-a-week basis for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to [this chapter](#) and for tracking the date of the sale and quantity of medical cannabidiol purchased by a patient or a primary caregiver.

i. Establish and implement a medical cannabidiol inventory and delivery tracking system to track medical cannabidiol from production by a medical cannabidiol manufacturer through dispensing at a medical cannabidiol dispensary.

[2017 Acts, ch 162, §14, 25](#)

NEW section

124E.12 Use of medical cannabidiol — affirmative defenses.

1. A health care practitioner, including any authorized agent or employee thereof, shall not be subject to prosecution for the unlawful certification, possession, or administration of marijuana under the laws of this state for activities arising directly out of or directly related to the certification or use of medical cannabidiol in the treatment of a patient diagnosed with a debilitating medical condition as authorized by [this chapter](#).

2. A medical cannabidiol manufacturer, including any authorized agent or employee thereof, shall not be subject to prosecution for manufacturing, possessing, cultivating, harvesting, transporting, packaging, processing, or supplying medical cannabidiol pursuant to [this chapter](#).

3. A medical cannabidiol dispensary, including any authorized agent or employee thereof, shall not be subject to prosecution for dispensing medical cannabidiol pursuant to [this chapter](#).

4. a. In a prosecution for the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to [chapters 124 and 453B](#), it is an affirmative and complete defense to the prosecution that the patient has been diagnosed with a debilitating medical condition, used or possessed medical cannabidiol pursuant to a certification by a health care practitioner as authorized under [this chapter](#), and, for a patient eighteen years of age or older, is in possession of a valid medical cannabidiol registration card issued pursuant to [this chapter](#).

b. In a prosecution for the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to [chapters 124 and 453B](#), it is an affirmative and complete defense to the prosecution that the person possessed medical cannabidiol because the person is a primary caregiver of a patient who has been diagnosed with a debilitating medical condition and is in possession of a valid medical cannabidiol registration card issued pursuant to [this chapter](#), and where the primary caregiver's possession of the medical cannabidiol is on behalf of the patient and for the patient's use only as authorized under [this chapter](#).

c. If a patient or primary caregiver is charged with the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to [chapters 124 and 453B](#), and is not in possession of the person's medical cannabidiol registration card, any charge or charges filed against the person for the possession of medical cannabidiol shall be dismissed by the court if the person produces to the court prior to or at the person's trial a medical cannabidiol registration card issued to that person and valid at the time the person was charged.

5. An agency of this state or a political subdivision thereof, including any law enforcement agency, shall not remove or initiate proceedings to remove a patient under the age of eighteen from the home of a parent based solely upon the parent's or patient's possession or use of medical cannabidiol as authorized under [this chapter](#).

6. The department, the department of transportation, and any health care practitioner, including any authorized agent or employee thereof, are not subject to any civil or disciplinary penalties by the board of medicine or any business, occupational, or professional licensing board or entity, solely for activities conducted relating to a patient's possession or use of medical cannabidiol as authorized under [this chapter](#). Nothing in [this section](#) affects a professional licensing board from taking action in response to violations of any other section of law.

7. Notwithstanding any law to the contrary, the department, the department of transportation, the governor, or any employee of any state agency shall not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment as authorized under [this chapter](#).

8. An attorney shall not be subject to disciplinary action by the Iowa supreme court or attorney disciplinary board for providing legal assistance to a patient, primary caregiver, or others based upon a patient's or primary caregiver's possession or use of medical cannabidiol as authorized under [this chapter](#).

9. Possession of a medical cannabidiol registration card or an application for a medical

cannabidiol registration card by a person entitled to possess or apply for a medical cannabidiol registration card shall not constitute probable cause or reasonable suspicion, and shall not be used to support a search of the person or property of the person possessing or applying for the medical cannabidiol registration card, or otherwise subject the person or property of the person to inspection by any governmental agency.

2017 Acts, ch 162, §15, 25

NEW section

124E.13 Medical cannabidiol source.

Medical cannabidiol provided exclusively pursuant to a written certification of a health care practitioner, if not legally available in this state or from any other bordering state, shall be obtained from an out-of-state source.

2017 Acts, ch 162, §16, 25

NEW section

124E.14 Out-of-state medical cannabidiol dispensaries.

The department of public health shall utilize a request for proposals process to select and license by December 1, 2017, up to two out-of-state medical cannabidiol dispensaries from a bordering state to sell and dispense medical cannabidiol to a patient or primary caregiver in possession of a valid medical cannabidiol registration card issued under [this chapter](#).

2017 Acts, ch 162, §17, 25

NEW section

124E.15 Iowa patients and primary caregivers registering in the state of Minnesota.

A patient or a primary caregiver with a valid medical cannabidiol registration card issued pursuant to [this chapter](#) may register in the state of Minnesota as a visiting qualified patient or primary caregiver and may register with one or more medical cannabis manufacturers registered under the laws of Minnesota.

2017 Acts, ch 162, §18, 25

NEW section

124E.16 Penalties.

1. A person who knowingly or intentionally possesses or uses medical cannabidiol in violation of the requirements of [this chapter](#) is subject to the penalties provided under [chapters 124](#) and [453B](#).

2. A medical cannabidiol manufacturer or a medical cannabidiol dispensary shall be assessed a civil penalty of up to one thousand dollars per violation for any violation of [this chapter](#) in addition to any other applicable penalties.

2017 Acts, ch 162, §19, 25

NEW section

124E.17 Use of medical cannabidiol — smoking prohibited.

A patient shall not consume medical cannabidiol possessed or used as authorized under [this chapter](#) by smoking medical cannabidiol.

2017 Acts, ch 162, §20, 25

NEW section

124E.18 Reciprocity.

A valid medical cannabidiol registration card, or its equivalent, issued under the laws of another state that allows an out-of-state patient to possess or use medical cannabidiol in the jurisdiction of issuance shall have the same force and effect as a valid medical cannabidiol registration card issued pursuant to [this chapter](#), except that an out-of-state patient in this state shall not obtain medical cannabidiol from a medical cannabidiol dispensary in this state.

2017 Acts, ch 162, §21, 25

NEW section

Iowa - Attachment #3

CHAPTER 12 STANDARDS OF PRACTICE [Prior to 2/8/89, Veterinary Medicine, Board of[842] Ch 9]

811—12.1(169) Veterinarian/client/patient relationships.

12.1(1) The board shall determine, on a case-by-case basis, if a valid veterinarian/client/patient relationship exists. This relationship shall be deemed to exist when all of the following criteria have been met:

a. The licensed veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient and the need for medical treatment, and the client has agreed to follow the instructions of the licensed veterinarian;

b. The licensed veterinarian has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. Sufficient knowledge means that the licensed veterinarian has recently seen or is personally acquainted with the care of the patient by virtue of an examination of the patient or by medically appropriate and timely visits to the premises where the patient is kept; and

c. The licensed veterinarian is readily available or provides for follow-up in case of adverse reactions or failure of the regimen of therapy.

12.1(2) A valid veterinarian/client/patient relationship cannot be established by contact solely based on a telephonic or electronic communication.

12.1(3) Both the licensed veterinarian and the client have the right to establish or decline a valid veterinarian/client/patient relationship. Once the licensed veterinarian and the client have agreed and entered into a relationship, and the licensed veterinarian has begun patient care, the licensed veterinarian may not neglect the patient and must continue to provide professional services related to the patient's injury or illness within the previously agreed limits. As subsequent needs and costs for patient care are identified, the licensed veterinarian and the client must confer and reach agreement on the continued care and responsibility for fees. If the informed client declines future care or declines to assume responsibility for the fees, the relationship may be terminated by either party.

12.1(4) If no ongoing medical condition exists, a licensed veterinarian may terminate a valid veterinarian/client/patient relationship by notifying the client that the licensed veterinarian no longer wishes to serve that patient and client. However, if an ongoing medical or surgical condition exists, the patient should be referred to another licensed veterinarian for diagnosis, care, and treatment and the former attending licensed veterinarian should continue to provide care as needed during the transition.

12.1(5) Concerns about licensed veterinarian or staff safety may result in immediate termination of the veterinarian/client/patient relationship.

[ARC 1465C, IAB 5/28/14, effective 7/2/14]

811—12.2(169) Controlled substances, drugs, prescription medications and restricted immunization products. When state or federal law restricts a drug, medication or immunization product intended for use by or on the order of a licensed veterinarian, the licensed veterinarian shall sell, distribute, or order the drug or medication only in the course of the licensed veterinarian's professional practice. A prescription veterinary drug, medication or immunization product shall not be deemed to be used "in the course of the licensed veterinarian's professional practice" unless a valid veterinarian/client/patient relationship exists.

12.2(1) Prescriptions. The order for all such drugs, medications or immunization products shall be accompanied by the licensed veterinarian's original prescription that shows the following:

- a.* Licensed veterinarian's name, address and telephone number;
- b.* Client's name;
- c.* Patient's name or identification;
- d.* Date issued;
- e.* Drug, medication or product name, strength, and quantity;
- f.* Directions for use;
- g.* Number of times the prescription may be refilled;

- h.* Expiration date of the drug, medication or product; and
- i.* Applicable withdrawal period (paragraph 12.2(2)“*d*”) for livestock and poultry.

12.2(2) *Extra-label use of veterinary drugs, medications, and immunization products.* Any extra-label use of veterinary drugs, medications or immunization products shall be by or under the order of a licensed veterinarian only and shall be subject to the following criteria:

- a.* There shall be a veterinarian/client/patient relationship as defined in subrule 12.1(1).
- b.* For drugs or medications used in patients not intended for food, one of the following applies:
 - (1) There are no marketed drugs, medications and immunization products specifically labeled for the condition(s) diagnosed;
 - (2) The approved product is clinically ineffective; or
 - (3) In the licensed veterinarian’s clinical judgment, the labeled dosage is inappropriate for the condition or the extra-label use should result in a better outcome for the patient.
- c.* The health of the treated patient is immediately threatened, or suffering or death would result from a failure to treat the affected patient.
- d.* Appropriate withdrawal period shall be specified when the drugs, medications or immunization products are used in animals intended as food. Extra-label drug use in food-producing animals must follow Food and Drug Administration - Animal Medicinal Drug Use Clarification Act regulations (21 Code of Federal Regulations 530). Licensed veterinarians are encouraged to consult the Food Animal Residue Avoidance Databank (FARAD) or public peer-reviewed documents when determining appropriate withdrawal period.

[ARC 1465C, IAB 5/28/14, effective 7/2/14]

811—12.3(169) Prescription drug or medication labeling and packaging. A licensed veterinarian shall comply with all of the following requirements for the storage, handling, dispensing, and administering of a drug or medication.

12.3(1) All prescription drugs, medications and controlled substances must be purchased, maintained, handled, prescribed and dispensed in compliance with state and federal requirements including but not limited to the requirements of the Iowa board of pharmacy, the U.S. Occupational Safety and Health Administration, the U.S. Department of Agriculture, the U.S. Food and Drug Administration, the U.S. Environmental Protection Agency and the U.S. Drug Enforcement Administration. A valid veterinarian/client/patient relationship must be established before prescription drugs or medications may be dispensed or a prescription released. All drugs or medications administered, prescribed or dispensed must be documented in the patient’s medical record. The sale of veterinary prescription drugs or medications or the extra-label use of any drug, medication or product by a licensed veterinarian without a valid veterinarian/client/patient relationship is not permissible.

12.3(2) All drugs or medications dispensed shall be labeled with the following information:

- a.* Name, telephone number, and address of the veterinary clinic, hospital, or service facility.
- b.* Name of the prescribing licensed veterinarian.
- c.* Date on which the prescription is dispensed.
- d.* Directions for use, including any cautionary statements and withdrawal times when appropriate.
- e.* Species of the patient.
- f.* Name, or identification, or location of the patient.
- g.* Name of the owner.
- h.* Name, strength, and dosage form of the drug or medication. If the drug or medication is a compounded product, all active ingredients must be listed on the label, with corresponding strengths or concentrations of each ingredient.
- i.* Number of units dispensed.
- j.* Expiration date. If the drug or medication is a compounded product with no assigned expiration date, the licensed veterinarian shall determine a beyond-use date as supported by the literature or by the licensed veterinarian’s professional judgment when no such supportive information exists.
- k.* Appropriate withdrawal period for livestock or poultry, when the patient or its product is intended as food.

12.3(3) All drugs or medications dispensed in the original container shall retain the original label and, in addition, shall be labeled with the same information as required in subrule 12.3(2).

12.3(4) All drugs or medications that are dispensed in a container other than the original container shall be placed in a tamper-resistant container unless otherwise requested by the owner or unless the drug or medication is in a form or size that cannot be easily dispensed in a tamper-resistant container.

12.3(5) Drugs or medications which have expired shall be removed from current inventory and shall not be dispensed or sold. Expired drugs or medications shall be disposed of in accordance with local, state and federal regulations.

12.3(6) Drugs or medications shall be dispensed only for specific animals and for specific veterinary medical therapies with the exception of groups of similar animals and other groups such as pet fish, kennels, and catteries for which dispensing shall be done judiciously within a valid veterinarian/client/patient relationship.

[ARC 1465C, IAB 5/28/14, effective 7/2/14]

811—12.4(169) Veterinary medical records.

12.4(1) *Controlled substances records.* The licensed veterinarian must maintain a controlled substance log which contains complete, accurate and readily retrievable records of all controlled substances possessed, administered, or dispensed.

a. Each record of a controlled substance which is dispensed must meet all U.S. Drug Enforcement Administration and Iowa board of pharmacy regulations for the controlled substances log.

b. Each log record must include the following information:

- (1) Name or identification of the patient.
- (2) Client's name and address, if not readily available from the licensed veterinarian's records.
- (3) Name, strength and quantity of the controlled substance dispensed.
- (4) Date on which the controlled substance was dispensed.
- (5) Initials of the dispensing licensed veterinarian or authorized auxiliary.
- (6) Name of the prescribing licensed veterinarian.

c. All controlled substances must be kept in a locked storage area, and access to the storage area must be restricted pursuant to state and federal laws and regulations.

d. Each package or container in which a controlled substance is stored or dispensed must be clearly labeled pursuant to the requirements set forth in state and federal laws and regulations.

e. Each package or container in which a controlled substance is stored or dispensed must comply with all state and federal packaging requirements and with rule 811—12.2(169).

12.4(2) *Patient records.* Veterinary medical records are an integral part of veterinary care. Medical records are the property of the veterinary practice. Each licensed veterinarian shall maintain for at least five years an easily retrievable record for each patient that receives veterinary services. The record must be available for inspection by the client during normal business hours. The information within veterinary medical records is privileged and confidential and shall not be released except by court order, a public health emergency or consent of the client. The licensed veterinarian in charge shall provide a copy of the complete record to the client not later than two business days after the licensed veterinarian or practice receives from the client a request for the record. A licensed veterinarian or veterinary practice may have an additional three business days to provide a copy of nondigital diagnostic images. The licensed veterinarian may charge reasonable and customary fees for the copying of records.

a. Records required for patients defined as "livestock" in Iowa Code section 717.1(4) include the following:

- (1) Name, address and telephone number of the client.
- (2) Name or identity of the patient, pen, herd, flock, or group, including the identification number, if any.
- (3) Date of service.
- (4) Documentation of client consent.
- (5) Diagnosis or condition at the beginning of treatment of the patient, including results of tests.
- (6) Procedures/indications.

(7) Name of drug or medication and treatment administered indicating dosage, frequency and route of administration.

(8) Withdrawal period.

(9) Record of diagnostic images taken.

(10) Name of attending licensed veterinarian.

b. Records required for other patients include the following:

(1) Name, address and telephone number of the client.

(2) Name and identity of the patient, including the identification number, if any.

(3) Date of birth (or estimated age), sex, species and breed of patient.

(4) Dates of care, custody or treatment of the patient.

(5) A history of the patient's condition as it pertains to the patient's medical status.

(6) Documentation of client consent.

(7) Diagnosis or condition at the beginning of treatment of the patient, including results of tests and body weight.

(8) Surgery record, including preanesthesia medication, anesthesia, and the procedure performed.

(9) Name of drug or medication and treatment administered indicating dosage, frequency and route of administration.

(10) Progress and disposition of the case.

(11) Record of diagnostic images taken.

(12) Name of attending licensed veterinarian.

12.4(3) Stored diagnostic images.

a. Each stored diagnostic image must be identified with the following information:

(1) The name of the licensed veterinarian or facility that took the diagnostic image.

(2) The name or identifying number, or both, of the patient.

(3) The name of the client.

(4) The date on which the diagnostic image was taken.

(5) The anatomical orientation depicted by the diagnostic image.

b. Stored diagnostic images must be retained for at least five years.

c. A stored diagnostic image of the patient or a copy must be released, upon the written or verbal request, to another licensed veterinarian who has the authorization of the client. Original diagnostic images shall be returned in a reasonable time.

12.4(4) General anesthesia. General anesthesia is a condition caused by the administration of a drug or combination of drugs sufficient to produce a state of unconsciousness or dissociation and blocked response to a given pain or alarming stimulus. The following standards relating to general anesthesia must be adhered to:

a. Within 12 hours prior to the administration of a general anesthetic, the patient must receive a physical examination, with the results noted in the patient's medical records.

b. The patient under general anesthesia must be under observation for a length of time appropriate to the species for the patient's safe recovery.

c. The licensed veterinarian must provide a method of respiratory monitoring that may include observing the patient's chest movements, observing the rebreathing bag, or using a respirometer.

d. The licensed veterinarian must provide a method of cardiac monitoring which may include the use of a stethoscope or electrocardiograph monitor.

[ARC 1465C, IAB 5/28/14, effective 7/2/14]

811—12.5(169) Veterinary facilities.

12.5(1) Facility standards. The following standards shall apply to all facilities used by a licensed veterinarian to provide veterinary services.

a. Facilities for treatment or hospitalization. In a facility where patients are examined and retained for treatment or hospitalization, the following must be provided:

(1) An examination room, separate from the reception room or office, with sufficient size to accommodate the licensed veterinarian, assistant, patient and client.

(2) Nonporous tabletops, countertops and floor coverings which can be adequately cleaned and disinfected.

(3) The ability to house patients separately and maintain sanitary conditions.

(4) Appropriate separation of patients with known or suspected infectious and contagious diseases from patients not known to have such diseases in a manner that reasonably guards against transmission of disease.

(5) Provision for daily exercise of patients unless the primary enclosure is of sufficient size to provide exercise.

(6) Exercise areas that are cleaned a minimum of once in each 24-hour period and more frequently as may be necessary to reduce disease hazards and odors.

(7) A sanitary area for performing surgeries under sterile conditions. If sterile surgical procedures are performed on the premises, the licensed veterinarian must maintain the following at all times:

1. Appropriate sterile surgical packs including drapes, sponges and instrumentation for use in each procedure.

2. For each sterile surgical procedure, equipment sterilized and surgical packs properly prepared for sterilization sufficient to kill microorganisms.

3. Clean attire, masks, and gloves for use in any sterile procedure.

(8) Oxygen and equipment necessary to administer oxygen to the types of patients treated in the facility.

(9) Capability to provide diagnostic radiological images in the facility or through an outside facility.

(10) Provision for laboratory and pharmaceutical services in the facility or through another commercial facility.

b. Facilities for services. Veterinary service facilities where patients are only examined or provided vaccinations must provide the following:

(1) An examination room, separate from the reception room or office, with sufficient size to accommodate the licensed veterinarian, assistant, patient and client.

(2) Nonporous tabletops, countertops and floor coverings which can be adequately cleaned and disinfected.

(3) A secure and sanitary area for the storage of instruments, drugs and medications.

(4) Cooling/heating equipment for the storage of drugs, medications and immunization products.

(5) Capability to provide diagnostic radiological images in the facility or through an outside facility.

(6) Provision for laboratory and pharmaceutical services in the facility or through another commercial facility.

c. Mobile clinics. Mobile clinics are self-contained units for small animal, nonlivestock or nonpoultry patients and shall be equipped with the following:

(1) Hot and cold water.

(2) Nonporous tabletops, countertops and floor coverings which can be adequately cleaned and disinfected.

(3) An adequate power source for diagnostic equipment.

(4) A collecting tank for disposal of waste materials.

(5) Adequate lighting.

(6) Adequate heating, cooling and ventilation.

(7) Sterile instrumentation which meets the requirements of the level of surgery to be performed.

(8) Separate compartments for the transportation or holding of patients.

(9) A secure and sanitary area for the storage of instruments, drugs and medications.

(10) Cooling/heating equipment for the storage of drugs, medications and immunization products.

d. House/farm call units. House/farm call units are not self-contained units and must be equipped with or have access to all of the following:

(1) Water.

(2) Cooling/heating equipment for the storage of drugs, medications and immunization products.

(3) A secure and sanitary area for the storage of instruments, drugs and medications.

e. Emergency veterinary hospitals. “Emergency veterinary hospital” means an animal hospital which provides emergency treatment to an ill or injured patient. Any facility advertising as an emergency facility shall have a licensed veterinarian and appropriate support staff on the premises during the hours of operation. Any facility which advertises using phrases similar or identical to “24-hour emergency veterinary hospital,” “Emergency,” “Open 24 hours,” or “Day or night care” must have treatment services continuously available.

12.5(2) Safety and sanitation standards. A veterinary facility must have a safe and sanitary environment that:

- a.* Protects the health of the patients and guards against the transmission of infection.
- b.* Provides for proper routine disposal of waste materials in compliance with all applicable local, state, and federal laws and regulations and for proper disposal of hypodermic devices, sharps and biomedical waste. Any person who is authorized to use hypodermic devices and sharps shall dispose of them in accordance with applicable local, state and federal regulations. Biomedical waste should be disposed of in accordance with applicable local, state and federal regulations.
- c.* Provides for proper sterilization or sanitation of all equipment used in diagnosis, treatment or surgery.
- d.* Ensures the maintenance of proper temperature and ventilation of the indoor facility.
- e.* Provides adequate lighting appropriate for the task being performed.
- f.* Includes legal and sanitary methods for the disposal or storage of deceased patients.
- g.* Meets the standards for radiological procedures as set by the Iowa department of public health.

12.5(3) Resources. A library of current journals or textbooks, or Internet access which provides readily accessible reference materials shall be available.

[ARC 1465C, IAB 5/28/14, effective 7/2/14]

These rules are intended to implement Iowa Code chapter 169.

[Filed 9/21/84, Notice 8/15/84—published 10/10/84, effective 11/14/84]

[Filed emergency 9/4/85—published 9/25/85, effective 9/4/85]

[Filed 11/1/85, Notice 9/25/85—published 11/20/85, effective 12/25/85]

[Filed 1/20/89, Notice 11/16/88—published 2/8/89, effective 3/15/89]

[Filed 9/4/08, Notices 4/23/08, 6/18/08—published 9/24/08, effective 10/29/08]

[Filed ARC 1465C (Notice ARC 1377C, IAB 3/19/14), IAB 5/28/14, effective 7/2/14]



Report to Licensees

of the

LOUISIANA BOARD OF VETERINARY MEDICINE

Volume 27, No. 1

Winter 2018-2019



Board Changes...

The members of the Louisiana Board of Veterinary Medicine and staff of the Board office would like to welcome two new Board members, Joseph Bondurant, Jr., DVM and Alfred G. Stevens, DVM. Dr. Bondurant practices in the Hammond, Louisiana area (predominantly small animal practice). Dr. Stevens practice in the Baton Rouge, Louisiana area (small animal exclusively). Both have been appointed to serve through July 30, 2023. We extend a warm welcome and best wishes for a productive team.

The Board will miss departing members, John S. Emerson, DVM and Fenton Lipscomb, DVM, whose terms with the Board expired August 1, 2018. The Board appreciates their service and wishes them well with future endeavors.

Newsworthy Items...

Check out the Board's new website at www.lsbvm.org, which now includes online license verification. (You may have to clear your cache for your computer to open the new site.)

Effective 8/1/2018, the Louisiana Board of Veterinary Medicine was moved from the Department of Health to the Department of Agriculture and Forestry.

2019 Board Meeting Dates

The Louisiana Board of Veterinary Medicine will meet at 8:30 a.m. on the following dates:
Thursday, February 7, April 4, June 6, August 1, October 3, and December 5, 2019.



CBD Oil

The Board has received questions on the use of CBD oil, calming agents, and phytocannabinoids in the practice of veterinary medicine. At the outset, it must be noted that the Board's administrative jurisdiction is secondary to any other governmental agency's jurisdiction/laws which are primary on CDS issues and/or criminal activity. The subject matter is an admitted legal quagmire by all interested entities at present.

In short, when a specified drug and/or its extracts as specifically defined are legally permitted (clearly defined as not a crime by the proper Federal and State authorities) to be purchased/possessed/prescribed/dispensed for animals in Louisiana, then the Board would be in the jurisdictional position to determine if such was within the standard of care to be used on animals and for what diagnoses, etc. via its administrative authority. At that time, the consideration of pertinent research regarding the efficacy of the use of a defined product for a certain diagnosed condition would be paramount prior to the exercise of any decision. With that stated, the Board has received the following excerpt from a DEA email, dated August 13, 2018:

DEA recently created a new drug code to classify extracts of marijuana. This new drug code is still a Schedule I controlled substance federally. The question will ultimately stem on whether the substances being sold are classified as marijuana or marijuana extracts under the Controlled Substance Act (CSA). The CSA defines marijuana as: "[all] parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination." (Underscore added.)

The Board was also recently contacted for a statement regarding a concern with the use of CBD oil by veterinarians as such was represented as being illegal. However, confirmation could not be obtained due to developing authority regarding the possible legality of certain hemp, oil, extracts, etc. The DEA statement above referencing "oil" in the exclusion from the definition still appears to be confusing. It is the Board's understanding from conversing with a DEA Diversion Investigator (enforcement division) that any such oil would have to be tested by the governmental authority with primary jurisdiction to determine the permissible level of THC in a given product. The DEA excerpt quoted above does not reference the permissible THC level for CBD oil believed to be 3% or lower. Please be advised that this reference relates to the Federal authorities, and is not intended to address the Louisiana criminal authorities on the subject matter. There is also the issue of whether the above, if determined to be permissive/allowable, is limited to human use only, and prohibited for use on animals. Therefore, at present, per the Board's administrative jurisdiction, it is reluctant to make any generalized statement/post any notice on this subject matter, until such confusion is resolved by the governmental entities with primary jurisdiction (both Federal and state) and the results confirmed to the Board's satisfaction. The Board will continue its research. Should you need further specific information at present, it is suggested that you contact the proper Federal and state authorities with primary criminal and/or regulatory jurisdiction over the subject matter.

In concluding, please be advised that regardless of what may ultimately be legal to obtain, the use of such product on a patient/animal must be within the standard of acceptable veterinary practice on the diagnosed condition, and not just because the client wants to use the product on his animal. The ultimate question will be if the conduct meets the

**Louisiana Board
of Veterinary Medicine**

301 Main St., Ste. 1050
Baton Rouge, LA 70801
(225) 342-2176
(225) 342-2142 fax
admin@lsbvm.org
www.lsbvm.org

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acceptable standard of veterinary care provided in a given matter. It is not envisioned that the Board will be in the position to issue an advisory opinion or exclusive listing of what is acceptable (or not), but will deal with each case as it is presented, thus establishing precedent for future reference. While the professional judgment of the practitioner will carry some weight, a fundamental factor in the review will be the qualified medical and research opinions/resources on the efficacy of a certain legal product on a diagnosed condition.

Please monitor the Board's website for any future updates.

Disciplinary Cases

Case No. 17-0215 V- Consent Order was entered wherein the veterinarian failed to meet the acceptable standards of veterinary medicine, more particularly, the patient was not sedated during a difficult time of drawing blood for testing/procedure and was not stable at the time of discharge, as well as a misdiagnosis.

License Renewal Statistics 2018-2019



Active DVM – 1531, Inactive DVM – 129, Faculty DVM – 78,
RVT – 251, CAET – 164, RED – 3

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Nevada State Board of Veterinary Medical Examiners

Mailing Address:
4600 Kietzke Ln. O-265
Reno, NV 89502
Phone- (775) 688-1788
Fax-(775) 688-1808

Email:
vetbinfo@vetboard.nv.gov

Website :
www.nvvetboard.us

SPRING 2018

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Las Vegas

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Sparks

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Davyd Pelsue, DVM, DACVS
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From the President Scott Bradley, DVM

Please enjoy this letter from the Board's new President, Dr. Scott Bradley. Dr. Bradley has served on the Board since October 30, 2006 and was recently elected to serve as President at the January 25, 2018 Board Meeting.

In step with the rapidly changing world that we live in, the veterinarians of the State of Nevada have experienced significant changes in what services we can provide for our patients and clients and how those services are provided. The clients expectations of what can be provided has risen significantly in the time that I have had the honor and responsibility of being a member of the Nevada State Board of Veterinary Medical Examiners. What was yesterday's Standard of Excellence is rapidly becoming today's Standard of Care, a standard to which all doctors, LVTs, VAs and staff have the responsibility to uphold.

We have seen many changes in the legal definitions and boundaries of the Standard of Care during that time including the addition to the Board of a Licensed Veterinary Technician that gives the LVTs of the state a voice on the Board. The process for bringing these changes to pass is long and demanding, and the Board takes great care in soliciting input from the public, licensees, and business throughout Nevada. The responsibility lies with the Board staff and legal counsel to guide the process once the Board gives them direction, and the Board's lobbyist keeps the Board apprised of any pending legislation that may affect our profession.

In short, it's complicated.

It takes a dedicated team to make it run smoothly and achieve the goal of encouraging practitioners to uphold the minimum Standard of Care while giving the citizens of the state a venue to voice their concerns and questions regarding the profession and the veterinary care provided for them

The legislature recently passed, and Governor Sandoval signed into effect, a number of regulations that affect our profession. These regulation changes address concerns with compounding and repackaging pharmaceuticals, the establishment of the classification of equine dental providers, supragingival non-anesthetic oral care, and off site supervision of LVTs just to name a few of the changes. Veterinarians and LVTs are encouraged to review these changes and be clear of their applications for we are accountable for adherence to these changes. The newly adopted regulations R073-16 and R110-16 can be found on the State legislative website. Please take the time to review and be familiar with their application to the practice of veterinary medicine. Please contact the Board office should you have any questions.

Continued on Page (2)

	2016	2017
NEW VETERINARIANS LICENSED	98	99
NEW BOARD CERTIFIED VETERINARIAN DIPLOMATES	7	3
ACTIVE VETERINARIANS/DIPLOMATES	913	990
INACTIVE VETERINARIANS/DIPLOMATES	179	167
VETERINARY FACILITIES/MOBILE FACILITIES	222	234
NEW LICENSED VETERINARY TECHNICIANS	68	69
ACTIVE LICENSED VETERINARY TECHNICIANS	612	680
VETERINARY TECHNICIANS-IN-TRAINING	167	171
NEW EUTHANASIA TECHNICIANS	4	12
ACTIVE EUTHANASIA TECHNICIANS	70	69
ANIMAL CHIROPRACTORS	7	8
ANIMAL PHYSICAL THERAPIST	4	5
FORMAL COMPLAINTS FILED	35	78

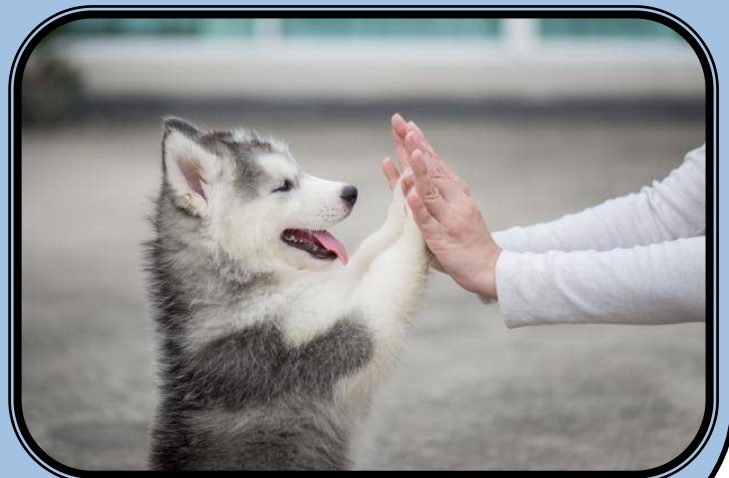
Continued from page (1) Letter from the President

What the future holds for us who have dedicated our lives to a profession that makes this world a better place, is largely unknown. What is known is that most of us are overworked, underappreciated, and undercompensated. These factors in combination with ever increasing expectations of clients and ourselves to solve problems that are at times unsolvable, creates a significant life balance challenge, one that sadly has effected many if not all of us with the loss of a colleague due in large part to a failure to engage in a healthy dose of self-awareness and self-care. Thankfully awareness of this challenge is increasing, and resources for helping us to not only counsel our clients during painful process of loss but also to counsel ourselves and reach out for assistance when needed.

If we are not wholly available to ourselves, we cannot be wholly available to our families, loved ones, our clients, or our patients. Please make some time for some productive self-care; you are worth it.

Sincerely,

Scott B. Bradley DVM



Welcome to the Board, Sharon Gorman, DVM



The Nevada Board of Veterinary Medical Examiners would like to welcome one of its newest member, Dr. Sharon Gorman. Dr. Gorman joined the Board for her first term in November, 2017.

Dr. Gorman is the owner of Creature Comforts Animal Hospital in Las Vegas. She has lived in Las Vegas since graduating Virginia-Maryland Regional College of Veterinary Medicine (GO HOKIES!) in 1996. Originally from New Jersey, the adventure of moving across country brought her to Vegas and the desert climate has kept her here.

From the time she could utter her first words as a toddler, Dr. Sharon Gorman knew she wanted to work with animals. As she grew older, she realized she would only be satisfied with a career that was challenging, fulfilling, and constantly evolving. Veterinary medicine fit the bill perfectly!

Dr. Gorman, her husband Jason, and their children Skylar, Sierra, and Cody share their home with many pets. They have four dogs—Molly, Panda Pooh, Bandit, and Boo—as well as a pair of cats named Rose and Hokie. The family also keeps three horses: Radar, Casper, and Colby.

Aside from horseback riding, Dr. Gorman loves to scuba dive when time permits. She and her family go on a scuba trip every year. She loves going somewhere new each year and getting to see remote islands. At home, the family spends their days off in the summer on Lake Mead boating.

Dr. Gorman joined the board in an effort to give back to the veterinary community and the public that we serve.

Welcome to the Board, Betsy Phillips, DVM

The Nevada Board of Veterinary Medical Examiners would like to welcome one of its newest member, Dr. Betsy Phillips. Dr. Phillips joined the Board for her first term in November, 2017.

Dr. Phillips grew up in Kansas City, Missouri, then attended the College of William and Mary in Williamsburg, Virginia with a double major in biology and anthropology. Dr. Phillips graduated Summa Cum Laude from the University of Missouri College of Veterinary Medicine in 2000. She then moved to Minden, Nevada with her husband after graduation and has been in small animal practice in the Reno area for the past 18 years.

Dr. Phillips served 7 years on the Nevada Veterinary Medical Association Board, culminating with serving as President in 2014. During that time, she enjoyed getting to know the other board members from around the state, and working together to advocate for the veterinary profession as a whole.

She currently works part-time at the Animal Medical Center of Reno and Reno Hospital for Cats, and strives to provide a low-stress experience for patients and their families. Her main areas of interest are early socialization and its impact on behavior, dermatology, pain control, and ophthalmology. As a NVMA board member, Dr. Phillips volunteered as lab coordinator for the Wild West Veterinary Conference for several years, and served as co-Medical Director for the Wild West Veterinary Conference for the past 3 years. Planning the scientific program and recruiting top-notch speakers is an aspect of veterinary medicine that she never thought she would have been involved with, but finds it very interesting and quite fun.

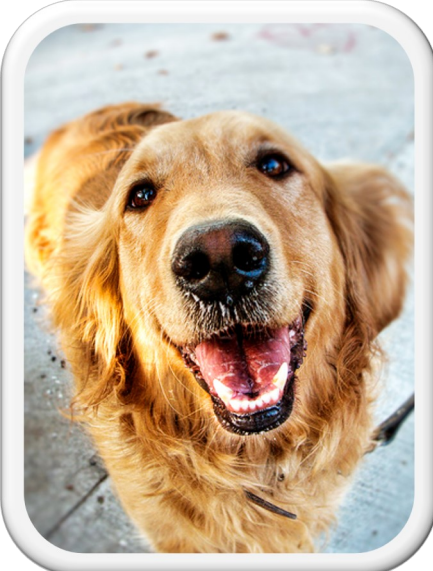
Her days off are spent attempting to keep up with her 12 year old daughter and 10 year old son and their many activities. Family vacations are spent near water, whether that's Lake Tahoe on Summer weekends or trips to the ocean to enjoy the surf and sand.

Dr. Phillips says that she is honored to be serving on the Board of examiners for our great state, and is looking forward to working with other board members, our state's veterinarians, and the public. Veterinary medicine is a wide and varied profession and she enjoys being a part of all aspects of it.



2017 Hospital Inspection Report

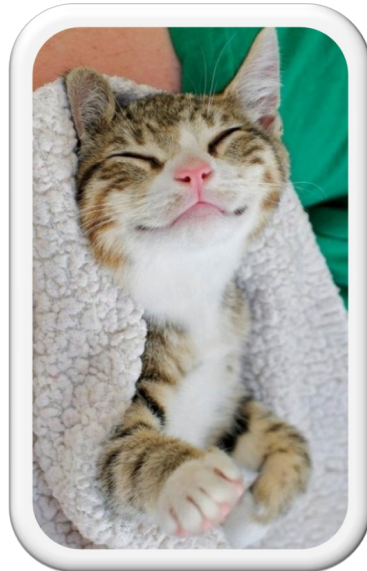
During the 2017 calendar year, the results from hospital inspections of veterinary facilities in the state of Nevada were exemplary. Out of 85 inspections, the Board inspectors saw 23 hospitals that received perfect inspections. A perfect inspection is a difficult feat, so please join the Board in congratulating the following facilities on their success:



- Spay and Neuter Center, Las Vegas 10/17/17
- Montecito Animal Hospital 1/24/17
- Henderson Animal Hospital 1/17/17
- Animal Allergy & Dermatology 10/3/17
- Sunset Eastern Animal Hospital 8/1/17
- Boca Park Animal Hospital 9/12/17
- VCA Hualapai Animal Hospital 9/19/17
- Animal Foundation (ET's) 7/18/17
- Siena Animal Hospital 10/3/17
- Nye Co Vet Hospital 5/23/17



- Lone Mountain Animal Hospital 4/18/17
- Cheyenne West Animal Hospital 3/21/17
- College of Southern Nevada Clinic 3/14/17
- VCA Decatur 3/14/17
- Critter Care Animal Hospital 2/21/17
- Bonanza Cat Hospital 1/24/17
- Virgin Valley Animal Hospital 6/13/17



- Creature Comforts Animal Hospital 2/14/17
- Banfield #1381 1/31/17
- Seven Hills Animal Hospital 10/11/17
- South Valley Animal Hospital 1/10/17
- Oasis Animal Hospital 1/10/17
- Henderson Animal Control 5/30/17

Continuing Education FAQs Every year the Board office received numerous calls from licensees who are unclear about the requirements for continuing education in Nevada. We hope this article can shed a little light on those questions.

What is a Board Approved CE Course? Approved CE is a course that is provided/approved by:

- The AVMA or a specialty group of the AVMA
- The Western Veterinary Conference, Wild West Veterinary Conference or any regional conference
- US and/or State Department of Agriculture
- American Animal Hospital Association
- Nevada Veterinary Medical Association
- Institution of the Nevada Higher Education System
- An AVMA accredited school of veterinary medicine
- An AVMA accredited school for veterinary technicians
- RACE approved courses

License Type	Hours Required
Veterinarians	20 hours
LVTs	10 hours
Animal Chiropractors	15 hours
Animal Physical Therapists	5 hours

How many hours can I take online or in-person?

The maximum number of hours that can be used for CE credit is 1/2 of the total number of hours required for renewal. For example, an LVT can only use 5 hours of online/non-interactive CE for renewal; at least 5 hours of CE must be earned at a live/interactive seminar.

What are you required to submit if audited?

Renewals are due on or before December 31 of each year. For the first renewal a licensee submits, he or she is not required to submit CE. The audit for CE begins in early March of each year. Approximately 5% of the active renewals are randomly selected amongst the various license types, and notification for audit are sent out. If you receive a notice of audit, you are required to submit copies of your approved CE within 14 days of receipt of the notice.

What will happen if I have don't have the number of CE hours I listed on my renewal?

Unfortunately, any false information provided on a renewal that cannot be verified by documentation of your CE will result in a Board complaint being initiated. If that occurs, you will be required to contact the Board office for further information. You will be noticed by certified mail if a complaint is initiated. Please contact the Board office before the end of the renewal period, if you believe you will have difficulty obtaining the correct amount of CE.

What if I still have questions?

If you ever question whether the office has received your documentation or if a course is approved, please contact the Board office as soon as possible so that you can get information as soon as possible.



July 19, 2018	Reno
October 18, 2018	Las Vegas
January 24, 2019	Reno
April 25, 2019	Las Vegas
July 25, 2019	Reno
October 17, 2019	Las Vegas

Upcoming Meetings For 2018 and 2019

Emerging Trends: CBD in Veterinary Medicine



Are you getting questions about the use of CBD (Cannabidiol) in your clinic? Do you know what CBD is? Is there a difference between CBD, marijuana and hemp? There are a lot of questions out there and few clear answers; however, we are going to try to give some guidance where possible.

If you haven't yet been asked about treatment using CBD (the non-psychoactive component of marijuana) or hemp products for one ailment or another, it's likely you will be in the near future.

As of March 30, 2018 thirty states and the District of Columbia have laws that legalize marijuana in some form. Due to the growing prevalence of marijuana use, there is also a growing public interest in pursuing the use of CBD oil and other hemp products for a multitude of treatments and ailments that may be affecting a client's pet. While there are no current laws pertaining to the use of CBD products for pets, there is information that should be considered by practitioners that and may give some guidance on how to handle questions from clients.

According to the DEA:

"the scientific literature indicates, cannabinoids, such as tetrahydrocannabinols (THC), cannabins (CBN), and cannabidiols (CBD) are found in parts of the cannabis plant that fall within the CSA [controlled substance act] definition of marijuana. According to scientific literature, cannabinoids are not found in the parts of the cannabis plant that are excluded from the CSA definition of marijuana except for trace amounts"

In order to clarify what the DEA is stating it is important to remember that the DEA defines 'hemp' and 'marijuana' differently. The plant itself can be broken down into separate portions, some of which are illegal and some of which are not, depending on what compounds are found in different parts of the plant. Essentially, marijuana includes flowers, leaves, and seeds which can be used to grow marijuana plants; whereas, stalks, stems, fibers, and seeds which *cannot* grow marijuana plants are exempt from the CSA and are legal. The basis for the portioning of the plant is that hemp is defined as having below 0.3% THC by dry weight. Therefore, hemp, because it lacks the chemical components of medicinal or recreational marijuana is legal. The portions that are considered to contain CBD are included in the definition of marijuana and are therefore federally scheduled.

Any portion of the plant that is considered 'marijuana' is a Schedule I drug, as defined within the Controlled Substances Act. All illicit drugs are categorized as Schedule I on the federal level (LSD, heroin, ecstasy, etc.), and are defined as having a high potential for abuse and as having no medicinal value. Because many states are now legalizing marijuana, and the federal laws maintain its illegal status, there is uncertainty about how to proceed as practitioners.

Continued on page 7

Now that we have a little information about the different parts of the DEA definitions, we can discuss what is happening on the local level. In Nevada, a state where it is legal for both medicinal and recreational use, marijuana is only legally available at licensed and regulated dispensaries, and a significant number of dispensaries carry some form of CBD product for animals. The ability for veterinarians to recommend CBD or sell CBD for treatment is still unlawful by the federal mandate. State regulations do not currently offer protection to veterinarians to recommend the use of CBD. In a recent AAHA article, a veterinarian from Colorado who is involved in advocating cannabis in veterinary care was quoted as stating that “right now, it’s more legal for a random person off the street or an employee of a recreational dispensary to give a pet owner advice about cannabis”² While that may be a frustrating position to be in, because veterinarians have federal DEA and CSR registrations, there can be serious consequences that could arise from recommending marijuana products without state or federal approval.

However, if you have clients that have asked about the use of CBD, you can let them know that you cannot prescribe or recommend it as part of treatment. However, if you feel comfortable as the practitioner, you can inform the client that supplements and products are available in regional dispensaries if they are interested. It would also be wise, that if your client makes you aware that they are planning on treating or already are treating with CBD, that you advise them of the risks, possible prescription interactions, and/or signs of toxicity, so that they are aware of the potential for harm. As always, please make notes in the medical records regarding these discussions, so if there are problems, you will have that information readily available.

Again, we recognize that this can be a frustrating situation for both the public and the professionals in the veterinary community, but unfortunately due to the 'middle' area between state legalization and federal drug schedules, that is the best advice that can be given so as not to jeopardize any DEA or CSR registration that a practitioner may carry.

Currently, there are medical studies being done at a few veterinary universities regarding the efficacy of CBD in treating companion animals. There is also some work being done to reschedule marijuana on a federal level. In past legislative sessions, there have been bills submitted pertaining to use of marijuana in treating animals. If you are interested in what is going on more locally, there is an upcoming legislative session in 2019 where there may be opportunities to revisit the ability for veterinarians to recommend or treat using CBD. You can view up to date legislative information at <https://www.leg.state.nv.us/>

This topic carries with it a lot of moving parts on the state and federal level, so we appreciate your patience and feedback to make the process as smooth as possible. If you have any questions, please feel free to contact the Board office at 775-688-1788 or the Board of Pharmacy at 775-850-1440.

1. "Clarification of the New Drug Code (7350) for Marijuana Extract." DEA Diversion Control Division. Accessed June 19, 2018. https://www.deadiversion.usdoj.gov/schedules/marijuana/m_extract_7350.html.
2. Rumble, Sarah. "High Time for Cannabis Research." AAHA. May 2018. Accessed June 19, 2018. https://www.aaha.org/professional/resources/high_time_for_cannabis_research.aspx.

New Regulation Update 2018

Throughout 2016 and 2017, the Board held workshops to develop regulations pertaining to various portions of the Nevada Administrative Code (NAC) Chapter 638. On February 27, 2018, the Nevada Legislative Commission voted to

approve the regulation changes. Full text of the adopted regulations can be found at:

<https://www.leg.state.nv.us/Register/2016Register/R073-16A.pdf> AND <https://www.leg.state.nv.us/Register/2016Register/R110-16A.pdf>

LCB FILE/ SECTION	DESCRIPTION	OVERVIEW
R073-16 Section 2	Establishing rules for the use and administration of compounded drugs.	A licensed veterinarian may order, dispense, or administer a compounded drug under certain restrictions. A) A veterinarian must order the compounded drug from a pharmacy; the drug can not be prescribed. B) The quantity that is ordered must not exceed the quantity reasonably needed to treat the patient while the produce will be effective or safe. C) A similar, commercially manufactured product that is approved by the FDA is not available, or if there is a documented shortage. The compounded drug must be administered by a licensed veterinarian, licensed veterinary technician (LVT), or veterinary technician in training (VTIT) at a facility or dispensed to an owner in an amount sufficient to complete the course of the treatment or a 14 day supply. Compounded drugs do not include existing drug product to which coloring or flavoring is added.
R073-16 Section 4	Addition to the definition of 'mobile clinic'	A 'mobile clinic' is a veterinary facility operated from a vehicle, including, without limitation, a truck, trailer, or motor home.
R073-16 Section 6	Makes changes to the fees for application and renewal of licenses and registrations	An application for facilities owned by a veterinarian is \$200.00. An application to operate a mobile clinic is \$50.00. The renewal of a facility owned by a veterinarian is \$100.00. The renewal of a mobile clinic costs \$50.00. A facility is defined as 'owned by a licensed veterinarian' if one or more licensed veterinarian holds at least 10% of the total ownership interest, solely, or jointly, of the facility.
R073-16 Section 7	The adoption of the 2003 AVMA ethics	The Board adopted by reference the 2003 Principles of Veterinary Medical Ethics by the American Veterinary Medical Association.
R073-16 Section 8	Changes to medical records requirements	The information contained in the medical records must not be removed, erased, redacted, or made unreadable. Any change to a written record must include the date of the addition, supplementation, or alteration was made, and the signature or initials of the person who made the addition, supplementation, or alteration.
R073-16 Section 9	The establishment of the scope of 'off-site' supervision of LVTs	An LVT may, under off-site supervision of a supervising veterinarian, perform certain tasks if a VCPR has been established by the supervising veterinarian and a diagnosis has been made for the specific treatment of the animal. An LVT may perform the following outside of a veterinary facility: application and changing of bandages, administration of oral and topical medications, starting and administering of intravenous or subcutaneous fluids, collection of laboratory specimens for analysis, administration of intramuscular, subcutaneous, or intravenous injections (except for vaccinations), implantation of a microchip (except in horses), monitoring of vital signs, external anal gland expression, administration of a therapeutic laser, animal physical therapy. Before performing any task an LVT must first take and record the animal's temperature, pulse and respiration. The supervising veterinarian must give written or oral instructions for the treatment of the animal and must be available by telephone to immediately response to any questions or concerns from the treating LVT.
R073-16 Section 10	Changes to the definition of veterinarian in charge	A veterinarian in charge is responsible for any violations to state or local law, regulation, or ordinance as it relates to the practice of veterinary medicine, including, controlled substances and dangerous drugs.
R073-16 Section 11	The requirements for the logging of controlled substances	The log for schedule II must account for the amount of the drug(s) exactly. The log for drugs listed in schedule III-V must be accounted for within a variance not to exceed 10% for the 6 months preceding the account.
R073-16 Section 12	The packaging and labelling of prescription drugs in quantities suitable for use within a practice	A veterinarian or LVT may package prescription drugs in smaller quantities so long as the package includes the name, strength, form of dosage, lot number, and expiration date of the drug. A log must be kept at the facility that includes that aforementioned information for any drugs that are packaged. The log must also contain the number of packages, the date of packaging and the initials of the preparer.
R073-16 Section 3, 13-17, 22	Amends the rules for administrative proceedings	Service of accusations in a disciplinary matter must be served by certified mail to the last known address on file with the Board. Answers to accusatory pleadings, motions, opposition or reply must be filed with the Board by e-mail. Additionally, sections 13-17 and 22 make changes to the rules for administrative proceedings.
R073-16 Section 18	The availability of oxygen and microchipping at a vaccination clinic	An oxygen container or similar means of administering medical grade oxygen must be provided. A veterinarian, LVT, or VTIT may provide subcutaneous implantation of a microchip.

LCB FILE	DESCRIPTION	OVERVIEW
R073-16 Section 19	Authorizes the supragingival cleaning of the teeth of an animal without general anesthesia	The cleaning of the supragingival portion of the teeth, including, scaling with dental tools or ultrasound may be done without general anesthesia if the procedure is at a veterinary facility, a veterinarian has conducted a full oral exam within 6 months, the animal is a suitable candidate and is elective for the client, the client has signed a form acknowledging that he or she is aware of the difference between a supragingival cleaning and full anesthetic dental. The procedure must terminate if the animal becomes resistant or fractious or if continuation would cause harm or suffering of the animal. The procedure must stop if signs of advanced dental disease, tooth mobility, advanced gingivitis, abnormal bleeding, stomatitis, advanced gingival recession, furcation exposures, excessive gingival hyperplasia, abnormal probing depths, visual or tactile tooth resorption, fractures, growths, abscesses, pyorrhea, pulpitis, or discoloration are found. If an LVT or VTIT terminates the cleaning due to the reasons notes above, he or she must notify the supervising veterinarian.
R073-16 Section 20 and 21	Changes to Animal Physical Therapy (APT) and Animal Chiropractor (AC)	An applicant for APT or AC must provide proof that he or she has been an active licensee in any state for at least one year.
R110-16 Section 3 and 4	Sets forth the scope of activities that an 'equine dental practitioner' (EDP) may conduct	This section states that an EDP may examine and treat the mouth and teeth of horses through the removal of enamel points with a handheld file, rasp, or motorized or air powered devices. The maintenance of normal molar table angles and freeing up lateral excursion and other normal movements of the mandible. The removes of points from the buccal aspects of the upper arcade and the lingual aspect of the lower arcade. The scope of EDPs do not include the extraction of teeth or the performance of oral surgery. An EDP may only extract a digitally loose tooth and can be extracted without the cutting of gum or other soft tissue.
R110-16 Section 5	Sets forth the requirement that an equine dental practitioner must obtain a certification of registration from the Board. Establishes the requirements that an applicant must meet for the Board to issue a certificate of registration to practice as an equine dental practitioner.	An EDP must obtain a certificate of registration to practice equine dentistry in the state of Nevada. An applicant for EDP registration must submit the EDP application, proof of current certification from professional equine dentistry organization, a written statement from a licensed veterinarian who will directly supervision the EDP, and proof of liability insurance for practice as an EDP.
R110-16 Section 6	Establishes regulations for the renewal of an equine dental practitioner	An EDP must submit annually a renewal of the registration for EDP. The form must by accompanied with proof that the certification for the equine dentistry organization approved by the Board is current, proof that the EDP completed 8 hours of approved continuing education that was earned in the preceding calendar year. Failure to renew will cause the registration to be forfeit.
R110-16 Section 7	Authorizes a registered equine dental practitioner to practice only under the direct supervision of a licensed veterinarian and establishes requirements to maintain certain records and transmit those records to the treating veterinarian.	An EDP who holds a certificate of registration may only practice under the direct supervision of a veterinarian who has established a valid veterinary-client-patient -relationship (VCPR) with the animal receiving treatment no more than 12 hours before the dentistry is being performed. The EDP assumed liability for the quality of the dentistry that is performed. The veterinarian who is directly supervising the EDP is required to directly supervise the EDP during treatment, is not liable for acts or omissions of the EDP who performs the dentistry. Medical records must be maintained for at least 4 years for each animal receiving equine dentistry treatment from the EDP. The record must include identifying information of the owner, identifying information of the animal, the dates of care and treatment of the animal, the dental chart, the progress and disposition of the case. Within 48 hours of the initial visit, the EDP must transmit the complete copy of the record to the supervising licensed veterinarian. Within 48 hours after each visit, the EDP must transmit a progress report to the supervising licensed veterinarian.
R110-16 Section 8	Authorizes the Board to impose disciplinary action if an equine dental provider violates the provisions of existing law and regulations governing the practice of veterinary medicine or the practice of equine dentistry.	A ruling of misconduct or noncompliance with the standards of practice of equine dentistry by a professional equine dentistry organization approved by the Board may be grounds for discipline. If a registered EDP is found to have committed an act which is grounds for discipline, the EDP may have his or her certificate revoked, suspended, have an administrative fine issued, be required to take a competency, mental, or physical examination, or be placed on probation.

2017-2018 Completed Disciplinary Cases

Disciplinary Action 2016-2017: Additional information on the individual discipline can be obtained by contacting the Board office. The following is summary of disciplinary action taken by the Board in the past year:			
Case Number and Type of Discipline	Area	Violations	Conditions of the Order
<p>07-2016FAC-28 Letter of Reprimand 7/13/2017</p> <p>09-2016DVM-44 Letter of Reprimand 10/19/2017</p>	South	<p>NAC638.046(1) Violation of Principles of Ethics of the American Veterinary Medical Association (AVMA) Section II(E) (Communication after VCPR) and Section II(H) (Failure to treat Clients and General Public with Respect) in that the licensee and facility communications of important diagnostic information to patient's owners was untimely throughout the course of their handling of the case, including, (a) not reporting the results of a biopsy and endoscopy until 14 days after the tests were performed and then only after repeated attempts at communication by the owners by telephone and email; and (b) not reporting the results of the lab work that were received by the licensee and facility until 5 days later.</p>	<p>The licensee and facility will each pay attorney's fees and costs, investigative costs, and Board costs of \$2149.28.</p> <p>The licensee will submit proof of four hours of continuing education in veterinary ethics and client communication.</p> <p>The facility will present the Board with policies and procedures that: (a) assure that information derived from diagnostic procedures shall be reviewed and analyzed by veterinarians caring for an animal at issue in a timely manner appropriate to the treatment of the animal; (b) require that the veterinarian who reviews and analyzes the information derived from diagnostic procedures records in the medical record for an animal at issue any diagnoses, treatment recommendations, or other medically relevant thoughts or conclusions related to the diagnostic procedures; (c) assure that the veterinarian effectively and timely communicates the medically relevant diagnostic results or findings and his/her diagnoses, to treatment recommendations or other medically relevant diagnostic results or findings and his or her diagnosis, treatment recommendations, or other medically relevant thoughts or analysis to the owner of the animal at issue in a timely manner appropriate to the treatment of the animal at issue; (d) establish a system and procedure by which any other veterinarian outside of the facility will obtain clinically important or necessary information from the facility in a manner to assure that the veterinarian receiving the information can make good and timely use of the information in the case of the animal at issue.</p>

Disciplinary Action 2016-2017: Additional information on the individual discipline can be obtained by contacting the Board office. The following is summary of disciplinary action taken by the Board in the past year:

Case Number and Type of Discipline	Area	Violations	Conditions of the Order
08-2016DVM-37 Letter of Reprimand 10/19/2017	South	The Board found that the licensee violated NAC638.045(2)(Negligence) in that his assessment after examining the patient was that the patient was an inappropriate candidate at that time for cesarean section based upon an indistinct ultrasound and observation of her condition in the examination room and without regard for the observations of the owners at their home and without performance of other diagnostic testing that were within the facility's capabilities and the licensee inappropriately released the patient to the owners when the patient's trauma indicated that the patient should have been hospitalized and observed at least overnight at an appropriate facility.	The licensee agreed to pay attorney fees, investigative costs, and Board costs of \$959.00 and submit proof of four hours of continuing education in pregnancy and labor in small animals and four hours in post-surgical care for small animals.
09-2016FAC-37 Letter of Reprimand 4/27/2017	South	The Board found that the facility violated NAC638.045(2) (Negligence) in that the facility did not have adequate policies and procedures regarding maintenance and checking of anesthesia machines in place at the time of the surgery on the patient.	The facility agreed to pay attorney fees, investigative costs, and Board costs of \$934.00 and create and present the Board's staff documents setting forth the facilities policies and procedures related to the maintenance and checking of anesthesia machines prior to their use in surgeries.
10-2016DVM-45 Letter of Reprimand 4/27/2017	South	The Board found that the licensee violated NAC 638.046(1) Violation of Principles of Veterinary medical ethics) and Principles of Veterinary Medical Ethics of the American Veterinary Medical Association Section II (F) (Failure to Provide Essential Services in an Emergency) and Section II (H) (Failure to Treat Clients and General Public with Respect). A rattlesnake bite is always an emergency and the licensee knew that due to the remoteness of the facility there were few providers within proximity for treatment. The licensee had an obligation to see and examine the patient under such emergent circumstances if only to ascertain the patient's status, to determine if the patient was suffering, and to provide stabilizing care. The licensee did not perform these tasks resulting in needless prolongation of the patient's suffering, unnecessary anxiety to the owners, an increase in the potential medical risks to the patients, and a lack of respect for the owner's concern.	The licensee agree to pay the attorney fees, investigative costs, and Board costs of \$668.00 and provide written evidence of the completion of five hours of recognition and treatment of emergencies in small animals and five hours in veterinary ethics and client communication.

Disciplinary Action 2016-2017: Additional information on the individual discipline can be obtained by contacting the Board office. The following is summary of disciplinary action taken by the Board in the past year:

Case Number and Type of Discipline	Area	Violations	Conditions of the Order
11-2016DVM-46 Letter of Reprimand 7/13/2017	South	The Board found that the licensee was in violation of NAC 638.045(2)(Negligence) and that the licensee's treatment and repair of the patient's leg after the first surgery was below the standard of care and (2) the licensee's bandaging of the leg throughout the patient's care thoroughly covered the patient's leg, leaving no way for the owner to examine or touch the leg to check for infection of necrosis.	The licensee agree to pay attorney's fees, investigative costs, and Board costs of \$1168.50 and submit written evidence of successful completion of three hours of continuing education in orthopedic surgery in small animals and two hours in post-surgical care.
01-2017DVM-02 Letter of Reprimand 7/13/2017	South	The Board found that the licensee had violated NAC 638.140(2)(Negligence) in that (a) neither the licensee nor his staff observed the patient post-surgically until the patient attained a sternal position, resulting in the patient not being observed for as much as twenty minutes during which, at some point, the patient stopped breathing; and (b) the licensee did not perform any life-saving measures after discovering that the patient was not breathing even though the licensee had no way of knowing how long the patient had not been breathing due to the inadequate post-surgical monitoring. The Board additionally found that the licensee violated NAC 638.046(1)(Violation of Principles of Veterinary Medical Ethics) and Principles of Veterinary Medical Ethics of the American Veterinary Medical Association Section II(E) (Communication After VCPR) in that: (a) the licensee failed to inform or discuss pre-anesthetic bloodwork or the insertion of an IV catheter with the patient's owners pre-surgically (b) the licensee's anesthesia release form did not contain any information regarding pre-anesthetic bloodwork or IV catheterization to which the owner could or could not consent; and (c) the licensee did not inform the owner either before, during, or after surgery that although the not completely descended right testicle was not in the scrotal sac, it was in the inguinal canal and could be removed without entering into the abdominal cavity.	The licensee agree to pay attorney fees, investigative costs, and Board costs of \$837.00 and submit written evidence of successful completion of 2 hours of continuing education in post-surgical monitoring and care and two hours of continuing education in veterinary ethics and proper client communications.

Disciplinary Action 2016-2017: Additional information on the individual discipline can be obtained by contacting the Board office. The following is summary of disciplinary action taken by the Board in the past year:

Case Number and Type of Discipline	Area	Violations	Conditions of the Order
08-2017DVM-39 Letter of Reprimand 1/25/2018	N/A	Nevada Administrative Code (NAC) 638.041(1) (Hours of CE for DVM) and NAC 638.0423(2) (Failure to Maintain Records of CE) in that the Licensee did not maintain or provide the records that would evidence completion of any hours of continuing education for the period of January 1 through December 31, 2016.	The Licensee will pay attorney fees, investigative costs, and Board costs of \$300.00 and a fine of \$350.00 for a total due of \$650.00. The Licensee will provide to the Board's office written evidence of successful completion of 20 hours of continuing education. The Licensee's renewal applications shall be audited for the next three renewal periods.
08-2017LVT-40 Letter of Reprimand 1/25/2018	South	Nevada Administrative Code (NAC) 638.041(2)) (Hours of CE for LVT) and NAC 638.0423(2) (Failure to Maintain Records of CE) in that the Licensee did not maintain or provide the records that would evidence completion of ten hours of continuing education for the period of January 1 through December 31, 2016.	The Licensee will pay attorney fees, investigative costs, and Board costs of \$150.00 and a fine of \$175.00, for a total due of \$325.00. The Licensee will provide to the Board's office written evidence of successful completion of 10 hours of continuing education. The Licensee's renewal applications shall be audited for the next three renewal periods.
08-2017DVM-42 Letter of Reprimand 1/25/2018	South	Nevada Administrative Code (NAC) 638.041(1) (Hours of CE for DVM) and NAC 638.0423(2) (Failure to Maintain Records of CE) in that the Licensee did not maintain or provide the records that would evidence completion of any hours of continuing education for the period of January 1 through December 31, 2016.	The Licensee will pay attorney fees, investigative costs, and Board costs of \$300.00 and a fine of \$350.00 for a total due of \$650.00. The Licensee will provide to the Board's office written evidence of successful completion of 20 hours of continuing education. The Licensee's renewal applications shall be audited for the next three renewal periods.
08-2017LVT-43 Letter of Reprimand 1/25/2018	South	Nevada Administrative Code (NAC) 638.041(2)) (Hours of CE for LVT) and NAC 638.0423(2) (Failure to Maintain Records of CE) in that the Licensee did not maintain or provide the records that would evidence completion of ten hours of continuing education for the period of January 1 through December 31, 2016.	The Licensee will pay attorney fees, investigative costs, and Board costs of \$150.00 and a fine of \$175.00, for a total due of \$325.00. The Licensee will provide to the Board's office written evidence of successful completion of 10 hours of continuing education. The Licensee's renewal applications shall be audited for the next three renewal periods.
08-2017DVM-44 Letter of Reprimand 1/25/2018	North	Nevada Administrative Code (NAC) 638.041(1) (Hours of CE for DVM) and NAC 638.0423(2) (Failure to Maintain Records of CE) in that the Licensee did not maintain or provide the records that would evidence completion of any hours of continuing education for the period of January 1 through December 31, 2016.	The Licensee will pay attorney fees, investigative costs, and Board costs of \$300.00 and a fine of \$350.00 for a total due of \$650.00. The Licensee will provide to the Board's office written evidence of successful completion of 20 hours of continuing education. The Licensee's renewal applications shall be audited for the next three renewal periods.

Disciplinary Action 2016-2017: Additional information on the individual discipline can be obtained by contacting the Board office. The following is summary of disciplinary action taken by the Board in the past year:

Case Number and Type of Discipline	Area	Violations	Conditions of the Order
03-2017DVM-07 Letter of Reprimand 10/19/2017	North	The Board found the licensee to be in violation of NAC 638.045 (2) (Negligence) in that the licensee's recommendation that the patient with an injury to a vital structure (in this case a deep digital flexor tendon with a potentially infected tendon sheath), not be rechecked for four days. The severity of the injury was such that only a daily recheck would satisfy the standard of care. Additionally, the Board found that the licensee violated NAC638.046(1) Violation of Principles of Veterinary Medical Ethics and Principles of Veterinary Medical Ethics of the American Veterinary Medical Association Section II(E) (Communication After VCPR) in that the licensee did not offer to the patient's owners a complete description of all potentially available or useful therapeutic options.	The licensee agreed to pay attorney fees, investigative costs, and Board costs of \$906.00 and submit written evidence of successful completion of three hours of continuing education in the treatment of trauma in horses.
04-2017DVM-16 Letter of Reprimand 10/19/2017	South	The Board found the licensee to be in violation of NAC 638.045(2)(Negligence) in that: (a) the licensee did not perform pre-anesthetic blood work, and did not seek the owners consent to perform pre-anesthetic bloodwork; (b) the licensee did not administer parenteral antibiotics and did not seek the owners consent to administer parenteral antibiotics when a patient presented with purulent, necrotic tissue that was the result of trauma.	The licensee agree to pay attorney fees, investigative costs, and Board costs of \$491.30 and provide written evidence of successful completion of two hours of continuing education in post-surgical management and care and two hours of continuing education in small animal trauma management and care.

Current Laws and Policies Regarding on Cannabis products, including Marijuana, Hemp and CBD Oil

The New Hampshire Board of Veterinary Medicine cannot provide any legal advice on the use or recommendation of cannabinoids, including CBD oil.

The Board refers you to the following information:

- DEA
 - The DEA has listed cannabis and cannabinoid products as Schedule I controlled substances, meaning there is a high potential for abuse and no currently accepted medical use.¹
 - This makes the FDA's recently recommending approval for Epidiolex (cannabidiol) (Schedule I) a little confusing.²
 - As of January 13, 2017, the DEA announced a new drug code, DEA 7350, which defines any extract of the cannabis plant, including THC and CBD oil, as Schedule I substances³ under the Controlled Substances Act.⁴
- FDA
 - The FDA has warned that consumers should beware of purchasing or using cannabinoid-containing products since the safety and efficacy of these substances have not been evaluated by the FDA.
 - Industrial hemp is still regulated.⁵
- NH Board of Pharmacy has not released a statement of recommendation for veterinarians.
- NH Board of Veterinary Medicine, from a public safety and enforcement perspective, would be obligated to investigate any complaint made involving the treatment of an animal with cannabis-related substances and take appropriate disciplinary actions if the findings warranted.

¹ <https://www.dea.gov/druginfo/ds.shtml>

² <https://www.fda.gov/newsevents/newsroom/pressannouncements/ucm611046.htm>

³ <https://www.dea.gov/divisions/hq/2016/hq081116.shtml>

⁴ <https://www.dea.gov/divisions/hq/2016/hq081116.shtml>

⁵ <https://www.dea.gov/divisions/hq/2016/hq081116.shtml>



A Query from an AAVSB Member Board

Discipline Processing

On December 17, 2018, Trish Holstein, Executive Director for the West Virginia Board of Veterinary Medicine, asked some questions regarding the complaint and discipline process in other jurisdictions. Each question begins on a separate page.

Do you have a policy for your complaint committee on handling complaint cases? If so, please share.

Arizona – No policies. We have a standard way of reviewing the cases.

Arkansas – Our complaint committee is made up of myself, the Board’s Secretary-Treasurer and our attorney. Once an Official Complaint Form is received, I gather a written response to the complaint from the veterinarian or veterinary technician. After all information has been received, copies of the complaint and answer are sent to the Secretary-Treasurer and attorney for their review. Once there are several complaints in the queue, a meeting of the complaint committee is scheduled. The complaint committee then makes a recommendation to the Board regarding each complaint at the next regular meeting.

Iowa – All Iowa licensed Veterinarians and Registered Veterinary Technicians complaints are received in writing by our office, printed for review by the Iowa Board of Veterinary Medicine (IBVM) at their monthly scheduled meeting, and the Board makes the determination to investigate.

Kansas – Not an actual policy but a standard procedure in every case. Information from a complainant is forwarded to the investigator, complainant and respondent are both interviewed, other potential witnesses are interviewed. This information is forwarded to a probable cause committee where they determine if there is probable cause that a violation occurred. Legal from the AG office is involved during this entire process. This committee consists of three board members, the remainder of the board, 4, know nothing about the case until it is resolved or is appealed. The non-involved members sit for the appeal process.

Kentucky – Yes. See Kentucky Board of Veterinary Examiners (KBVE) statutes [KRS 321.235](#) (Power and duties of board) and [KRS 321.251](#) (Disciplinary action), and regulation [201 KAR 16:060](#) (Complaint Processing Procedures). Please note that the Board is currently revising and updating its regulations, so this regulation will read differently late next summer. We are moving from calling these submissions “complaints” to “grievances”.

When a complaint arrives (on a form developed by the Board), the Board Office immediately issues two letters: 1) Letter to the complainant stating that we received the complaint and outlining time

frames for the Board's work; and 2) Letter to the accused, which includes a copy of the complaint, giving them 20-days to respond to the allegations in writing to the Board.

The Complaints Screening Committee (composed of three Board Members, the Board's General Counsel, and the Board Investigator) will then review the complaint and the response together at their next meeting. They will determine if it is necessary to assign the case to the Board Investigator to gather more information, or if the complaint can be dismissed. If it is dismissed, a letter is issued to both parties stating such and the reason for the dismissal. If the investigator is employed on the case, he conducts his investigation and returns to the Committee's next meeting with a full report, including any interviews and new evidence.

The Committee will then review the Investigators report and any other new information, and act accordingly based on the details of the case.

Louisiana – Louisiana Board protocol for all complaints is consistent. Board member assigned (rotating basis of assignment) with legal counsel to investigate the complaint. Any agreement/consent order is presented to the full Board for approval.

Maine – We are an umbrella agency and our complaint process applies to more than 35 programs. The process is outlined on our website at:

<http://www.maine.gov/pfr/professionallicensing/complaint.html>

Minnesota – No written policy for committee handling complaint cases.

Montana – [Complaint Process Brochure](#), [Complaint Form](#), [Complaint Process FAQ](#)

New Jersey – In New Jersey, our Board meets once per month. We do not have a separate committee to review complaints but handle them in executive session as a full board. However, the Board president will usually assign individual cases to individual board members to be responsible for presenting a summary and to start the discussion with a recommended course of action. We have a very simple paper form that helps the Board members to organize their thoughts and make sure to get the essential elements down.

New Mexico – There is no policy; complaints are handled and determined on the merits.

Ohio – Ohio does not have a separate complaint committee. All complaints come before the Board.

Oklahoma – We really don't have a policy but I'm sending our Rules regarding a Field Citation that is issued on recommendation of the probable cause committee.

§ 698.19a CITATION AND FINE

A. 1. If, upon completion of an investigation, the Executive Director of the State Board of Veterinary Medical Examiners has probable cause to believe that a licensed veterinarian or any other person has violated provisions of the Oklahoma Veterinary Practice Act or rules promulgated thereto, the Executive Director may issue a field citation to the licensed veterinarian or other person, as provided in this section. Each field citation shall be in writing and shall describe with particularity the nature of the violation, including but not limited to a reference to the provision of the Oklahoma Veterinary Practice Act alleged to have been violated.

2. In addition, each field citation may contain an order of abatement fixing a reasonable time for abatement of the violation, and may contain an assessment of an administrative penalty not to exceed Five Hundred Dollars (\$500.00) for a first offense and not to exceed Five Thousand Dollars (\$5,000.00) for a second or each subsequent offense. Each day such violation continues shall constitute a separate offense.

3. The field citation shall be served upon the licensed veterinarian or other person personally or by any certified mail, return receipt requested.

B. Before any field citation shall be issued to any licensed veterinarian, the Executive Director shall have submitted the alleged violation for the review and examination to a probable cause committee, comprised of the Board's attorney, an investigator, and a veterinarian licensed in the state of Oklahoma. The probable cause committee, during its review, may contact the licensed veterinarian to discuss and resolve the alleged violation. Upon conclusion of the probable cause committee's review, the committee shall prepare findings of fact and a recommendation. If the committee concludes that probable cause exists that the veterinarian has violated any provisions of the Oklahoma Veterinary Practice Act or rules promulgated thereto, an administrative penalty shall be assessed upon the licensed veterinarian.

C. 1. If a licensed veterinarian or other person who has been determined by the Board or agent thereof to have violated any provision of the Oklahoma Veterinary Practice Act or rules promulgated or issued pursuant thereto desires to contest a field citation or the proposed assessment of an administrative penalty therefore, the licensed veterinarian or other person shall, within ten (10) business days after service of the field citation, notify the Executive Director in writing, requesting an informal conference with the probable cause committee.

2. The probable cause committee shall hold, within sixty (60) days from the receipt of the written request, an informal conference. After the conclusion of the informal conference, and based on recommendations thereof, the Executive Director may affirm, modify or dismiss the field citation or proposed assessment of an administrative penalty and the Executive Director shall state with particularity in writing the reasons for the action, and shall immediately transmit a copy thereof to the licensed veterinarian or other person and the person who submitted the complaint.

D. 1. If the veterinarian or person desires to contest administratively, a decision made after the informal conference, the licensed veterinarian or other person shall inform the Executive Director in writing within thirty (30) calendar days after such person receives the decision resulting from the informal conference.

2. If the licensed veterinarian or other person fails to request an informal conference within the time specified in this section, the field citation, the proposed assessment of the administrative penalty or the decision made after an informal conference shall be deemed a final order of the Board and shall not be subject to further administrative reviews.

E. If a fine is paid to satisfy an assessment based on the findings of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for the purpose of public disclosure.

F. A veterinarian or other person, in lieu of contesting a field citation pursuant to this section, may transmit to the Board the amount assessed in the citation as an administrative penalty, within thirty (30) days after service of the field citation. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged.

G. 1. If a veterinarian or other person has notified the Executive Director within ten (10) working days of the issuance of the assessment or field citation that such veterinarian or other person intends to contest the decision made after the informal conference, the Board shall hold a hearing to be held in accordance with the Administrative Procedures Act and adjudicating such matters for judgment only upon clear and convincing evidence as required by the Oklahoma Veterinary Practice Act with the Board having all of the powers granted therein.

2. After the hearing, the Board shall issue a decision based on findings of the fact, affirming, modifying or vacating the citation, or directing other appropriate relief which shall include, but need not be limited to, a notice that the failure of the veterinarian or other person to comply with any provision of the Board's decision may subject such veterinarian or person to the imposition of the sanctions authorized by the Oklahoma Veterinary Practice Act.

H. After the exhaustion of the review procedures provided for in this section, the Board may bring an action for judicial review and administrative penalty and obtain an order compelling the cited person to comply with any order issued pursuant to this section.

I. Failure of a licensee to pay a fine within thirty (30) days of the date of assessment, unless the field citation is being appealed may result in action being taken by the Board. When a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for the renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

J. The Board shall promulgate rules covering the issuance of field citations, the assessment of administrative penalties and other duties specified by this section pursuant to this section which give due consideration to the appropriateness of the penalty with respect to the following factors:

- a. the gravity of the violation,
- b. the good faith of the person being charged, and
- c. the history of previous violations.

CHAPTER 30. FIELD CITATION PENALTIES

775:30-1-1. Classifications and administrative penalties

(a) Each field citation issued pursuant to The Oklahoma Veterinary Practice Act and/or rules of the Board shall be classified according to the nature of the violation as set out below. The field citation shall indicate the classification on its face.

(1) A Class "A" violation shall be a violation which the Executive Director of the Board has determined meets the following criteria:

(A) It is the first violation by a person who while engaged in and/or aiding and abetting in the practice of veterinary medicine has violated the Oklahoma Veterinary Practice Act or the rules of the Board; and

(B) The probable cause committee does not recommend the filing of a formal Complaint and Citation to be adjudicated by the Board en banc.

(2) A Class "B" violation shall be a violation which the Executive Director has determined meets the following criteria:

(A) It is the second or subsequent violation by a person who while engaged in and/or aiding and abetting in the practice of veterinary medicine has violated the Oklahoma Veterinary Practice Act or the rules of the Board; and

(B) The violation was committed by a person who has had one or more previous field citations preceding the instant violation, without regard to whether the previous Citation(s) has become final; and

(C) The probable cause committee does not recommend the filing of a formal Complaint and Citation to be adjudicated by the Board en banc.

(b) In recommending an administrative penalty or Board hearing, the following criteria shall be considered by the probable cause committee:

- (1) The good or bad faith exhibited by the cited person;
 - (2) The nature and severity of the violation;
 - (3) Evidence that the violation was willful;
 - (4) Any history of violations of the same or similar nature;
 - (5) The extent to which the cited person has cooperated with the Board's investigation;
 - (6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by the violation; and
 - (7) Such other matters as justice may require.
- (c) The specific administrative penalties shall be as follows:
- (1) A Class "A" violation shall be subject to an administrative penalty not to exceed \$2,500.00;
 - (2) A Class "B" violation shall be subject to an administrative penalty not to exceed \$5,000.00;
 - (3) The administrative penalties required by this paragraph shall not be due and payable unless and until the previous action(s) has been adjudicated with a finding or penalty against the cited person;
 - (4) In the event that a predicate field citation(s) is adjudicated in favor of the cited person, thereby leaving no recidivist basis, any pending Class "B" field citation(s) shall revert to a Class "A" status.

Rhode Island – No policy.

South Dakota – The SD Veterinary Medical Examining Board consists of 4 members. All members participate in handling complaint cases. Complaints must be received in writing and must include the complainants name and contact information. Information about complaints against veterinarians are most often forwarded to the veterinarian with a request for their response to the complaint within 30 days. The Board then meets to discuss the complaint and the response before either making a determination or requesting additional information/investigation.

Tennessee – We do have a policy but we don't have a complaint committee per se. As the complaints come in (which is daily) they are triaged by a nurse in the Office of Investigations to see if the complaint is within our jurisdiction. The case is then assigned a bench mark date to have the case completed. That time period depends on the severity and risk to public health.

Vermont – Vermont does not have a complaint committee. We have an enforcement division that oversees all of the complaints. When a case comes in it is screened by the case manager, then goes for investigation, then is reviewed by an investigative team which consists of the case manager, a board member the investigator and the prosecutor.

Washington – No. This process in outlined in our rules:

<https://apps.leg.wa.gov/wac/default.aspx?cite=246-14&full=true>

Wisconsin - We do follow the following process for handling Complaints:

- A. Complaints are prescreened by a subset of the board that make up the complaint screening committee. Only complaints that the screening committee seek to take action on will be presented to the full Veterinary Examining Board (VEB) All materials are presented two weeks prior to the VEB Screening Committee meeting so adequate time is provided to review all cases prior to the meeting.
 - a. Once a complaint is received, the complainant is notified either through email or phone call, that the VEB has received their complaint. If after reviewing the complaint, complainant will be asked to clarify any questions the investigator may have. The process of the complaint

process is explained, and the investigators contact information is provided in case of any questions.

- b. If the complaint deals with quality of care, the Respondent (who the complaint is against) is sent a copy of the complaint, and a letter that requesting a response to the complaint, a request for all medical and billing records, and provide radiographs (if applicable), and provide copies of their continuing education (CE) for the last licensing period (spot check for compliance with VEB statutes). A response is required in 10 business days.
- c. If the complaint deals with cleanliness, or concerns about controlled substances (DEA is informed if they wish to participate in the unannounced inspection), then an unannounced visit of the clinic is scheduled. At that unannounced visit, the Respondent will be informed why the VEB investigator is there. The Respondent will be presented a copy of the complaint and a letter requesting a response to the complaint, a request for all medical and billing records, and provide radiographs (if applicable), and provide copies of their continuing education (CE) for the last licensing period (spot check for compliance with VEB statutes). All medical records, billing, and radiographs can be acquired at this visit, or submitted with the Respondent's response to the complaint that is due in 10 business days.
 - i. A thorough inspection of the clinic is conducted with pictures taken and notes of each area. The controlled substances, locker, logs books, etc. will be inspected. A checklist has been made to follow See Attachment #1 starting on page 14). Not every section of the checklist will apply to every unannounced visit. An investigation report is written based off of all findings.

How often does your complaint committee meet?

Arizona - We have 2 "Investigative Committees" (IC). They typically each meet once per month; each meeting lasts 3-4 hours and they cover approximately 5-6 cases. We average 110 new complaint cases per year.

Arkansas - We meet on an as needed basis.

Iowa - The Iowa Board of Veterinary Medicine meets once a month on the last Thursday of the month, unless there is a conflict with Thanksgiving and/or Christmas holidays. If there is conflicting date with a holiday the meeting date is moved forward for that month.

Kansas - The committees meet as needed throughout the year, usually by teleconference.

Kentucky - The KBVE Complaints Screening Committee meets before every Board Meeting for 1.5 hours. The Board meets every other month at a minimum.

Maine - The Maine Board of Veterinary Medicine's Complaint Committee meets as needed depending on the number of open complaints under investigation. The Complaint Committee may generally meet monthly when there are a number of open complaints or every other month as needed. This Board meets to conduct business about 3-5 times per year and meetings are scheduled as needed.

Minnesota - Complaint committees meet as needed, based on volume of complaints. Small animal Complaint committees meet once or twice a month, large animal 2 or 3 times a year.

Montana - Generally quarterly (to time with board meetings). More or less if necessary.

New Jersey - In New Jersey, our Board meets once per month.

New Mexico - Four times a year prior to each board meeting.

Oklahoma - Meets as necessary to discuss complaints received by the public

Rhode Island - Once or twice a month depending on the case load.

South Dakota - As needed, but typically it is no more than 4 times each year.

Tennessee - Complaints are reviewed daily.

Vermont - Complaints are reviewed by enforcement usually within 7-10 business days, however the investigative process can take much longer.

Washington - Every 2 weeks by phone.

Wisconsin - Once a month. Usually the third Wednesday of the month based on the VEB Screening Committees schedules. This is done vis teleconference.

Do you meet with the Complainant or the Respondent prior to discussing the case with the Board?

Arizona – No.

Arkansas – We haven't had the need to do that so far (we've only has this system in place for about a year and a half), but I am sure that would be acceptable to do if we needed to. There have been times where I've had to go back and request additional information from the veterinarian after a complaint committee meeting.

Iowa – No.

Kentucky – Each respondent has 20-days to respond in writing to the complaint. The Board Investigator only meets with parties involved if necessary as directed by the Committee. The Committee and the Board only rarely meet with the respondent, usually at the request of the party's counsel.

Maine – No, the Complainant's allegations and the Respondent's response to the complaint are evaluated and investigative needs are determined and completed as needed. Thereafter, the Complaint, the Respondent's response and Reply from the Complainant to the Respondent's response is scheduled for presentation to the Board.

Minnesota – The executive director does not meet with the complainant or respondent outside of the meeting with the Committee with the respondent.

New Jersey – Prior to the review by the Board, the Board staff will work to investigate the complaint, assemble the documents related to the case and develop the investigation that is required for the specific circumstance presented in the complaint. The first step is almost always to send a copy of the complaint to the veterinarian(s) named in the complaint with a request for the complete records and a written narrative of their evaluation and treatment of the patient and interactions with the client. Sometimes, it is necessary to send an investigator to interview subjects or witnesses, or to deliver subpoenas or pick up documents. Once the Board reviews the available information, it could find that there is cause for disciplinary action, no cause for disciplinary action, or a need to obtain additional information. At this point, the Board may require a licensee to appear before it to provide testimony about the incident(s). The Board may also refer the matter to a prosecutor, if the nature is of a nature that would need to be handled in that manner.

New Mexico – No; the Investigator solely communicates with both complainant and respondent.

Montana – No meeting prior to the screening panel meeting. Compliance staff notifies the respondent of the complaint and gives them opportunity to respond.

Oklahoma – Not always but we do if there appears to be something that needs questions answered.

Rhode Island – Not typically but if it was part of the investigation it is possible. It has never been done.

South Dakota – I often discuss the case with the complainant over the phone prior to receiving their written complaint. It is less common that I speak with the respondent.

Tennessee – Yes, we do meet with the Respondent and Complainant prior to discussing the case with the Board.

Vermont – This depends on whether or not charges will be filed. The prosecutor will meet with the responded or their counsel prior to the case being charged.

Washington – No.

Wisconsin – As discussed above we contact the Complainant and the respondent as needed to gather more information before presenting the complaint to the screening committee. If the complaint deals with cleanliness or controlled substance issues an unannounced inspection will be completed.

What do you do if a Board member or a Board member's employee has a complaint against them?

Arizona - Board member is expected to recuse themselves in both situations. As well, we would block that Board member from access to the online documents related to the case(s). Otherwise, would get treated like everyone else.

Arkansas - We haven't had this situation come up, but I assume we'd handle it like we would handle any other complaint; however, that Board Member would have to recuse themselves from voting.

Iowa - The Iowa Board of Board of Veterinary Medicine consists of five members as prescribed by Iowa law (See Attachment #2 starting on page 22). There are three veterinarians and two non-veterinarians selected by our Governor and approved by our state Senate. If there is a conflict of interest the Board member must recuse themselves from the case discussion.

Kansas - If a Board member has a complaint filed against them it would be handled exactly the same, those serving on the PC committee would be asked if they have a conflict before receiving the case. The conflict assessment occurs in every case.

Kentucky - The Board Member recuses himself from the Committee (if a Member), or from any Board discussion about the case.

Maine - The board member must recuse him or herself from participating as member of the Board, but because the complaint is against the member as a licensee, he or she has a due right process to stay in the meeting room to hear the board's discussions, but may not participate in any discussion with the board or communicate with individual members of the board about the complaint.

Minnesota - If a Board member has a complaint, it would be reviewed by other committee members, blindly if possible. If a Board member's employee received a complaint, other Board members would be assigned to that complaint's review.

Montana - Board member needs to recuse him/herself from the discussion.

New Jersey - When a board member is named in a complaint, or a board member has a relationship with those named in the complaint, they are recused from the Board's investigation and review, discussion, deliberation and decision. However, they would be treated like any other licensee in terms of their need to cooperate with the investigation, provide information and narrative statements. If the Board member is a direct participant in the subject of the complaint, the Board may also (and usually does) refer the matter to the umbrella agency (Division of Consumer Affairs), which would then handle the investigation and initial review and decision. This insulates the Board itself and the individual Board members from the matter and separates them from having to discuss and discipline their colleague.

In terms of a complaint from a Board member's employee, it would need to be assessed to determine whether it was of a standard of care matter, an employment matter, or some kind of civil/criminal matter. A referral may be made to a more appropriate jurisdiction. We may send an investigator to interview the complainant at a neutral location to take a statement, assess credibility and pick up corroborating evidence that may be available. Follow up interviews may happen with additional witnesses (employees) if they are identified and deemed necessary.

New Mexico - This has never occurred in my tenure; however, the Board member would have to recuse.

Oklahoma - Wow, hard one. So far nothing like that has happened.

Rhode Island – We review and investigate like any other complaint and if it goes to the board it would be in a committee that the board member is not a part of.

South Dakota – That member would be excused from the discussion and decision making surrounding the case.

Tennessee – The policy and procedure is no different.

Vermont – The process is the same, however all of the cases are heard by an administrative law officer prior to the administrative law officer's recommendation going in front of the Board. In the case of a Board member being charged, the review would be done by an ad-hoc board.

Washington – They are told that they need to be recused and are omitted from any discussions.

Wisconsin – The board member will recuse themselves if the complaint is against them, an employee, or a veterinarian they have a professional relationship with.

Do you have a probable cause scoring method for disciplinary? If so, please share.

Arizona – No.

Arkansas – No.

Iowa – If the IBVM determines, after investigation, there is a violation of one or more of the sections in chapter 169.13 (Discipline of licensees) the Board may issue any or combination of sanctions as listed in Iowa rules chapter 811 – 10 in section 811 - 10.7 (See Attachment #3 starting on page 33).

Kansas – No scoring method.

Kentucky – No, we do not employ any kind of rubric when determining disciplinary actions.

Maine – We consider prior complaints of a similar nature when imposing discipline for purposes of precedent setting and to assure that every attempt is made to impose similar discipline for similar violation(s).

Minnesota – No probable cause scoring is used for disciplinary.

Montana - Not at present. This board is working to create a "complaint matrix" to ensure consistent treatment of complaints. In the meantime, counsel attempts to keep the board consistent with its past decisions.

New Jersey – We do not have any scoring method.

New Mexico – No score method is used.

Ohio – We do not have a scoring method.

Oklahoma – No.

Rhode Island – No.

South Dakota – No.

Tennessee – Currently, there is no scoring system for probable cause. Probable cause is determined by a careful evaluation of the facts as they apply to statutes/rules, precedent, and the evidence available to support a violation.

Vermont – No.

Washington – No.

Wisconsin - No

Do you have definition for “probation”? If so, please share.

Arizona – There is no definition in law or administrative rule. However, when we place someone on Probation status, it simply means a set timeframe in which to complete the requirements of a Board Order. It does NOT mean, like so many folks think it does, that the vet's every day practice is being monitored somehow (like having a Probation officer if a person is sentenced for a crime).

Arkansas – No.

Iowa – There is not a definition of “probation” in the Iowa Veterinary Practice law or in administrative rules. Both the law and the rules do address “probation” though.

Kansas – Probation is not used, a license may be "conditioned". Restricting what the licensee does in practice.

Kentucky – No, Kentucky does not define “probation” as it relates to KBVE. To my knowledge, the Board does not offer this as a disciplinary option.

Maine – Please refer to department law, <http://legislature.maine.gov/statutes/10/title10ch901.pdf>
32 MRS §8003 (5-A)(B)(6)

“Imposition of conditions of probation upon an applicant or licensee. Probation may run for such time period as the office, board or commission determines appropriate. Probation may include conditions such as: additional continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional or occupational supervision of the applicant or licensee; practice restrictions; and other conditions as the office, board or commission determines appropriate. Costs incurred in the performance of terms of probation are borne by the applicant or licensee. Failure to comply with the conditions of probation is a ground for disciplinary action against a licensee.”

Minnesota – No definition for “probation.”

Montana - [ARM 24.101.402](#)(14): "Probationary license" means a license that affords a licensee the rights and privileges to practice while complying with terms and conditions of a final order in a disciplinary action.

New Jersey – I don't know that probation is defined, other than in formal Orders where language would usually contain a reference to a term of suspension that is stayed and served as probation. We then would list additional terms such as any additional violations that occur during this period would result in an immediate suspension and potentially additional sanctions.

New Mexico – Probation is a method to monitor the complainant once the Board has held a disciplinary hearing.

Ohio – We do not have a definition of probation.

Oklahoma – No.

Rhode Island – No.

South Dakota – No.

Tennessee – Probation is defined in TENN. COMP. R. & REGS. RULE 1730-01-.15(c) as: “a formal disciplinary action which places a veterinarian and/or premises owner on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.”

Vermont – No.

Washington – No, but there is a definition of “oversight” in our rules that govern sanctioning see section -800(v): <https://apps.leg.wa.gov/wac/default.aspx?cite=246-16&full=true>

Wisconsin - No



Wisconsin - Attachment #1
Wisconsin Department of Agriculture, Trade and Consumer Protection
Veterinary Examining Board

Inspector: Robert Van Lanen	CASE #:
Veterinary/Clinic Being Inspected:	Veterinarian/Vet Tech:
Address and Phone Number:	
Date of Inspection:	
Time of Inspection:	am / pm

NOTE: When presenting yourself, speak in private if possible about why you are there. Do not let pet owners hear about any investigation.

NOTE: If more room needed, add any additional information/notes on back page.

1. PRACTICE

1.1 Owner(s) of Practice	
1.2 Info about clinic; When started, bought, expanded, etc.	
1.3 Approx. number of clients: How many active? What do you consider an active client?	
1.4 Practice scope (circle one) General Practice, Specialty, Referral, Food Animal, Equine, Companion Animal, Emergency, Other (explain)?	

2. STAFF

2.1 Number of Staff:	Name:	Duties / Roles:	Time Employed
2.2 Professional Staff – Veterinary and Vet Techs			
2.3 General Staff -Office staff			
2.4 Previous Staff (Professional or General)			

2.5 Are staff present during procedures?	Name	Roles / Duties
2.6 Who assists with initial contact?		
2.7 Who assist with exam rooms?		
2.8 Who assists with surgery?		
2.9 Who assists with medical procedures?		
2.10 Who cleans area after procedures?		

3. CLINIC

3.1 Describe clinic / Description of layout: (get copy of fire map if available for map of building)	
Rooms: Entry, Office, Waiting Room, Records Room, Storage Room, Pharmacy, Operating Room(s), Exam Room(s), Grooming Room(s), Exercise Areas, Etc.	Conditions of Rooms: Clean, Sanitary, Organized, Types of Equipment in Rooms, Hazardous Materials Present, Sharps Properly Disposed of: How? Lighting in Rooms: Functional and Adequate?
Rooms	Describe Condition of Room
3.2	
3.3	
3.4	
3.5	
3.6	
3.7	
3.8	
3.9	
3.10	
VE 7.06(17)	Failure to keep the veterinary facility and all equipment, including mobile units, in a clean and sanitary condition while practicing as a veterinarian.

4. MOBILE / VEHICLE CLINIC (SMALL / LARGE ANIMALS)

4.1 Type of Vehicle? Truck, Trailer, Mobile Facility, etc.	Describe Vehicle:	
4.2 Scope of practice? Services provided?		
4.3 Is license displayed?	Yes:	No:
4.4 How are records maintained?		
4.5 How are controlled substance maintained/stored?		
4.6 Are record logs maintained for controlled Substances?		
4.7 How are supplies maintained/stored?		
4.8 Sterilization procedures for tools, equipment, tables, etc.		
4.9 Hot / Cold water available	Yes:	No:
4.10 Power source for diagnostic equipment		
4.11 Collection Tank/Storage for disposal of animal waste		
4.12 Floors, table tops, counter tops, etc. Clean/Disinfected		
VE 7.06(17)	Failure to keep the veterinary facility and all equipment, including mobile units, in a clean and sanitary condition while practicing as a veterinarian.	

5. CONTROLLED / UNCONTROLLED MEDICATIONS

5.1 How are Controlled Substances stored? Is it locked?			
5.2 Who has access to controlled substances?			
5.3 List each controlled substance			
Name:	Expiration Date:	Name:	Expiration Date:
		Use additional sheet if necessary	
5.4 Do you have an inventory log book for each controlled substance, or just one log book for all?			
5.5 Do you have records of controlled substances purchased?			
5.6 Get copies or photo of controlled substance log			

5.6 How do you monitor usage of controlled substances?	
5.7 Does log usage match patient's medical record?	
Patient Record	Does it match Controlled Substance Log Book
	Yes No
	Yes No
	Yes No
	Yes No
	Yes No
Statutes	
21 CFR 1301.75(b)	Controlled substances listed in Schedules II, III, IV and V shall be stored in a securely locked, substantially constructed cabinet.
21 CFR 1301.12(a)	A separate registration is required for each principal place of business or professional practice at one general physical location where controlled substances are manufactured, distributed, imported, exported, or dispensed by a person.
21 U.S. Code § 822(e)(1)	A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances or list I chemicals
21 U.S. Code § 822(e)(2)	Notwithstanding paragraph (1), a registrant who is a veterinarian shall not be required to have a separate registration in order to transport and dispense controlled substances in the usual course of veterinary practice at a site other than the registrant's registered principal place of business or professional practice, so long as the site of transporting and dispensing is located in a State where the veterinarian is licensed to practice veterinary medicine and is not a principal place of business or professional practice.

6. SANITATION / INFECTION CONTROL

6.1 How are tools cleaned and sanitized?	
6.2 What is the sterilization process?	
6.3 How is equipment cleaned and sanitized	
6.4 What equipment require sterilization	
6.5 Do you have an Autoclave, Ultrasonic device, other cleaning devices?	
6.6 Where are your hand washing area(s)? Is there a surgical hand washing area? Yes	NO
Wash area 1	Location:
Wash area 2	Location:
Wash area 3	Location:
6.7 What is the process for hand washing?	
6.8 What kind of soap/cleaning agent do you use?	

7. SURGICAL PROCEDURES

7.1 Explain the steps of surgery	
Prep	
Through surgery	
Clean up and sterilization	
7.2 When are gloves worn? For what types of procedures, Internal or external?	
7.3 What types of gloves are worn? Latex, sterile gloves, etc.?	

8. ANESTHESIA

8.1 What anesthesia regime do you use?	
Pre-med administration – What do you use?	
Did you use IV catheter? What types of procedures do you use catheters for?	
Anesthesia administration – With what and how do you use?	
When is local anesthesia used? For what types of procedures?	
8.2 How are patients vitals monitored during surgery?	
8.3 How are patients' restraint?	
8.4 What types of restraints do you use?	
8.5 What restraint techniques do you use?	
8.6 How long are animals monitored after surgery?	
8.7 What post-surgical medications are sent with patients? Which kinds for canines, cats, etc.?	
8.8 What post-operative information do you give to owners?	

9. EUTHANASIA

9.1 Who do you perform euthanasia for? Active clients, outside clients, etc.?	
9.2 How do you perform? IV, pre-meds, intracardiac (I.C.) injections?	
9.3 How often do you perform euthanasia?	
9.5 What are the sanitary methods for disposal of deceased animal patients?	

9.6 Do you maintain the name of the disposal service on file?	Name of disposal service
9.7 Where the client of the deceased animal has not given authorization to dispose of his/her animal, how long is the carcass retained in a freezer? Then what happens after a period of time?	

10. BOARDING

10.1 Do you have boarding?	Yes	No
10.2 Who do you board for? Clients, call-ins, etc.?		
10.3 Are there any animals being boarded now?		
10.4 Conditions of animals being boarded?		
10.5 If animals boarded, are they fed / watered?	Yes	No
If animals are not fed / watered, why not?		
10.6 How often are animals fed / watered?		
10.7 If cats, how often is litter changed?		
What type of litter is used?		
Do you use a different type of litter for cats with open wounds?		
10.8 What kind of kennels do you have for boarding?		
10.9 How often are boarding kennels cleaned?		
10.10 Do animals have an open area to play?		
If inside, what is the condition?		
If outside, what is the condition?		
10.10 When and how often are animals checked on?		
During the day?		
During the night?		
During the weekend?		
10.11 Weekend boarding		
Who cares for the animals?		
Who gives medications?		
What happens if hospitalization is required?		
10.12 Condition of boarding room, play area, etc.? Is it well lit, clean, any smell, type of flooring, hose and drainage system, etc.?		

11. RECORDS?

11.1 Get complete records of investigation. Documents from physical exam, documentation of route of administered fluids, complete diagnostic methods to include radiograph, complete blood count or chemistry panel, prescriptions written, treatments, treatment options, etc.		
11.2 Copies of digital x-rays?	Yes	No
11.3 How long do you keep records? What type of records? Paper, electronic, etc.		
11.4 Ask for copies of Continuing Education (CE) records for Veterinarian if not already provided.	Yes	No
11.5 Ask for copies of CE records for Veterinary Technician if not already provided.	Yes	No
11.6 Is a copy of the Veterinary license displayed?	Yes	No
11.7 Is a copy of the Veterinary Technician license displayed?	Yes	No
11.8 Request copy of DEA certificate of registration number. Where is it registered (address)?		
VE 7.03 Records	(1) A veterinarian shall maintain individual patient records on every patient...	
VE 7.05 Display of license - Veterinarian (VE 9.04 Display of license – Veterinary technician)	Each veterinarian shall display a current license in a manner conspicuous to the public view, and shall at all times have evidence of licensure available for inspection when practicing at a remote location.	
VE 10.02 Continuing education – Veterinarian (VE 10.02 (2) CE for Veterinary technician (15 hrs.))	(1) (a) Except as provided in subs. (3) and (4), a veterinarian shall complete at least 30 hours of continuing education pertinent to veterinary medicine in each biennial renewal period.	

12. STAFF REPORTS

12.1 Does staff member(s) have any concerns with the DVM? If so, please explain.	
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13. DVM SIDE OF COMPLAINT (including any DVM attempts at resolution)

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14. FOLLOW UP QUESTION IF APPLICABLE

14.1 Ask DVM if they have any questions for us?
14.2 Provide business card in case of follow-up questions.
14.3 Reiterate if there are any items that may require follow-up, i.e. Submitting CE records, patient records, etc.

NOTE: Time Departed:

ADDITIONAL NOTES

CHAPTER 169

VETERINARY PRACTICE

Referred to in §159.6, 162.13, 162.20, 163.3, 163.3A, 163.32, 167.18, 272C.1, 272C.6, 581.1A, 714H.4, 717.1A, 717.2A, 717.3, 717A.1, 717A.2, 717B.2, 717B.3A, 717B.5, 717D.3, 717F7

169.1	Title.	169.10	License by endorsement.
169.2	Legislative purpose.	169.11	Temporary permit.
169.3	Definitions.	169.12	License renewal.
169.4	License requirement and exceptions.	169.13	Discipline of licensees.
169.4A	Provision of veterinary services.	169.14	Procedure for suspension or revocation.
169.5	Board of veterinary medicine.	169.15	Appeal.
169.6	Disclosure of confidential information.	169.16	Reinstatement.
169.7	Status of persons previously licensed.	169.17	Forgeries.
169.8	Qualifications.	169.18	Fraud.
169.9	Examinations.	169.19	Enforcement — penalties.
		169.20	Veterinary assistants.

169.1 Title.

[This chapter](#) shall be known as the “Iowa Veterinary Practice Act”.
[C79, 81, §169.1]

169.2 Legislative purpose.

[This chapter](#) is enacted as an exercise of the police powers of the state to promote the public health, safety, and welfare by safeguarding the people of this state against incompetent, dishonest, or unprincipled practitioners of veterinary medicine. It is declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in [this chapter](#). [This chapter](#) shall be liberally construed to effect the legislative purpose.

[C79, 81, §169.2]

169.3 Definitions.

When used in [this chapter](#):

1. “Accepted livestock management practice” includes but is not limited to: Dehorning, castration, docking, vaccination, pregnancy testing, clipping swine needle teeth, ear notching, drawing of blood, relief of bloat, draining of abscesses, branding, and other surgical acts of no greater magnitude; artificial insemination, collecting of semen, implanting of growth hormones, feeding commercial feed defined in [section 198.3](#), or administration or prescription of drugs performed by the owner or contract-feeder thereof of livestock, a bona fide employee, or anyone rendering gratuitous assistance with respect to such livestock. Nothing contained herein shall be construed to permit any person except those persons enumerated in [this subsection](#), to provide purportedly gratuitous assistance with regard to the treatment of animals other than advisory assistance, in return for the purchase of goods or services.

2. “Accredited or approved college of veterinary medicine” means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation or approval by the board.

3. “Animal” means any nonhuman primate, dog, cat, rabbit, rodent, fish, reptile, and other vertebrate or nonvertebrate life forms, living or dead, except domestic poultry.

4. “Board” means the Iowa board of veterinary medicine.

5. “ECFVG certificate” means a current certificate issued by the American veterinary medical association educational commission for foreign veterinary graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine.

6. “Fee” means monetary compensation given for a service consisting primarily of an act or acts described in [subsection 10](#), paragraph “a”.

7. “Licensed veterinarian” means a person who is validly and currently licensed to practice veterinary medicine in the state of Iowa.

8. “Owner” means any person, association, partnership, corporation, or other legal entity in whom is vested the ownership, dominion over, or title to an animal, including one who is obligated by law to care for such animal.

9. “Person” means natural person or individual.

10. “Practice of veterinary medicine” means any of the following:

a. To diagnose, treat, correct, change, relieve or prevent, for a fee, any animal disease, deformity, defect, injury or other physical or mental conditions or cosmetic surgery; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, for a fee; or to evaluate or correct sterility or infertility, for a fee; or to render, advise or recommend with regard to any of the above for a fee.

b. To represent, directly or indirectly, publicly or privately, an ability or willingness to do an act described in paragraph “a”.

c. To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph “a”.

11. “Veterinarian” means a person who has received a doctor of veterinary medicine degree or its equivalent from an accredited or approved college of veterinary medicine.

12. “Veterinary assistant” means an assistant employed by a licensed veterinarian as an animal technician and any other assistant the board designates by rule.

13. “Veterinary medicine” includes veterinary surgery, veterinary obstetrics, veterinary dentistry, and all other branches or specialties of veterinary medicine.

[S13, §2538-m; C24, 27, 31, 35, 39, §2764, 2765; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.1, 169.2; C79, 81, §169.3]

[83 Acts, ch 115, §2](#)

Further definitions; see §159.1

169.4 License requirement and exceptions.

A person may not practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. [This chapter](#) shall not be construed to prohibit:

1. An employee of the federal, state, or local government from performing official duties.

2. A person who is a veterinary student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by instructors, or working under the direct supervision of a licensed veterinarian. The board shall issue to any veterinary medicine student who attends an accredited veterinary medicine college or school and who has been certified as being competent by an instructor of such college or school to perform veterinary duties under the direction of an instructor of veterinary medicine or under the direct supervision of a licensed veterinarian, a certificate authorizing the veterinary medicine student to perform such functions.

3. A veterinarian currently licensed in another state from consulting with a licensed veterinarian in this state.

4. Any manufacturer, wholesaler, or retailer from advising with respect to or selling in the ordinary course of trade or business, drugs, feeds, including, but not limited to customer-formula feeds as defined in [section 198.3](#), appliances, and other products used in the prevention or treatment of animal diseases.

5. The owner of an animal or the owner’s bona fide employees from caring for and treating the animal in the possession of such owner except where the ownership of the animal was transferred solely for the purpose of circumventing [this chapter](#).

6. A member of the faculty of an accredited college of veterinary medicine from performing functions in the classrooms or continuing education. However, those faculty members who have professional responsibility to the owner must be licensed. A temporary

permit may be granted for a period not to exceed two years to interns or residents who are on the staff of the college of veterinary medicine of Iowa state university of science and technology. Such permit shall be renewable annually upon the application of the dean of the college of veterinary medicine.

7. Any person from manufacturing, selling, offering for sale, or applying any pesticide, insecticide, or herbicide.

8. Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals.

9. Any veterinary assistant employed by a licensed veterinarian from performing duties other than diagnosis, prescription, or surgery under the direct supervision of such veterinarian which assistant has been issued a certificate by the board subject to [section 169.20](#).

10. A graduate of a foreign college of veterinary medicine who is in the process of obtaining an ECFVG certificate for performing duties or actions under the direction or supervision of a licensed veterinarian.

11. Any person from advising with respect to or performing accepted livestock management practices.

12. Any person from engaging in the full-time study of the improvement of the quality of livestock.

13. Any person from performing post-mortem examinations on swine or cattle.

14. Any person from collecting or evaluating semen from livestock or poultry, or artificial insemination of livestock and poultry.

15. Any person from castrating, dehorning or branding notwithstanding [section 169A.14](#). [S13, §2538-a; C24, 27, 31, 35, 39, §2766; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.3; C79, 81, §169.4]

[83 Acts, ch 115, §3](#)

169.4A Provision of veterinary services.

1. A person, including a corporation, limited liability company, or partnership, established on or after July 1, 1994, shall not provide veterinary medical services, own a veterinary clinic, or practice veterinary medicine in this state, except as otherwise provided in [this chapter](#).

2. [Subsection 1](#) shall not do any of the following:

a. Apply to a veterinarian licensed under [this chapter](#), a partnership formed under [chapter 486A](#) and composed of licensed veterinarians, a limited liability partnership formed under [chapter 486A](#) and composed of licensed veterinarians, a professional limited liability company organized under [chapter 489](#) and engaging in the practice of veterinary medicine, or a professional corporation organized under [chapter 496C](#) and engaging in the practice of veterinary medicine.

b. Prohibit a person from owning an interest in real property or a building where a veterinary clinic is located, if veterinary medical services or a veterinary medicine practice is conducted at the clinic by a person described in paragraph "a".

[94 Acts, ch 1198, §35; 2015 Acts, ch 77, §1](#)

169.5 Board of veterinary medicine.

1. a. The governor shall appoint, subject to confirmation by the senate pursuant to [section 2.32](#), a board of five individuals, three of whom shall be licensed veterinarians and two of whom shall not be licensed veterinarians and shall represent the general public. The board shall be known as the Iowa board of veterinary medicine.

b. Each licensed veterinarian board member shall be actively engaged in veterinary medicine and shall have been so engaged for a period of five years immediately preceding appointment, the last two of which shall have been in Iowa. The representatives of the general public shall be knowledgeable in the area of animal husbandry. A member of the board shall not be employed by or have any material or financial interest in any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine.

c. Professional associations or societies composed of licensed veterinarians may

recommend the names of potential board members to the governor, but the governor is not bound by the recommendations.

2. The members of the board shall be appointed for a term of three years, except the terms of the members of the initial board shall be rotated in such a manner that at least one member shall retire each year and a successor be appointed. The term of each member shall commence and end as provided by [section 69.19](#). Members shall serve no more than three terms or nine years total, whichever is less. Any vacancy in the membership of the board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.

3. The board shall meet at least once each year as determined by the board. Other necessary meetings may be called by the president of the board by giving proper notice. Except as provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

4. At its annual meeting, the board shall organize by electing a president and such other officers as may be necessary. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairperson of board meetings. The person designated as the state veterinarian shall serve as secretary of the board.

5. The duties of the board shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for a license, and keeping a register of all persons currently licensed by the board. The representatives of the general public shall not prepare, grade, or otherwise administer examinations to applicants for a license to practice veterinary medicine. All board records shall be open to public inspection during regular office hours.

6. Members of the board shall set their own per diem compensation, at a rate not exceeding the per diem specified in [section 7E.6](#) for each day actually engaged in the discharge of their duties, as well as compensation for necessary traveling and other expenses. Compensation for veterinarian members of the board shall include compensation for the time spent traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination and the reading of papers, in addition to the time actually spent in conducting examinations, within the limits of funds appropriated to the board.

7. Upon a three-fifths vote, the board may:

a. Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.

b. Issue, renew, or deny issuance or renewal of licenses and temporary permits to practice veterinary medicine in this state.

c. Establish and publish annually a schedule of fees for licensing and registration of veterinarians. The fees shall be set by rule and shall include fees for a license to practice veterinary medicine issued upon the basis of the examination, a license granted on the basis of reciprocity, a renewal of a license to practice veterinary medicine, a certified statement that a licensee is licensed to practice in this state, and an issuance of a duplicate license when the original is lost or destroyed. The fee schedule shall be based on the board's anticipated financial requirements for the year, which shall include but not be limited to the following:

(1) Per diem, expenses, and travel of board members.

(2) Costs to the department for administration of [this chapter](#).

d. Conduct investigations for the purpose of discovering violations of [this chapter](#) or grounds for disciplining licensed veterinarians.

e. Hold hearings on all matters properly brought before the board and administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission

depositions. An administrative law judge may be appointed pursuant to [section 17A.11](#) to perform those functions which properly repose in an administrative law judge.

f. Employ full-time or part-time personnel, professional, clerical, or special, as are necessary to effectuate the provisions of [this chapter](#).

g. Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

h. Bring proceedings in the courts for the enforcement of [this chapter](#) or any regulations made pursuant to [this chapter](#).

i. Adopt, amend, or repeal rules relating to the standards of conduct for, testing of, and revocation or suspension of certificates issued to veterinary assistants. However, a certificate shall not be suspended or revoked by less than a two-thirds vote of the entire board in a proceeding conducted in compliance with [section 17A.12](#).

j. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of [this chapter](#), including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

8. The powers enumerated in [subsection 7](#) are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

9. A person who provides veterinary medical services, owns a veterinary clinic, or practices in this state shall obtain a certificate from the board and be subject to the same standards of conduct, as provided in [this chapter](#) and rules adopted by the board, as apply to a licensed veterinarian, unless the board determines that the same standards of conduct are inapplicable. The board shall issue, renew, or deny a certificate; adopt rules relating to the standards of conduct; and take disciplinary action against the person, including suspension or revocation of a certificate, in accordance with the procedures established in [section 169.14](#). Certification fees shall be established by the board pursuant to [subsection 7](#), paragraph "j". Fees shall be established in an amount sufficient to fully offset the costs of certification pursuant to [this subsection](#). For the fiscal year beginning July 1, 2001, and ending June 30, 2002, the department shall retain fees collected to administer the program of certifying veterinary clinics and the fees retained are appropriated to the department for the purposes of [this subsection](#). For the fiscal year beginning July 1, 2001, and ending June 30, 2002, notwithstanding [section 8.33](#), fees which remain unexpended at the end of the fiscal year shall not revert to the general fund of the state but shall be available for use for the following fiscal year to administer the program. For the fiscal year beginning July 1, 2002, and succeeding fiscal years, certification fees shall be deposited in the general fund of the state and are appropriated to the department to administer the certification provisions of [this subsection](#). [This subsection](#) shall not apply to an animal shelter, as defined in [section 162.2](#), that provides veterinary medical services to animals in the custody of the shelter.

10. The department shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained, and the department shall assess the costs to the board for such articles and supplies. The board shall also reimburse the department for direct and indirect administrative costs incurred in issuing and renewing the licenses.

[S13, §2538-f, -h, -i, -j, -t; C24, 27, 31, 35, §2799-d1, -d5; C39, §2773, 2777-2780, 2782, 2784, 2785, 2799.1, 2799.5; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.11, 169.15 – 169.19, 169.21, 169.22, 169.37, 169.41; C79, 81, §169.5]

[83 Acts, ch 115, §4; 84 Acts, ch 1067, §23; 88 Acts, ch 1109, §17; 90 Acts, ch 1256, §31; 98 Acts, ch 1202, §32, 46; 2000 Acts, ch 1183, §1, 3; 2001 Acts, ch 24, §70, 74; 2005 Acts, ch 159, §1; 2009 Acts, ch 133, §72](#)

169.6 Disclosure of confidential information.

1. A member of the board shall not disclose information relating to the following:
 - a. Criminal history or prior misconduct of the applicant.

b. Information relating to the contents of the examination.

c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate information in violation of [subsection 1](#), and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor for each separate offense.

[C75, 77, §169.56; C79, 81, §169.6]

[2009 Acts, ch 133, §207](#)

169.7 Status of persons previously licensed.

Any person holding a valid license to practice veterinary medicine in this state on January 1, 1979 shall be recognized as a licensed veterinarian and shall be entitled to retain this status as long as licensee complies with the provisions of [this chapter](#).

[C79, 81, §169.7]

169.8 Qualifications.

1. a. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board on a form approved by the board. The application shall show that the applicant is a graduate of an accredited or approved college of veterinary medicine or the holder of an ECFVG certificate. The application shall also show such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

b. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for license without examination under [section 169.10](#), the board may grant a license to the applicant.

c. If an applicant is found not qualified to take the examination or for a license without examination, the secretary of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may request a hearing on the question of the applicant's qualification under the procedure set forth in [section 169.14](#). Any applicant who is found not qualified shall be allowed the return of the application fee.

d. Based upon an applicant's education, experience, and training, the board may grant a limited license to an applicant to perform a restricted range of activities within the practice of veterinary medicine, as specified by the board.

2. a. The name, location, number of years of practice of the person to whom a license is issued, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department of agriculture and land stewardship, to be known as the "registry book", and the same shall be open to public inspection.

b. When any person licensed to practice under [this chapter](#) changes residence, the board shall be notified within thirty days and such change shall be noted in the registry book.

3. Every individual licensed under [this chapter](#) shall keep the license displayed in the place at which an office is maintained.

[S13, §2538-e, -i, -j; C24, 27, 31, 35, 39, §2767, 2768, 2775, 2776, 2786; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.4, 169.5, 169.13, 169.14, 169.23; C79, 81, §169.8]

[83 Acts, ch 115, §5, 6; 90 Acts, ch 1117, §1; 2009 Acts, ch 41, §63](#)

169.9 Examinations.

1. The board shall hold at least one examination during each year and may hold such additional examinations as it deems necessary. The secretary shall give public notice of the time and place for each examination at least ninety days in advance of the date set for the examination. A person desiring to take an examination shall make application at least thirty days before the date of the examination.

2. The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical

knowledge sufficient to establish competency to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination prepared by the national board of veterinary examiners as a part of the examination given to examinees.

3. After each examination, the board shall notify each examinee of the examination result, and the board shall issue licenses to the individuals successfully completing the examination. The board shall record the new licenses and issue a certificate of registration to the new licensees. Any individual failing an examination shall be admitted to any subsequent examination on payment of the application fee.

4. In all written examinations the identity of the individual taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon.

[S13, §2538-e, -f, -i; C24, 27, 31, 35, 39, §2772, 2790 – 2792; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.10, 169.27 – 169.29; C79, 81, §169.9]

[83 Acts, ch 115, §7](#); [2017 Acts, ch 54, §76](#)

Code editor directive applied

169.10 License by endorsement.

1. The board may issue a license to practice veterinary medicine in this state without written examination to an applicant who meets all of the following requirements:

a. Has graduated from an accredited college of veterinary medicine or has received a certificate from the educational commission for foreign veterinary graduates at least five years prior to application.

b. Has actively practiced for at least two thousand hours during the five years preceding application.

c. Has not previously failed and not subsequently passed a veterinary licensing examination in this state.

d. Holds a current license to practice veterinary medicine in another state or United States territory or province of Canada.

e. Is not subject to license investigation, suspension, or revocation in any state, United States territory, or province of Canada.

f. Provides other information and proof as the board may require by rule.

2. The board may issue a license to practice veterinary medicine in this state without written or oral examination to an applicant who meets all of the following requirements:

a. Holds a current certification as a diplomate of a national specialty board or college recognized by the board by rule.

b. Is not subject to license investigation, suspension, or revocation in any state, United States territory, or province of Canada.

c. Provides other information and proof as the board may require by rule.

[S13, §2538-i, -i1; C24, 27, 31, 35, 39, §2794 – 2797; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.31 – 169.34; C79, 81, §169.10]

[90 Acts, ch 1117, §2](#)

Referred to in [§169.8](#)

169.11 Temporary permit.

The board may issue without examination a temporary permit to practice veterinary medicine in this state:

1. To a qualified applicant for license pending examination and the temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued. The temporary permit holder should keep the secretary continually advised of the permit holder's current address.

2. To a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country who pays the fee established and published by the board. Such temporary permit shall be issued for a period of no more than one hundred

eighty days and no more than one permit shall be issued to a person during each calendar year.

[C79, 81, §169.11]

169.12 License renewal.

1. All licenses shall expire in multiyear intervals as determined by the board but may be renewed by registration with the board and payment of the registration renewal fee established and published by the board. Prior to expiration the secretary shall mail a notice to each licensed veterinarian that the license will expire and provide the licensee with a form for registration.

2. Any person who shall practice veterinary medicine after license expiration is practicing in violation of [this chapter](#). However, a person may renew an expired license within five years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five years have elapsed since the date of expiration, a license may not be renewed, and the holder must make application for a new license and take the license examination.

3. The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when the veterinarian is on active duty with any branch of the armed services of the United States.

4. Any licensee who is desirous of changing residence to another state or territory shall, upon application to the department and payment of the legal fee, receive a certified statement that the licensee is a duly licensed practitioner in this state.

[S13, §2538-j; C24, 27, 31, 35, 39, §2769, 2769.1, 2798; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.6, 169.35; C79, 81, §169.12]

[2017 Acts, ch 54, §76](#)

Referred to in [§169.13](#)

Code editor directive applied

169.13 Discipline of licensees.

1. The board of veterinary medicine, after due notice and hearing, may revoke or suspend a license to practice veterinary medicine if it determines that a veterinarian licensed to practice veterinary medicine is guilty of any of the following acts or offenses:

a. Knowingly making misleading, deceptive, untrue, or fraudulent representation in the practice of the profession.

b. Being convicted of a felony in the courts of this state or another state, territory, or country. Conviction as used in this paragraph includes a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding in which a finding or verdict of guilt is made or returned, but the adjudication or guilt is either withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state is conclusive evidence.

c. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of veterinary medicine.

d. Having the person's license to practice veterinary medicine revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

e. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice veterinary medicine.

f. Being adjudged mentally incompetent by a court of competent jurisdiction. The adjudication shall automatically suspend a license for the duration of the license unless the board orders otherwise.

g. Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of veterinary medicine as defined in rules adopted by the board, in which proceeding actual injury to an animal need not be established; or the committing by a veterinarian of an act contrary to honesty, justice, or good

morals, whether the act is committed in the course of the practice or otherwise, and whether committed within or without this state.

h. Inability to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition.

i. Willful or repeated violation of lawful rules adopted by the board or violation of a lawful order of the board, previously entered by the board in a disciplinary hearing.

2. *a.* The board, upon probable cause, may compel a veterinarian to submit to a mental or physical examination by designated physicians. Failure of a veterinarian to submit to an examination constitutes an admission to the allegations made against that veterinarian and the finding of fact and decision of the board may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a veterinarian shall be afforded an opportunity to demonstrate that the veterinarian can resume the competent practice of veterinary medicine with reasonable skill and safety to animals.

b. A person licensed to practice veterinary medicine who makes application for the renewal of the person's license as required by [section 169.12](#) gives consent to submit to a mental or physical examination as provided by this paragraph when directed in writing by the board. All objections shall be waived as to the admissibility of the examining physician's testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a veterinarian in another proceeding and are confidential except for other actions filed against a veterinarian to revoke or suspend that person's license.

[S13, §2538-e; C24, 27, 31, 35, 39, §2799; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.36; C79, 81, §169.13]

[83 Acts, ch 115, §8](#); [2009 Acts, ch 41, §64](#)

Referred to in [§169.14](#), [272C.3](#), [272C.4](#)

169.14 Procedure for suspension or revocation.

A proceeding for the revocation or suspension of a license to practice veterinary medicine or to discipline a person licensed to practice veterinary medicine shall be substantially in accord with the following:

1. The board, upon its own motion or upon a verified complaint in writing, may request the department of inspections and appeals to conduct an investigation of the charges contained in the complaint. The department of inspections and appeals shall report its findings to the board, and the board may issue an order fixing the time and place for hearing if a hearing is deemed warranted. A written notice of the time and place of the hearing, together with a statement of the charges, shall be served upon the licensee at least ten days before the hearing in the manner required for the service of notice of the commencement of an ordinary action.

2. If the licensee has left the state, the notice and statement of the charges shall be so served at least twenty days before the date of the hearing, wherever the licensee may be found. If the whereabouts of the licensee is unknown, service may be had by publication as provided in the rules of civil procedure upon filing the affidavit required by those rules. If the licensee fails to appear either in person or by counsel at the time and place designated in the notice, the board shall proceed with the hearing.

3. The hearing shall be before a member or members designated by the board or before an administrative law judge appointed by the board according to the requirements of [section 17A.11, subsection 1](#). The presiding board member or administrative law judge may issue subpoenas, administer oaths, and take or cause depositions to be taken in connection with the hearing. The member or officer shall issue subpoenas at the request and on behalf of the licensee.

4. A mechanized or stenographic record of the proceedings shall be kept. The licensee shall be given the opportunity to appear personally and by attorney, with the right to produce evidence in one's own behalf, to examine and cross-examine witnesses, and to examine documentary evidence produced against the licensee.

5. If a person refuses to obey a subpoena issued by the presiding member or administrative law judge or to answer a proper question put to that person during the hearing, the presiding

member or administrative law judge may invoke the aid of a court of competent jurisdiction in requiring the attendance and testimony of that person and the production of papers. A failure to obey the order of the court may be punished by the court as a civil contempt may be punished.

6. Unless the hearing is before the entire board, a transcript of the proceeding, together with exhibits presented, shall be considered by the entire board at the earliest practicable time. The licensee and attorney shall be given the opportunity to appear personally to present the licensee's position and arguments to the board. The board shall determine the charge upon the merits on the basis of the evidence in the record before it.

7. Upon three members of the board voting in favor of finding the licensee guilty of an act or offense specified in [section 169.13](#), the board shall prepare written findings of fact and its decision imposing one or more of the following disciplinary measures:

a. Suspend the license to practice veterinary medicine for a period to be determined by the board.

b. Revoke the license to practice veterinary medicine.

c. Suspend imposition of judgment and penalty or impose the judgment and penalty, but suspend enforcement and place the veterinarian on probation. The probation ordered may be vacated upon noncompliance. The board may restore and reissue a license to practice veterinary medicine, and may impose a disciplinary or corrective measure which it might originally have imposed.

8. Judicial review of the board's action may be sought in accordance with [chapter 17A](#).

9. The filing of a petition for review does not in itself stay execution or enforcement of board action. Upon application, the board or the review court, in appropriate cases, may order a stay pending the outcome of the review proceedings.

[C31, 35, §2799-d1, -d3, -d4, -d6; C39, §2799.1, 2799.3, 2799.4, 2799.6; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.37, 169.39, 169.40, 169.42; C79, 81, §169.14]

[83 Acts, ch 115, §9](#); [88 Acts, ch 1109, §18](#); [88 Acts, ch 1158, §44](#); [89 Acts, ch 296, §19](#); [98 Acts, ch 1202, §33, 46](#)

Referred to in [§169.5](#), [169.8](#), [169.20](#)

169.15 Appeal.

Any party aggrieved by a decision of the board may appeal the matter to the district court as provided in [section 17A.19](#).

[C79, 81, §169.15]

[83 Acts, ch 115, §10](#)

169.16 Reinstatement.

A person whose license is suspended or revoked may be relicensed or reinstated at any time by a vote of five members of the board after written application made to the board showing cause justifying relicensing or reinstatement. Examination of the applicant may be waived by the board.

[C79, 81, §169.16]

[83 Acts, ch 115, §11](#)

169.17 Forgeries.

Any person who shall file or attempt to file with the department or board of veterinary medicine any false or forged diploma or certificate or affidavit of identification or qualification is guilty of a fraudulent practice.

[C24, 27, 31, 35, 39, §2803; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.43; C79, 81, §169.17]

169.18 Fraud.

Any person who shall present to the department or board of veterinary medicine a diploma or certificate of which the person is not the rightful owner, for the purpose of procuring a license, or who shall falsely impersonate anyone to whom a license has been granted by said department, is guilty of a fraudulent practice.

[C24, 27, 31, 35, 39, §2804; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.44; C79, 81, §169.18]

169.19 Enforcement — penalties.

1. Any person who practices veterinary medicine without a currently valid license or temporary permit is guilty of a fraudulent practice. Each act of such unlawful practice shall constitute a distinct and separate offense.

2. A person who shall practice veterinary medicine without a currently valid license or temporary permit shall not receive any compensation for services so rendered.

3. The county attorney of the county in which any violation of [this chapter](#) occurs shall conduct the necessary prosecution for such violation. Notwithstanding this provision, the board of veterinary medicine or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. The action brought to restrain a person from engaging in the practice of veterinary medicine without possessing a license shall be brought in the name of the state of Iowa. If the court finds that the individual is violating or threatening to violate [this chapter](#) it shall enter an injunction restraining the individual from such unlawful acts.

4. The successful maintenance of an action based on any one of the remedies set forth in [this section](#) shall in no way prejudice the prosecution of an action based on any other remedy set forth in [this section](#).

5. The department shall cooperate with the board of veterinary medicine in the enforcement of the provisions of [this chapter](#).

[S13, §2538-1; C24, 27, 31, 35, 39, §2805 – 2807; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.45 – 169.48; C79, 81, §169.19]

[83 Acts, ch 115, §12; 2012 Acts, ch 1023, §157](#)

Referred to in [§331.756\(31\)](#)

169.20 Veterinary assistants.

1. A veterinarian may employ certified veterinary assistants for any purpose other than diagnosis, prescription or surgery. Veterinary assistants must act under the direct supervision of a licensed veterinarian.

2. The board shall issue certificates to veterinary assistants who have met the educational, experience and testing requirements as the board shall specify by rule. The certificate is not a license and does not expire. The certificate may be suspended or revoked, or any other disciplinary action may be taken as specified in [section 272C.3, subsection 2](#). All disciplinary actions shall be taken pursuant to [section 169.14](#).

[83 Acts, ch 115, §1](#)

Referred to in [§169.4](#)

Section not amended; unnumbered paragraphs 1 and 2 editorially numbered as subsections 1 and 2

Veterinary Medicine[811]

CHAPTER 10
DISCIPLINE

[Prior to 2/8/89, see Veterinary Medicine, Board of[842] Ch 6]

811—10.1(17A,169,272C) Board authority. The board may discipline any credential holder for any grounds stated in Iowa Code chapters 169 and 272C or rules promulgated thereunder.

811—10.2(17A,169,272C) Complaints and investigations. Complaints are allegations of wrongful acts or omissions relating to the ethical or professional conduct of a credential holder.

10.2(1) In accordance with Iowa Code section 272C.3(1)“c,” the board shall investigate or review, upon written complaint or upon its own motion pursuant to other information received by the board, alleged acts or omissions which the board reasonably believes constitute cause for credential holder discipline.

10.2(2) The executive secretary or authorized designee shall investigate complaints in order to determine the probability that a violation of law or rule has occurred.

811—10.3(17A,169,272C) Investigatory subpoena powers. The board shall have the authority to issue an investigatory subpoena in accordance with the provisions of Iowa Code section 17A.13.

10.3(1) A subpoena which requires production of real evidence that is necessary to an investigation may be issued upon the authority of the executive secretary or a designee.

10.3(2) Any person who is aggrieved or adversely affected by compliance with the subpoena and who desires to challenge the subpoena must, within 14 days after the service of the subpoena or before the time specified for compliance if such time is less than 14 days, file with the board a motion to quash or modify the subpoena. The motion shall describe the legal reasons why the subpoena should be quashed or modified and may be accompanied by legal briefs or factual affidavits.

10.3(3) In the event obedience to a subpoena is refused, the requesting party may petition the district court for enforcement.

811—10.4(17A,169,272C) Board action. The board shall review investigative conclusions and take one of the following actions:

1. Close the investigative case without action.
2. Request further inquiry.
3. Appoint a peer review committee to assist with the investigation.
4. Determine the existence of sufficient probable cause and order a disciplinary hearing to be held in compliance with Iowa Code section 272C.6.

811—10.5(17A,169,272C) Peer review committee. The board may establish a peer review committee to assist with the investigative process when deemed necessary.

10.5(1) The committee shall determine if the conduct of the credential holder conforms to minimum standards of acceptable and prevailing practice of veterinary medicine or other applicable standards and submit a report of its findings to the board.

10.5(2) The board shall review the committee’s findings and proceed with action available under rule 10.4(17A,169,272C).

10.5(3) The peer review committee shall observe the confidentiality requirements imposed by Iowa Code section 272C.6.

811—10.6(17A,169,272C) Grounds for discipline. Without regard as to whether the board has determined that an injury has occurred, the board may impose any of the disciplinary sanctions set forth in rule 10.7(17A,169,272C), including civil penalties in an amount not to exceed \$10,000, when the board determines that the credential holder is guilty of any of the following acts or offenses:

10.6(1) *Grounds applicable to all credential holders.*

a. Fraud in procuring a credential, which includes but is not limited to an intentional perversion of the truth in making application for a credential to practice any of the professions or activities regulated

by the board in this state, and includes false representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a credential in this state, or attempting to file or filing with the board or the Iowa department of agriculture and land stewardship any false or forged diploma, certificate, affidavit, identification, or qualification in making an application for a credential in this state.

b. Credential holder professional incompetency. Professional incompetency of a credential holder may be established by:

(1) A substantial lack of knowledge or ability to discharge professional obligations within the scope of the credential holder's practice.

(2) A substantial deviation by the credential holder from the standards of learning or skill ordinarily possessed and applied by other credential holders acting in the same or similar circumstances.

(3) A willful or repeated departure from or the failure to conform to the minimal standards of acceptable and prevailing practice of credential holders.

(4) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public.

1. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession includes, but is not limited to, an intentional perversion of the truth, either orally or in writing, and includes any representation contrary to legal or equitable duty, trust or confidence and is deemed by the board to be contrary to good conscience, prejudicial to the public welfare or may operate to the injury of another.

2. Practice harmful or detrimental to the public includes, but is not limited to, the failure of a credential holder to possess and exercise that degree of skill, learning and care expected of a reasonable, prudent credential holder acting in the same or similar circumstances, including for a veterinarian a violation of the standards of practice as set out in 811—Chapter 12, or when a credential holder is unable to practice with reasonable skill and safety on a client's animals as a result of a mental or physical impairment or chemical abuse.

(5) Habitual intoxication or addiction to the use of drugs, which includes, but is not limited to, the inability of a credential holder to practice with reasonable skill and safety by reason of the excessive use of alcohol, drugs, narcotics, chemicals or other types of material on a continuing basis, or the excessive use of alcohol, drugs, narcotics, chemicals or other types of material which may impair a credential holder's ability to practice with reasonable skill and safety. The board may require a credential holder's completion of a treatment program as a condition of probation or suspension, and shall consider the credential holder's willingness to complete a treatment program when determining the appropriate degree of disciplinary sanction.

(6) Conviction of a felony which is either of the following:

1. One that is related to the credential holder's profession or occupation; or

2. One that would affect the credential holder's ability to practice within the profession.

Conviction of a felony related to the profession or occupation of the credential holder or the conviction of any felony that would affect the credential holder's ability to practice within the profession includes, but is not limited to, the conviction of a public offense in the practice of the credential holder's profession which is defined or classified as a felony under state or federal law, or violation of a statute or law designated as a felony in this state, another state, or the United States, which statute or law relates to the credential holder's profession or conviction of a felonious act, which is so contrary to honesty, justice or good morals, and so reprehensible as to violate the public confidence and trust imposed upon a credential holder in this state. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

(7) Fraud in representations as to skill or ability, which includes but is not limited to a credential holder's having made misleading, deceptive or untrue representations as to the credential holder's competency to perform professional services for which the credential holder is not qualified to perform by training or experience.

(8) Use of untruthful or improbable statements in advertisements, which includes but is not limited to an action by a credential holder in making information or intention known to the public which is false,

deceptive, misleading or promoted through fraud or misrepresentation and includes statements which may consist of, but not be limited to:

1. Inflated or unjustified expectations of favorable results;
2. Self-laudatory claims that imply that the credential holder engaged in a field or specialty of practice for which the credential holder is not qualified. A veterinarian is not qualified to claim or imply specialization unless the veterinarian is a member in good standing of the respective specialty board or college recognized by the AVMA;

3. Representations that are likely to cause the average person to misunderstand; or
4. Extravagant claims or claims of extraordinary skills not recognized by the credential holder's profession.

(9) Willful or repeated violations of the provisions of Iowa Code chapters 169 and 272C and rules promulgated thereunder by the board.

(10) Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of veterinary medicine.

(11) Failure to report a license, certificate, permit, or other credential revocation, suspension or other disciplinary action taken by a licensing or regulating authority of another state, territory or country within 30 days of the final action by such licensing or regulating authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, such report shall be expunged from the records of the board.

(12) Failure of a credential holder or an applicant for a credential in this state to report, within 30 days, any of the following:

1. Any settlement agreement or voluntary agreement to restrict the practice of veterinary medicine or other applicable activities entered into in another state, district, territory or country; or
2. Any adverse judgment in a malpractice action to which the credential holder is a party; or
3. Any settlement of a claim against the credential holder alleging malpractice.

(13) Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice veterinary medicine.

(14) Inability to perform duties for which a credential is required with reasonable skill and safety by reason of a mental or physical impairment.

(15) Violating a lawful order of the board previously entered by the board in a disciplinary hearing.

(16) Being adjudged mentally incompetent by a court of competent jurisdiction. Such adjudication shall automatically suspend a credential for the duration of the credential unless the board orders otherwise.

(17) Knowingly submitting a false report of continuing education or failure to submit the triennial report of continuing education.

(18) Failure to comply with a subpoena issued by the board.

(19) Willful or gross negligence.

(20) Obtaining any fee by fraud or misrepresentation.

(21) Violating any of the grounds for the revocation or suspension of a credential as listed in Iowa Code section 169.13 or these rules.

(22) Noncompliance with the college student aid commission in regard to repayment of student financial aid obligations. The board shall suspend or revoke a credential upon receipt of a certificate of noncompliance from the college student aid commission according to the procedures set forth in Iowa Code chapter 261. In addition to the procedures contained therein, the following shall apply:

1. The notice required by Iowa Code section 261.126 shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the applicant or credential holder may accept service personally or through authorized counsel.

2. The effective date of revocation or suspension of a credential, as specified in the notice required by Iowa Code section 261.126, shall be 60 days following service of the notice upon the credential holder.

3. The board's executive secretary is authorized to prepare and serve the notice required by Iowa Code section 261.126 and is directed to notify the credential holder that the credential will be suspended, unless the credential is already suspended on other grounds. In the event a credential is under suspension, the executive secretary shall notify the credential holder of the board's intention to revoke the credential.

4. Credential holders shall keep the board informed of all court actions and all college student aid commission actions taken under or in connection with Iowa Code chapter 261 and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 261.127, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the college student aid commission.

5. All board fees required for renewal or reinstatement must be paid by the applicant or credential holder, and all continuing education requirements must be met before a credential will be renewed or reinstated after the board has denied the renewal or reinstatement of a credential pursuant to Iowa Code chapter 261.

6. In the event a credential holder timely files a district court action following service of a board notice pursuant to Iowa Code sections 261.126 and 261.127, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the renewal or reinstatement of a credential, the board shall count the number of days before the court action was disposed of by the court.

7. The board shall notify the credential holder in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a credential and shall similarly notify the applicant when the credential is reinstated following the board's receipt of a withdrawal of the certificate of noncompliance.

(23) Having the person's certificate, license, permit, or other credential revoked or suspended, or having any other disciplinary action taken by a licensing or regulating authority of another state, territory, country, or the United States Department of Agriculture (USDA), or having the veterinarian's USDA accreditation revoked, suspended or other disciplinary action taken against the accreditation. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive evidence of the credential holder's having committed one of the following actions:

1. Permitting or directing any auxiliary personnel or any other person who does not hold the proper credentials to perform veterinary duties involving diagnosis, prescription or surgery, except as allowed pursuant to rule 811—8.5(169);

2. Permitting or directing any auxiliary personnel or any other person to perform any act which would be a legal or ethical violation if committed by a veterinarian;

3. Failing to comply with a lawful child support order as provided in 811—Chapter 13; or

4. Failing to pay any hearing fees and costs within the time specified in the board's decision;

10.6(2) *Grounds applicable to licensed veterinarians only.* In addition to the grounds set out in subrule 10.6(1), without regard as to whether the board has determined that injury has occurred, a licensed veterinarian is subject to disciplinary action for the violation of any of the following:

a. Engaging in unethical conduct which includes, but is not limited to, a violation of the standards of practice as set out in 811—Chapter 12, and which may include acts or offenses in violation of the AVMA Principles of Veterinary Medical Ethics.

b. Engaging in practice harmful or detrimental to the public which includes, but is not limited to, either of the following:

(1) The use of a rubber stamp to affix a signature to a prescription. A licensee who is unable, due to a physical disability, to make a written signature or mark may substitute in lieu of a signature a rubber stamp which is adopted by the disabled person for all purposes requiring a signature and which is affixed by the disabled person or affixed by another person upon the request of the disabled person and in the licensee's presence.

(2) The practice of maintaining any presigned prescription which is intended to be completed and issued at a later time.

c. Willfully or repeatedly departing from, or failing to conform to, the minimal standard of acceptable and prevailing practice of veterinary medicine which includes, but is not limited to, a violation of the standards of practice as set out in 811—Chapter 12; or committing an act contrary to honesty, justice or good morals, whether the act is committed in the course of practice or otherwise, and whether the act is committed within or without this state, where such act substantially relates to the practice of veterinary medicine. It is not necessary for grounds to exist under this paragraph that actual injury to a patient be established.

d. Indiscriminately or promiscuously prescribing, administering or dispensing any drug; or prescribing, administering or dispensing any drug for other than a lawful purpose.

e. Negligently failing to exercise due care in the delegation of veterinary services to or in supervision of employees or other individuals, whether or not injury results.

811—10.7(17A,169,272C) Sanctions. The board has authority to impose the following disciplinary sanctions:

1. Revoke a credential.
2. Suspend a credential until further order of the board or for a specified period.
3. Prohibit permanently, until further order of the board or for a specified period, the engaging in specified procedures, methods or acts.
4. Impose a period of probation.
5. Require additional education or training.
6. Require a reexamination.
7. Order a physical or mental examination.
8. Impose civil penalties not to exceed \$10,000.
9. Issue a citation and warning.
10. Impose such other sanctions allowed by law as may be appropriate.

811—10.8(17A,169,272C) Panel of specialists. The board may appoint a panel of veterinarians who are specialists to ascertain the facts of a case pursuant to Iowa Code section 272C.6(2). The board chairperson or designee shall appoint the presiding officer.

10.8(1) The executive secretary shall set the date, time, and location of the hearing and make proper notification to all parties.

10.8(2) The panel of specialists shall:

- a.* Enter into the record the names of the presiding officer, members of the panel, the parties and their representatives.
- b.* Enter into the record the notice and evidence of service, order for hearing, statement of charges, answer, if available, and any other pleadings, motions or orders.
- c.* Receive opening statements from the parties.
- d.* Receive evidence, in accordance with Iowa Code section 17A.14, on behalf of the state of Iowa and on behalf of the credential holder.
- e.* Question the witnesses.
- f.* Receive closing statements from the parties.
- g.* Determine the findings of fact by a majority vote and make a written report of its findings to the board within a reasonable period.

811—10.9(17A,169,272C) Informal settlement. Pursuant to the provisions of Iowa Code sections 17A.12 and 272C.3, the board may consider resolution of disciplinary matters through informal settlement prior to commencement of contested case proceedings. The secretary or designee may negotiate with the credential holder regarding a proposed disposition of the controversy. Upon consent of both parties, the board will review the proposal for action.

811—10.10(17A,169,272C) Voluntary surrender. A voluntary surrender of credentials may be submitted to the board as resolution of a contested case or in lieu of continued compliance with a disciplinary decision of the board.

811—10.11(17A,169,272C) Application for reinstatement. A person whose credential has been suspended, revoked, or voluntarily surrendered may apply to the board for reinstatement in accordance with the terms and conditions of the order.

10.11(1) If the credential was voluntarily surrendered, or if the order for suspension or revocation did not establish terms and conditions for reinstatement, an initial application may not be made until one year has elapsed from the date of the order.

10.11(2) The application shall allege facts and circumstances which will enable the board to determine that the basis for the sanction or voluntary surrender no longer exists, and that it is in the public interest to reinstate the credential. The burden of proof to establish these facts shall rest with the petitioner.

10.11(3) The hearing in an application for reinstatement is a contested case within the meaning of Iowa Code section 17A.12.

10.11(4) The order to grant or deny reinstatement shall incorporate findings of fact and conclusions of law. If reinstatement is granted, terms and conditions for reinstating the credential may be imposed.

811—10.12 Reserved.

811—10.13(17A,169,272C) Contested case proceedings. The following rules apply to board activities which are initiated upon determination of probable cause and result in the issuance of a notice of hearing.

811—10.14(17A) Definitions. Except where otherwise specifically defined by law:

“*Contested case*” means a proceeding defined by Iowa Code section 17A.2(5).

“*Issuance*” means the date of mailing of a decision or order or date of delivery if service is by other means, unless another date is specified in the order.

“*Party*” means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

“*Presiding officer*” means the chairperson of the board or designee.

“*Proposed decision*” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a contested case in which the board did not preside.

811—10.15(17A) Time requirements.

10.15(1) Time shall be computed as provided in Iowa Code subsection 4.1(34).

10.15(2) For good cause, the presiding officer may extend or shorten the time to take any action, except as precluded by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer shall afford all parties an opportunity to be heard or to file written arguments.

811—10.16(17A) Notice of hearing. The board shall issue an order, notice of hearing, and statement of charges following its determination of probable cause pursuant to Iowa Code section 17A.12(2). Delivery of the notice of hearing constitutes the commencement of the contested case proceeding.

10.16(1) The date, time, and location of the hearing shall be set by the board. The credential holder shall be notified at least 30 days prior to the scheduled hearing.

10.16(2) Notification shall be in writing delivered either by personal service as in civil actions or by certified mail with return receipt requested. When the credential holder cannot be located:

a. An affidavit shall be prepared outlining the measures taken to attempt service, and shall become a part of the record when a notice cannot be delivered by personal service or certified mail, return receipt requested.

b. Notice of hearing shall be published once each week for three consecutive weeks in a newspaper of general circulation, published or circulated in the county of last-known residence of the credential

holder. The newspaper will be selected by the secretary or designee. The first notice of hearing shall be published at least 30 days prior to the scheduled hearing.

811—10.17(17A) Presiding officer. Disciplinary hearings shall be conducted by the board pursuant to Iowa Code section 272C.6. The chairperson of the board shall designate the presiding officer in accordance with the provisions of Iowa Code section 17A.11.

10.17(1) For nondisciplinary proceedings, any party who wishes to request that the presiding officer assigned to render a proposed decision be an administrative law judge employed by the department of inspections and appeals must file a written request within 20 days after service of a notice of hearing.

10.17(2) The executive secretary may deny the request upon a finding that one or more of the following apply:

a. Neither the agency nor any officer of the agency under whose authority the contested case is to take place is a named party to the proceeding or a real party in interest to that proceeding.

b. There is a compelling need to expedite issuance of a final decision in order to protect the public health, safety, or welfare.

c. The case involves significant policy issues of first impression that are inextricably intertwined with the factual issues presented.

d. The demeanor of the witness is likely to be dispositive in resolving the disputed factual issues.

e. Funds are unavailable to pay the costs of an administrative law judge and an interagency appeal.

f. The request was not timely filed.

g. The request is not consistent with a specified statute.

h. The request would not conform to the disciplinary hearing provision of Iowa Code section 272C.6.

10.17(3) The agency (or its designee) shall issue a written ruling specifying the grounds for its decision within 20 days after a request for an administrative law judge is filed.

10.17(4) All rulings by an administrative law judge are subject to appeal to the agency. A party must seek any available intra-agency appeal in order to exhaust adequate administrative remedies.

10.17(5) Unless otherwise provided by law, the board, when reviewing a proposed decision upon intra-agency appeal, shall have the powers of and shall comply with the provisions of this chapter which apply to presiding officers.

811—10.18(17A) Waiver of procedures. Unless otherwise precluded by law, the parties in a contested case proceeding may waive any provision of this chapter. However, the agency in its discretion may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest.

811—10.19(17A) Telephone proceedings. The presiding officer may resolve preliminary procedural motions by telephone conference in which all parties have an opportunity to participate. Other telephone proceedings may be held with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when location is chosen.

811—10.20(17A) Disqualification.

10.20(1) A presiding officer or other person shall withdraw from participation in the making of any proposed or final decision in a contested case if that person:

a. Has a personal bias or prejudice concerning a party or a representative of a party;

b. Has personally investigated, prosecuted or advocated in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;

c. Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;

- d. Has acted as counsel to any person who is a private party to that proceeding within the past two years;
- e. Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;
- f. Has a spouse or relative within the third degree of relationship that: (1) is a party to the case, or an officer, secretary or trustee of a party; (2) is a lawyer in the case; (3) is known to have an interest that could be substantially affected by the outcome of the case; or (4) is likely to be a material witness in the case; or
- g. Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

10.20(2) The term “personally investigated” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term “personally investigated” does not include general direction and supervision of assigned investigators, unsolicited receipt of information which is relayed to assigned investigators, review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding or exposure to factual information while performing other agency functions, including fact gathering for purposes other than investigation of the matter which culminates in a contested case. Factual information relevant to the merits of a contested case received by a person who later serves as presiding officer in that case shall be disclosed if required by Iowa Code section 17A.17(3) and subrules 10.20(3) and 10.32(9).

10.20(3) In a situation where a presiding officer or other person knows of information which might reasonably be deemed to be a basis for disqualification and decides voluntary withdrawal is unnecessary, that person shall submit the relevant information for the record by affidavit and shall provide for the record a statement of the reasons for the determination that withdrawal is unnecessary.

10.20(4) If a party asserts disqualification on any appropriate ground, including those listed in subrule 10.20(1), the party shall file a motion supported by an affidavit pursuant to Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party. If, during the course of the hearing, a party first becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification but must establish the grounds by the introduction of evidence into the record.

If the presiding officer determines that disqualification is appropriate, the presiding officer or other person shall withdraw. If the presiding officer determines that withdrawal is not required, the presiding officer shall enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 10.34(17A).

811—10.21(17A) Consolidation—severance.

10.21(1) Consolidation. The presiding officer may consolidate any or all matters at issue in two or more contested case proceedings where: (a) the matters at issue involve common parties or common questions of fact or law; (b) consolidation would expedite and simplify consideration of the issues involved; and (c) consolidation would not adversely affect the rights of any of the parties to those proceedings.

10.21(2) Severance. The presiding officer may, for good cause shown, order any contested case proceedings or portions thereof severed.

811—10.22(17A) Pleadings.

10.22(1) Pleadings may be required by rule, by notice of hearing, or by order of the presiding officer.

10.22(2) Petition.

- a. Any petition required in a contested case proceeding shall be filed within 20 days of delivery or the notice of hearing or subsequent order of the presiding officer, unless otherwise ordered.
- b. A petition shall state in separately numbered paragraphs the following:
 - (1) The persons or entities on whose behalf the petition is filed;
 - (2) The particular provision of statutes and rules involved;
 - (3) The relief demanded and the facts and laws relied upon for such relief; and

(4) The name, address and telephone number of the petitioner and the petitioner’s attorney.

10.22(3) Answer. An answer may be filed within 20 days of service of the petition. A party may move to dismiss or apply for a more definite and detailed statement when appropriate.

An answer shall show on whose behalf it is filed and specifically admit, deny, or otherwise answer all material allegations of the pleading to which it responds. It shall state any facts deemed to show an affirmative defense and contain as many additional defenses as the pleader may claim.

An answer shall state the name, address and telephone number of the person filing the answer, the person or entity on whose behalf it is filed, and the attorney representing that person.

Any allegation in the petition not denied in the answer is considered admitted. The presiding officer may refuse to consider any defense not raised in the answer which could have been raised on the basis of facts known when the answer was filed if any party would be prejudiced.

811—10.23(17A) Service and filing of pleadings and other papers.

10.23(1) When service required. Except where otherwise provided by law, every pleading, motion, document, or other paper filed in a contested case proceeding and every paper relating to discovery in such a proceeding shall be served upon each of the parties of record to the proceeding, including the person designated as advocate or prosecutor for the state or the agency. Except for the original notice of hearing and an application for rehearing as provided in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

10.23(2) Service—how made. Service upon a party represented by an attorney shall be made upon the attorney unless otherwise ordered. Service is made by delivery or by mailing a copy to the person’s last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

10.23(3) Filing—when required. After the notice of hearing, all pleadings, motions, documents or other papers in a contested case proceeding shall be filed with the board.

10.23(4) Filing—when made. Except where otherwise provided by law, a document is deemed filed at the time it is delivered to the board office, delivered to an established courier service for immediate delivery to that office, or mailed by first-class mail or state interoffice mail to that office, so long as there is proof of mailing.

10.23(5) Proof of mailing. Proof of mailing includes either: a legible United States Postal Service postmark on the envelope, a certificate of service, a notarized affidavit, or a certification in substantially the following form:

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the (agency office and address) and to the names and addresses of the parties listed below by depositing the same in the United States mail or state interoffice mail.

(Date)

(Signature)

811—10.24(17A) Discovery.

10.24(1) Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules or by order of the presiding officer, time periods for compliance with discovery shall be as provided in the Iowa Rules of Civil Procedure.

10.24(2) Any motion relating to discovery shall allege that the moving party has previously made a good-faith attempt to resolve the discovery issues involved with the opposing party. Motions in regard to discovery shall be ruled upon by the presiding officer. Opposing parties shall be afforded the opportunity to respond within ten days of the filing of the motion unless the time is shortened as provided in subrule 10.24(1). The presiding officer may rule on the basis of the written motion and any response, or may order argument on the motion.

10.24(3) Evidence obtained in discovery may be used in the contested case proceeding if that evidence would otherwise be admissible in that proceeding.

811—10.25(17A) Subpoenas.**10.25(1) Issuance.**

a. An agency subpoena shall be issued to a party on request. Such a request must be in writing. In the absence of good cause for permitting later action, a request for a subpoena must be received at least three days before the scheduled hearing. The request shall include the name, address, and telephone number of the requesting party.

b. Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses.

10.25(2) Motion to quash or modify. The presiding officer may quash or modify a subpoena for any lawful reason upon motion in accordance with the Iowa Rules of Civil Procedure. A motion to quash or modify a subpoena shall be set for argument promptly.

811—10.26(17A) Motions.

10.26(1) No technical form for motions is required. However, prehearing motions must be in writing, state the grounds for relief, and state the relief sought.

10.26(2) Any party may file a written response to a motion within ten days after the motion is served, unless the time period is extended or shortened by rules of the agency or the presiding officer. The presiding officer may consider a failure to respond within the required time period in ruling on a motion.

10.26(3) The presiding officer may schedule oral argument on any motion.

10.26(4) Motions pertaining to the hearing must be filed and served at least ten days prior to the date of hearing unless there is good cause for permitting later action or the time for such action is lengthened or shortened by rule of the agency or an order of the presiding officer.

811—10.27(17A) Prehearing conference.

10.27(1) Any party may request a prehearing conference. A written request for prehearing conference or an order for prehearing conference on the presiding officer's own motion shall be filed not less than seven days prior to the hearing date. A prehearing conference shall be scheduled not less than three business days prior to the hearing date.

Written notice of the prehearing conference shall be given by the board office to all parties. For good cause the presiding officer may permit variances from this rule.

10.27(2) Each party shall bring to the prehearing conference:

a. A final list of witnesses the party anticipates will testify at hearing. Witnesses not listed may be excluded from testifying unless there was good cause for the failure to include their names; and

b. A final list of exhibits which the party anticipates will be introduced at hearing. Exhibits other than rebuttal exhibits that are not listed may be excluded from admission into evidence unless there was good cause for the failure to include them.

c. Witness or exhibit lists may be amended subsequent to the prehearing conference within the time limits established by the presiding officer at the prehearing conference. Any such amendments must be served on all parties.

10.27(3) In addition to the requirements of subrule 10.27(2), the parties at a prehearing conference may:

a. Enter into stipulations of law or fact;

b. Enter into stipulations on the admissibility of exhibits;

c. Identify matters which the parties intend to request be officially noticed;

d. Enter into stipulations for waiver of any provision of law; and

e. Consider any additional matters which will expedite the hearing.

10.27(4) Prehearing conferences shall be conducted by telephone unless otherwise ordered. Parties shall exchange and receive witness and exhibit lists in advance of a telephone prehearing conference.

811—10.28(17A) Continuances. The executive secretary shall have the authority to grant a continuance after consultation, if needed, with the chairperson of the board.

A request for continuance of a contested case matter must be submitted in writing to the board not later than seven days prior to the scheduled date of the hearing. Exceptions shall be granted at the discretion of the executive secretary only in situations involving extenuating, extraordinary, or emergency circumstances.

811—10.29(17A) Hearing procedures.

10.29(1) The presiding officer presides at the hearing, and may rule on motions, require briefs, issue a decision, and issue such orders and rulings as will ensure the orderly conduct of the proceedings.

10.29(2) All objections shall be timely made and stated on the record.

10.29(3) Parties have the right to participate or be represented in all hearings or prehearing conferences related to their case. Any party may be represented by an attorney or another person authorized by law.

10.29(4) Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.

10.29(5) The presiding officer shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

10.29(6) Witnesses may be sequestered during the hearing.

10.29(7) The presiding officer shall conduct the hearing in the following manner:

a. The presiding officer shall give an opening statement briefly describing the nature of the proceedings;

b. The parties shall be given an opportunity to present opening statements;

c. Parties shall present their cases in the sequence determined by the presiding officer;

d. Each witness shall be sworn or affirmed by the presiding officer or the court reporter, and be subject to examination and cross-examination. The presiding officer may limit questioning in a manner consistent with law;

e. When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

811—10.30(17A) Evidence.

10.30(1) The presiding officer shall rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with all applicable requirements of law.

10.30(2) Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

10.30(3) Evidence in the proceeding shall be confined to those issues to which the parties received notice prior to the hearing, unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence on issues outside the scope of the notice over the objection of a party who did not have actual notice of those issues, that party, upon timely request, shall receive a continuance sufficient to amend pleadings and to prepare on the additional issue.

10.30(4) The party seeking admission of an exhibit must provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. Copies of documents should normally be provided to opposing parties.

10.30(5) Any party may object to specific evidence or may request limits on scope of any examination or cross-examination. Such an objection shall be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling shall be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

10.30(6) Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony shall briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If

the excluded evidence consists of a document or exhibit, it shall be marked as part of an order of proof and inserted in the record.

811—10.31(17A) Default.

10.31(1) If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party.

10.31(2) Where appropriate and not contrary to law, any party may move for default against a party who has requested the contested case proceeding and has failed to file a required pleading or has failed to appear after proper service.

10.31(3) Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become final agency action unless, within 15 days after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties or an appeal of a decision on the merits is timely initiated within the time provided by rule 10.36(17A). A motion to vacate must state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact attached to the motion.

10.31(4) The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

10.31(5) Properly substantiated and timely filed motions to vacate shall be granted only for good cause shown. The burden of proof as to good cause is on the moving party. Adverse parties shall have ten days to respond to a motion to vacate. Adverse parties shall be allowed to conduct discovery as to the issue of good cause and to present evidence on the issue prior to a decision on the motion, if a request to do so is included in that party's response.

10.31(6) "Good cause" for purposes of this rule shall have the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 236.

10.31(7) A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 10.34(17A).

811—10.32(17A) Ex parte communication.

10.32(1) Prohibited communications. Unless required for the disposition of ex parte matters specifically authorized by statute, following issuance of the notice of hearing, there shall be no communication, directly or indirectly, between the presiding officer and any party or representative of any party or any other person with a direct or indirect interest in such case in connection with any issue of fact or law in the case, except upon notice and opportunity for all parties to participate. This does not prohibit persons jointly assigned such tasks from communicating with each other. Nothing in this provision is intended to preclude the presiding officer from communicating with members of the agency or seeking the advice or help of persons other than those with a personal interest in, or those engaged in personally investigating as defined in subrule 10.20(2), prosecuting, or advocating in, either the case under consideration or a pending factually related case involving the same parties, as long as those persons do not directly or indirectly communicate to the presiding officer any ex parte communications they have received of a type that the presiding officer would be prohibited from receiving or that furnish, augment, diminish, or modify the evidence in the record.

10.32(2) Prohibitions on ex parte communications commence with the issuance of the notice of hearing in a contested case and continue for as long as the case is pending.

10.32(3) Written, oral or other forms of communication are "ex parte" if made without notice and opportunity for all parties to participate.

10.32(4) To avoid prohibited ex parte communications notice must be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications shall

be provided in compliance with rule 10.23(17A) and may be supplemented by telephone, facsimile, E-mail or other means of notification. Where permitted, oral communications may be initiated through telephone conference call, which includes all parties or their representatives.

10.32(5) Persons who jointly act as presiding officer in a pending contested case may communicate with each other without notice or opportunity for parties to participate.

10.32(6) The executive secretary or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a proposed or final decision under subrule 10.20(1) or other law and they comply with subrule 10.32(1).

10.32(7) Communications with the presiding officer involving scheduling or uncontested procedural matters do not require notice or opportunity for parties to participate. A party should notify other parties prior to initiating such contact with the presiding officer when feasible, and shall notify other parties when seeking to continue hearings or other deadlines pursuant to rule 10.29(17A).

10.32(8) Disclosure of prohibited communications. A presiding officer who received a prohibited ex parte communication during the pendency of a contested case must initially determine if the effect of the communication is so prejudicial that the presiding officer should be disqualified. If the presiding officer determines that disqualification is warranted, a copy of any prohibited written communication, all written responses to the communication, a written summary stating the substance of any prohibited oral or other communication not available in written form for disclosure, all responses made, and the identity of each person from whom the presiding officer received a prohibited ex parte communication shall be submitted for inclusion in the record under seal by protective order. If the presiding officer determines that disqualification is not warranted, such documents shall be submitted for inclusion in the record and served on all parties. Any party desiring to rebut the prohibited communication must be allowed the opportunity to do so upon written request filed within ten days after notice of the communication.

10.32(9) Promptly after being assigned to serve as presiding officer on a hearing panel, as a member of a full board hearing, on an intra-agency appeal, or other basis, a presiding officer shall disclose to all parties material factual information received through ex parte communication prior to such assignment, unless the factual information has already been or shortly will be disclosed pursuant to Iowa Code section 17A.13(2) or through discovery. Factual information contained in an investigative report or similar document need not be separately disclosed by the presiding officer as long as such documents have been or will shortly be provided to the parties.

10.32(10) The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, or suspension or revocation of the privilege to practice before the agency. Violation of ex parte communication prohibitions by agency personnel shall be reported to the board's executive secretary for possible sanctions including: censure, suspension, dismissal, or other disciplinary action.

811—10.33(17A) Recording costs. Upon request, the board shall provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record shall be paid by the requesting party.

Parties who request that a hearing be recorded by certified shorthand reporters rather than by electronic means shall bear the cost of such recording, unless otherwise provided by law.

811—10.34(17A) Final decision. When the board presides over reception of the evidence at the hearing, its decision is a final decision.

10.34(1) When a panel of specialists presides over the reception of evidence at the hearing, the findings of fact shall be considered by the board at the earliest feasible time. The decision of the board is a final decision.

10.34(2) A final decision in a contested case proceeding shall be in writing and include findings of fact and conclusions of law, separately stated.

a. Findings of fact shall be accompanied by a concise and explicit statement of underlying facts supporting the findings.

b. The decision shall include an explanation of why the relevant evidence in the record supports each material finding of fact.

c. Conclusions of law shall be supported by cited authority or by a reasoned opinion.

10.34(3) The decision or order shall be promptly delivered to the parties in the manner provided by Iowa Code section 17A.12.

10.34(4) The final decision is a public record pursuant to Iowa Code section 272C.6(4).

811—10.35(17A) Appeals.

10.35(1) *Appeal by party.* Any adversely affected party may appeal a final decision of the board to the district court within 30 days after issuance, in accordance with Iowa Code section 17A.19.

10.35(2) *Review.* The board may initiate review of the decision or order on its own motion at any time within 30 days following the issuance of such a decision.

10.35(3) *Notice of appeal.* An appeal of a decision or order is initiated by filing a timely notice of appeal with the board. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service. The notice shall specify:

a. The parties initiating the appeal;

b. The proposed decision or order appealed from;

c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;

d. The relief sought;

e. The grounds for relief.

10.35(4) *Requests to present additional evidence.* A party may request the taking of additional evidence only by establishing that the evidence is material, that good cause existed for the failure to present the evidence at the hearing, and that the party has not waived the right to present the evidence. A written request to present additional evidence must be filed with the notice of appeal or, by a nonappealing party, within 15 days of service of the notice of appeal. The board may remand a case to the presiding officer for further hearing or may itself preside at the taking of additional evidence.

10.35(5) *Scheduling.* The board of veterinary medicine shall issue a schedule for consideration of the appeal.

10.35(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs shall cite any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present an oral argument shall be filed with the briefs.

The board may resolve the appeal on the briefs or provide an opportunity for oral argument. The board may shorten or extend the briefing period as appropriate.

811—10.36(17A) Applications for rehearing.

10.36(1) *By whom filed.* Any party to a contested case proceeding may file an application for rehearing from a final order.

10.36(2) *Content of application.* The application for rehearing shall state on whose behalf it is filed, the specific grounds for rehearing, and the relief sought. In addition, the application shall state whether the applicant desires reconsideration of all or part of the agency decision on the existing record and whether, on the basis of the grounds enumerated in subrule 10.36(4), the applicant requests an opportunity to submit additional evidence.

10.36(3) *Time of filing.* The application shall be filed with the board office within 20 days after issuance of the final decision.

10.36(4) *Notice to other parties.* A copy of the application shall be timely mailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the board shall serve copies on all parties.

10.36(5) *Disposition.* Any application for a rehearing shall be deemed denied unless the agency grants the application within 20 days after its filing.

811—10.37(17A) No factual dispute contested cases. If the parties agree that no dispute of material fact exists as to a matter that would be a contested case if such a dispute of fact existed, the parties may present all relevant admissible evidence either by stipulation or otherwise as agreed by the parties, without necessity for the production of evidence at an evidentiary hearing. If such agreement is reached, a jointly submitted schedule detailing the method and timetable for submission of the record, briefs and oral argument should be submitted to the presiding officer for approval as soon as practicable.

811—10.38(17A) Emergency adjudicative proceedings.

10.38(1) Necessary emergency action. To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, the board may issue a written order in compliance with Iowa Code section 17A.18 to suspend a credential in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the board by emergency adjudicative order. Before issuing an emergency adjudicative order, the board shall consider factors including, but not limited to, the following:

- a. Whether there has been a sufficient factual investigation to ensure that the board is proceeding on the basis of reliable information;
- b. Whether the specific circumstances which pose immediate danger to the public health, safety, or welfare have been identified and determined to be continuing;
- c. Whether the person required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety, or welfare;
- d. Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety, or welfare; and
- e. Whether the specific action contemplated by the board is necessary to avoid the immediate danger.

10.38(2) Issuance. The written emergency adjudicative order shall be immediately delivered to persons who are required to comply with the order by utilizing one or more of the following procedures:

- a. Personal delivery;
- b. Certified mail, return receipt requested, to the last address on file with the board;
- c. Certified mail to the last address on file with the board;
- d. First-class mail to the last address on file with the board; or
- e. Fax. Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that board orders be sent by fax and has provided a fax number for that purpose.

To the degree practicable, the board shall select the procedure for providing written notice that best ensures prompt, reliable delivery.

10.38(3) Oral notice. Unless the written emergency adjudicative order is provided by personal delivery on the same day that the order issues, the board shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.

10.38(4) Completion of proceedings. Issuance of a written emergency adjudicative order shall include notification of the date on which board proceedings are scheduled for completion. After issuance of an emergency adjudicative order, continuance of further board proceedings to a later date will be granted only in compelling circumstances upon application in writing.

811—10.39(272C) Disciplinary hearing—fees and costs.

10.39(1) Definitions. As used in this rule in relation to a formal disciplinary action filed by the board against a credential holder:

“*Deposition*” means the testimony of a person taken pursuant to subpoena or at the request of the state of Iowa taken in a setting other than a hearing.

“*Expenses*” means costs incurred by persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa in a hearing or other official proceeding and shall include mileage reimbursement at the rate specified in Iowa Code section

70A.9 or, if commercial air or ground transportation is used, the actual cost of transportation to and from the proceeding. Also included are actual costs incurred for meals and necessary lodging.

“*Medical examination fees*” means actual costs incurred by the board in a physical, mental, chemical abuse, or other impairment-related examination or evaluation of a credential holder when the examination or evaluation is conducted pursuant to an order of the board.

“*Record*” means the proceedings of the hearing including, but not limited to, the transcript and any documentary evidence admitted or offered at the hearing.

“*Transcript*” means a printed verbatim reproduction of everything said on the record during a hearing or other official proceeding.

“*Witness fees*” means compensation paid by the board to persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa. For the purpose of this rule, compensation shall be the same as outlined in Iowa Code section 622.69 or 622.72, as applicable.

10.39(2) *Disciplinary hearing fee.* The board may charge a fee not to exceed the amount authorized in Iowa Code section 272C.6 for conducting a disciplinary hearing which results in disciplinary action taken against the credential holder by the board. An order assessing a fee shall be included as part of the board’s final decision. The order shall direct the credential holder to deliver payment directly to the department of agriculture and land stewardship as provided in subrule 10.39(6).

10.39(3) *Recovery of related hearing costs.* The board may also recover from the credential holder the costs for transcripts, witness fees and expenses, depositions, and medical examination fees, if disciplinary action is taken. The board may assess these costs in the manner it deems most equitable in accordance with the following:

a. Transcript costs. The board may assess the transcript costs against the credential holder pursuant to Iowa Code section 272C.6(6) or against the requesting party pursuant to Iowa Code section 17A.12(7).

(1) The cost of the transcript includes the transcript of the original contested case hearing before the board, as well as transcripts of any other formal proceedings before the board which occur after the notice of the contested case hearing is filed.

(2) In the event of an appeal to the full board from a proposed decision, the appealing party shall timely request and pay for the transcript necessary for use in the board appeal process.

b. Witness fees and expenses. The parties in a contested case shall be responsible for any witness fees and expenses incurred by witnesses appearing at the contested case hearing. In addition, the board may assess a credential holder the witness fees and expenses incurred by witnesses called to testify on behalf of the state of Iowa, provided that the costs are calculated as follows:

(1) The costs for lay witnesses shall be determined in accordance with Iowa Code section 622.69. For purposes of calculating the mileage expenses allowed under that section, the provisions of Iowa Code section 625.2 do not apply.

(2) The costs for expert witnesses shall be determined in accordance with Iowa Code section 622.72. For purposes of calculating the mileage expenses allowed under that section, the provisions of Iowa Code section 625.2 do not apply.

(3) The provisions of Iowa Code section 622.74 regarding advance payment of witness fees and the consequences of failure to make such payment are applicable with regard to witnesses who are subpoenaed by either party to testify at the hearing.

(4) The board may assess as costs the meal and lodging expenses necessarily incurred by witnesses testifying at the request of the state of Iowa. Meal and lodging costs shall not exceed the reimbursement employees of the state of Iowa receive for these expenses under the department of revenue guidelines currently in effect.

c. Deposition costs. Deposition costs for purposes of allocating costs against a credential holder include only those deposition costs incurred by the state of Iowa. The credential holder is directly responsible for the payment of deposition costs incurred by the credential holder.

(1) The costs for depositions include the cost of transcripts, the daily charge of the court reporter for attending and transcribing the deposition, and all mileage and travel time charges of the court reporter for traveling to and from the deposition which are charged in the ordinary course of business.

(2) If the deposition is of an expert witness, the deposition costs include a reasonable fee for an expert witness. This fee shall not exceed the expert's customary hourly or daily fee, and shall include the time reasonably and necessarily spent in connection with the deposition, including the time spent in travel to and from the deposition, but excluding time spent in preparation for the deposition.

d. Medical examination fees. All costs of physical or mental examinations ordered by the board pursuant to Iowa Code section 272C.9(1) as part of an investigation of a pending complaint or as a sanction following a contested case shall be paid directly by the credential holder.

10.39(4) Certification of reimbursable costs. Within ten days after conclusion of a contested case hearing and before issuance of any final decision assessing costs, the secretary shall certify any reimbursable costs to the board. The secretary shall calculate the specific costs, certify the costs calculated, and file the certification as part of the record in the contested case. A copy of the certification shall be served on each party of record at the time of the filing.

10.39(5) Assessment of fees and costs. A final decision of the board imposing disciplinary action against a credential holder shall include the amount of any fee assessed. If the board also assesses costs against the credential holder, the final decision shall include a statement of costs delineating each category of costs and the amount assessed. The board shall specify the time period in which the fees and costs must be paid by the credential holder.

a. A party shall file an objection to any fees or costs imposed in a final decision in order to exhaust administrative remedies. An objection shall be filed in the form of an application for rehearing pursuant to Iowa Code section 17A.16(2).

b. The application shall be resolved by the board consistent with the procedures for ruling on an application for rehearing. Any dispute regarding the calculations of any fees or costs to be assessed may be resolved by the board upon receipt of the parties' written objections.

10.39(6) Payment of fees and costs. Payment for fees and costs assessed pursuant to this rule shall be made in the form of a check or money order made payable to the state of Iowa and delivered by the credential holder to the department of agriculture and land stewardship.

10.39(7) Failure to make payment. Failure of a credential holder to pay any fees and costs within the time specified in the board's decision shall constitute a violation of an order of the board and shall constitute grounds for disciplinary action.

These rules are intended to implement Iowa Code chapters 17A, 169, and 272C.

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A Query from an AAVSB Member Board

Licensing Database Systems

On December 27, 2018, the Kentucky Board of Veterinary Examiners asked what kind of licensing database systems other jurisdictions use. Some databases are internal staff builds, or contract builds; she would like to know what databases are off-the-shelf software, and what is the name(s) of that software.

Alberta – Alberta’s database was a proprietary build.

Arkansas – Arkansas’ database is a modified version of Microsoft Access built by Lance McGonigal of McGonigal Consulting, LLC. He’s locally based here in Little Rock. Our website was built by Steve Manatt of Manatt Web, also based in Little Rock. Lance and Steve worked together on the project, and the database and website interact with each other. See <https://mcgonigalconsulting.com/> and <https://manattweb.com/>

California – California uses our BreEze system which is through Accenture/Iron Data; software is Versa:Regulation Version 2.5.

Florida – The Agency we are under uses Versa Regulation, it is off the shelf software but has extensive agency specific enhancements, some by the vendor some by our own IT staff.

Georgia – The Georgia State Board of Veterinary Medicine uses MyLicense Office which as a product of System Automation Corporation.

Idaho – A year ago, we implemented new online licensing software (eLITE) purchased from Boise based BES Technologies. The software has been in production for 10 years with numerous Oregon licensing agencies, as well as several in Idaho. The software contains a generalized online database architecture and can be customized, to a certain extent, to accommodate each agencies unique needs.

I would be happy to supply you with contact information for BES Technologies, if you wish.

Iowa – All Iowa licensed veterinarians and registered veterinary technician information is maintained in an in house created Access database.

Maine – Maine reporting. Maine uses a system called ALMS-UI System by Sauper Associates, Inc. Dorene Gerrish (Dorene.F.Gerrish@maine.gov) is our OIT Systems Team Leader, and she can provide more information to you or feel free to contact her directly.

Maryland – We are neck deep in a project to upgrade and convert our database from an old Oracle database to a platform called Sales Force. It will not only upgrade our back end database but will allow us to put a lot of licensing services online through a web portal. We are in heavy duty testing in January and plan to go live Feb. 1. . . Fingers crossed.

Minnesota – Minnesota has a database platform that was built by a local contractor who is housed in the same building. The database capabilities and functionality are continually evolving to accommodate new needs. The system is shared by 13 of the 18 health-licensing boards. Staff are almost immediately available to trouble-shoot when a problem crops up. Many of the Minnesota boards have made the choice to move to this platform after using “off the shelf” systems like GL Suite. Each Board pays an annual maintenance fee proportionate to the number of licensees. Enhancements may be funded by one Board or by a consortium of Boards.

Montana – We use [Accela](#), which is an off-the-shelf solution to which we have added various customizations over the years. Many of those are probably now part of the off-the-shelf version. Currently we also contract with a company called [Gray Quarter](#) who assists us with further customization and management.

Nebraska – Nebraska is in the process of replacing our existing license database. We were using license 2000 from system automation, it is a very old system. I can ask our admission team for the RFP when it goes public and share that with you and other boards who may be looking at a new system.

New Hampshire – We use an on line system called, MLO (My Licensing Office).

New Mexico – The New Mexico Board of Veterinary Medicine uses FileMaker by FileMaker.

Ohio – The State of Ohio recently implemented Salesforce as their new licensing enterprise for all of the licensing agencies. The Ohio Veterinary Medical Licensing Board transitioned to the system in April, 2018 and it has been a success.

Oklahoma – Oklahoma has an access database. Our IT made it for us about 18 years ago.

Oregon – We’re migrating from the archaic FoxPro software to something newer. Since we share this resource with six other health regulatory boards, it has to go through a bid process; still in that process, which is taking approximately one billion times longer than anticipated or necessary. Meanwhile, we are hoping ol’ FoxPro doesn’t konk out.

Rhode Island – RI uses a product called License 2000.

South Dakota – We use a database we created using Microsoft Access. It was cheap and works well. Staff were trained in Microsoft Access at state sponsored training sessions.

Utah – Utah uses Kofax Total Agility and MyLicense Office.

Vermont – Vermont has a brand new software system with Next Generation Licensing Platform. This is a licensing system that we created with Virtusa systems that we have created and hope to market.

Washington – For Washington State, our current database was custom-built internally some time ago. It's referred to as ILRS (Integrated Licensing and Regulatory System). It is nearing the end of its useful life, and the department has been seeking spending authorization and building business cases for the future system, which will be called HELMS (Healthcare Enforcement and Licensing System – I think). If I understand correctly, it is based on a software system (not sure of the name) and will have custom-build add-ons to meet additional department needs. I can connect you with someone who knows more about the project if you'd like.

West Virginia –The WV Board of Veterinary Medicine went into contract with Albertson Consulting (Big Picture) in 2014 for our database and website. The database and website is great but there have been and still are a lot of issues. So, please consult with me should you want more information on this company. We have already paid over \$60,000 for this service and there is a yearly maintenance fee that can be increased when the contract needs renewed. There is also an expensive fee for enhancements.

Wisconsin – Wisconsin uses Microsoft CRM database product. It is a 'off the shelf' licensing system that internal IT staff have been able to customize to meet the basic needs for licensing. The online interface, allowing for on line application, that is an internal staff build.



A Query from an AAVSB Member Board

Medical Marijuana

On January 7, 2019, the Oklahoma Board of Veterinary Medical Examiners stated that Oklahoma recently approved the use of medical marijuana. They asked for thoughts on a licensee (veterinarian) using medical marijuana. Is it considered practicing under the influence? Do you have a policy or position statement that relates to the issue?

Connecticut - Connecticut does not have a policy regarding the use of Medical Marijuana by a licensee. An allegation of inability to practice with reasonable skill or safety because of medical marijuana use would be investigated on a case by case basis as any other case alleging impairment because of substance abuse. If a finding of that a practitioner's practice is affected by Medical Marijuana use the Board of Veterinary Medicine can impose appropriate disciplinary action.

Florida – We have no policy at this time, medical marijuana is available in our state. If a complaint were received we would likely refer them to our impaired practitioner program for an evaluation.

Georgia – The Georgia State Board of Veterinary Medicine does not currently have a position statement or opinion on the use of medical marijuana; however, under the law, it is legal for physicians to prescribe marinol to patients in Georgia for specific medical conditions. Therefore, I would imagine that the Veterinary Board would have to look at the matter on a case by case basis to determine if a veterinarian is in legal possession and is legally using the drug.

Iowa – Iowa just this past year approved the use of “medical cannabidiol” for human use for nine specific conditions prescribed in Iowa law chapter 124E (See Attachment #1 starting on page 4).

The Iowa Veterinary Practice Act (chapter 169—See Attachment #2 starting on page 14) addresses in 169.13 (Discipline) in one of the sections the following:

h. Inability to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition.

(please review all of chapter 169.13)

The Iowa Board of Veterinary Medicine (IBVM) makes the determination if there is a violation of Iowa law or rule with the assistance of legal counsel (Assistant Attorney General) assigned to the Board. The IBVM does not have a “policy or position statement” pertaining to the use of medical marijuana or medical cannabidiol.

Maryland – Maryland does not have a regulation that specifically calls out marijuana, but we do have a regulation that states:

“A veterinarian may not provide professional services while:

(1) Using any narcotic or controlled dangerous substance, as defined in Criminal Law Article, Annotated Code of Maryland; or

(2) Under the influence of alcohol or any drug that impairs that veterinarian's judgment or motor skills.”

Nebraska – Nebraska does not have Medical Marijuana laws at this time, so it would be a violation of our state statutes. However, if it were legal, we would handle the same as any other complaint that came before the board regarding practicing under the influence of a prescription medication.

Nevada – We would consider it as practicing under the influence of any other substance (e.g. alcohol). There isn't a wholesale ban on the usage, but if there is a habitual abuse or use while practicing that came into question, we would treat that as any other substance abuse issue. If the use is medically based, we don't currently have a policy for that specifically.

New Brunswick – Our Federal government allowed both medical as well as recreational marijuana on October 17, 2018. The NBVMA has not taken any specific stance on the use of medical marijuana by a practicing member.

New Jersey – In New Jersey we DO NOT have any policy or position statement on this issue.

New Mexico – The New Mexico Board of Veterinary Medicine does not have a board rule addressing the use of medical marijuana by a licensee.

New York – In NYS we do not have a specific policy on this question. In NYS, we have the compassionate care act, which authorizes use of marijuana for specified medical purposes. Federally, Marijuana remains on schedule 1. If anyone is interested, I can discuss further the interplay in NYS of the compassionate care act and its non-discrimination provision, federal prohibition, the ADA and other relevant laws and regs, including professional misconduct. IMHO this is legally an ambiguous and unsettled area subject to interpretation, but in answer to the question, we do not have a specific policy for veterinarians who may be prescribed medical marijuana.

North Carolina – NC does not have a policy on this issue

Oklahoma – We are a dual state and have a state narcotic commission as well as a DEA. This will be a very difficult thing for us to regulate.

Oregon – If the Board receives a complaint alleging a substance use/abuse (with or without a bad outcome resulting from PUI a legal or illegal substance) the licensee would not be subject to discipline unless the substance use/abuse were proven to be habitual and directly relating to inability to practice safely.

686.130 “Unprofessional or dishonorable conduct” defined. “Unprofessional or dishonorable conduct,” as used in this chapter, includes:

(7) Impairment as defined in ORS 676.303.

676.303 Purposes of health professional regulatory boards; authority of boards to require fingerprints. (1) As used in this section:

(b) “Impairment” means an inability to practice with reasonable competence and safety due to the habitual or excessive use of drugs or alcohol, other chemical dependency or a mental health condition.

Virginia – Virginia limits the amount of THC to 5%/milliliter. Theoretically, this limitation on the psychoactive portion of the medical marijuana would eliminate the possibility of an impairment issue. However, the Board of Pharmacy representative indicated that many laws across the country do not limit the amount of THC.

With that said...

If a licensee had a positive defense certificate (required in Virginia) to legally possess cannabidiol oil or THC-A oil and a complaint was filed indicating impairment, we would handle it like any other legally possessed substance impairment case.

Washington – The board in Washington does not have a specific stance on this issue. From a discipline standpoint, because it’s a legal substance under Washington law, we need evidence of impairment while practicing (for any healthcare professional we regulate) in order to take any action.

West Virginia – WV doesn’t have a position statement on this issue. This is something that WV will soon need to address also.

CHAPTER 124E

MEDICAL CANNABIDIOL ACT

Referred to in §730.5

For transition provisions relating to medical cannabidiol registration cards issued under chapter 124D prior to May 12, 2017, see 2017 Acts, ch 162, §24, 25

124E.1	Short title.	124E.10	Fees.
124E.2	Definitions.	124E.11	Department duties — rules.
124E.3	Health care practitioner certification — duties.	124E.12	Use of medical cannabidiol — affirmative defenses.
124E.4	Medical cannabidiol registration card.	124E.13	Medical cannabidiol source.
124E.5	Medical cannabidiol board — duties.	124E.14	Out-of-state medical cannabidiol dispensaries.
124E.6	Medical cannabidiol manufacturer licensure.	124E.15	Iowa patients and primary caregivers registering in the state of Minnesota.
124E.7	Medical cannabidiol manufacturers.	124E.16	Penalties.
124E.8	Medical cannabidiol dispensary licensure.	124E.17	Use of medical cannabidiol — smoking prohibited.
124E.9	Medical cannabidiol dispensaries.	124E.18	Reciprocity.

124E.1 Short title.

This chapter shall be known and may be cited as the “*Medical Cannabidiol Act*”.

2017 Acts, ch 162, §4, 25

NEW section

124E.2 Definitions.

As used in **this chapter**:

1. “*Bordering state*” means the same as defined in **section 331.910**.
2. “*Debilitating medical condition*” means any of the following:
 - a. Cancer, if the underlying condition or treatment produces one or more of the following:
 - (1) Severe or chronic pain.
 - (2) Nausea or severe vomiting.
 - (3) Cachexia or severe wasting.
 - b. Multiple sclerosis with severe and persistent muscle spasms.
 - c. Seizures, including those characteristic of epilepsy.
 - d. AIDS or HIV as defined in **section 141A.1**.
 - e. Crohn’s disease.
 - f. Amyotrophic lateral sclerosis.
 - g. Any terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
 - (1) Severe or chronic pain.
 - (2) Nausea or severe vomiting.
 - (3) Cachexia or severe wasting.
 - h. Parkinson’s disease.
 - i. Untreatable pain.
3. “*Department*” means the department of public health.
4. “*Disqualifying felony offense*” means a violation under federal or state law of a felony under federal or state law, which has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. §802(6).
5. “*Health care practitioner*” means an individual licensed under **chapter 148** to practice medicine and surgery or osteopathic medicine and surgery who is a patient’s primary care provider. “*Health care practitioner*” shall not include a physician assistant licensed under **chapter 148C** or an advanced registered nurse practitioner licensed pursuant to **chapter 152** or **152E**.
6. “*Medical cannabidiol*” means any pharmaceutical grade cannabinoid found in the

plant *Cannabis sativa* L. or *Cannabis indica* or any other preparation thereof that has a tetrahydrocannabinol level of no more than three percent and that is delivered in a form recommended by the medical cannabidiol board, approved by the board of medicine, and adopted by the department pursuant to rule.

7. “*Primary caregiver*” means a person who is a resident of this state or a bordering state as defined in [section 331.910](#), including but not limited to a parent or legal guardian, at least eighteen years of age, who has been designated by a patient’s health care practitioner as a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabidiol pursuant to the provisions of [this chapter](#).

8. “*Untreatable pain*” means any pain whose cause cannot be removed and, according to generally accepted medical practice, the full range of pain management modalities appropriate for the patient has been used without adequate result or with intolerable side effects.

9. “*Written certification*” means a document signed by a health care practitioner, with whom the patient has established a patient-provider relationship, which states that the patient has a debilitating medical condition and identifies that condition and provides any other relevant information.

[2017 Acts, ch 162, §5, 25](#)

NEW section

124E.3 Health care practitioner certification — duties.

1. Prior to a patient’s submission of an application for a medical cannabidiol registration card pursuant to [section 124E.4](#), a health care practitioner shall do all of the following:

a. Determine, in the health care practitioner’s medical judgment, whether the patient whom the health care practitioner has examined and treated suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol under [this chapter](#), and if so determined, provide the patient with a written certification of that diagnosis.

b. Provide explanatory information as provided by the department to the patient about the therapeutic use of medical cannabidiol and the possible risks, benefits, and side effects of the proposed treatment.

2. Subsequently, the health care practitioner shall do the following:

a. Determine, on an annual basis, if the patient continues to suffer from a debilitating medical condition and, if so, issue the patient a new certification of that diagnosis.

b. Otherwise comply with all requirements established by the department pursuant to rule.

3. A health care practitioner may provide, but has no duty to provide, a written certification pursuant to [this section](#).

[2017 Acts, ch 162, §6, 25](#)

NEW section

124E.4 Medical cannabidiol registration card.

1. *Issuance to patient.* Subject to [subsection 7](#), the department may approve the issuance of a medical cannabidiol registration card by the department of transportation to a patient who:

a. Is at least eighteen years of age.

b. Is a permanent resident of this state.

c. Submits a written certification to the department signed by the patient’s health care practitioner that the patient is suffering from a debilitating medical condition.

d. Submits an application to the department, on a form created by the department, in consultation with the department of transportation, that contains all of the following:

(1) The patient’s full name, Iowa residence address, date of birth, and telephone number.

(2) A copy of the patient’s valid photograph identification.

(3) Full name, address, and telephone number of the patient’s health care practitioner.

(4) Full name, residence address, date of birth, and telephone number of each primary caregiver of the patient, if any.

(5) Any other information required by rule.

e. Submits a medical cannabidiol registration card fee of one hundred dollars to the department. If the patient attests to receiving social security disability benefits, supplemental security insurance payments, or being enrolled in the medical assistance program, the fee shall be twenty-five dollars.

f. Has not been convicted of a disqualifying felony offense.

2. *Patient card contents.* A medical cannabidiol registration card issued to a patient by the department of transportation pursuant to [subsection 1](#) shall contain, at a minimum, all of the following:

a. The patient's full name, Iowa residence address, and date of birth.

b. The patient's photograph.

c. The date of issuance and expiration date of the medical cannabidiol registration card.

d. Any other information required by rule.

3. *Issuance to primary caregiver.* For a patient in a primary caregiver's care, subject to [subsection 7](#), the department may approve the issuance of a medical cannabidiol registration card by the department of transportation to the primary caregiver who:

a. Submits a written certification to the department signed by the patient's health care practitioner that the patient in the primary caregiver's care is suffering from a debilitating medical condition.

b. Submits an application to the department, on a form created by the department, in consultation with the department of transportation, that contains all of the following:

(1) The primary caregiver's full name, residence address, date of birth, and telephone number.

(2) The patient's full name.

(3) A copy of the primary caregiver's valid photograph identification.

(4) Full name, address, and telephone number of the patient's health care practitioner.

(5) Any other information required by rule.

c. Has not been convicted of a disqualifying felony offense.

d. Submits a medical cannabidiol registration card fee of twenty-five dollars to the department.

4. *Primary caregiver card contents.* A medical cannabidiol registration card issued by the department of transportation to a primary caregiver pursuant to [subsection 3](#) shall contain, at a minimum, all of the following:

a. The primary caregiver's full name, residence address, and date of birth.

b. The primary caregiver's photograph.

c. The date of issuance and expiration date of the registration card.

d. The medical cannabidiol registration card number of each patient in the primary caregiver's care. If the patient in the primary caregiver's care is under the age of eighteen, the full name of the patient's parent or legal guardian.

e. Any other information required by rule.

5. *Expiration date of card.* A medical cannabidiol registration card issued pursuant to [this section](#) shall expire one year after the date of issuance and may be renewed.

6. *Card issuance — department of transportation.* The department may enter into a [chapter 28E](#) agreement with the department of transportation to facilitate the issuance of medical cannabidiol registration cards pursuant to [subsections 1 and 3](#).

7. *Federally approved clinical trials.* The department shall not approve the issuance of a medical cannabidiol registration card pursuant to [this section](#) for a patient who is enrolled in a federally approved clinical trial for the treatment of a debilitating medical condition with medical cannabidiol.

[2017 Acts, ch 162, §7, 25](#)

Referred to in [§124E.3](#), [124E.11](#)

NEW section

124E.5 Medical cannabidiol board — duties.

1. a. A medical cannabidiol board is created consisting of eight practitioners representing the fields of neurology, pain management, gastroenterology, oncology, psychiatry, pediatrics, family medicine, and pharmacy, and one representative from law enforcement.

b. The practitioners shall be licensed in this state and nationally board-certified in their area of specialty and knowledgeable about the use of medical cannabidiol.

c. Applicants for membership on the board shall submit a membership application to the department and the governor shall appoint members from the applicant pool.

d. For purposes of [this subsection](#), “representative from law enforcement” means a regularly employed member of a police force of a city or county, including a sheriff, or of the state patrol, in this state, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.

2. The medical cannabidiol board shall convene at least twice but no more than four times per year.

3. The duties of the medical cannabidiol board shall include but not be limited to the following:

a. Accepting and reviewing petitions to add medical conditions, medical treatments, or debilitating diseases to the list of debilitating medical conditions for which the medical use of cannabidiol would be medically beneficial under [this chapter](#).

b. Making recommendations relating to the removal or addition of debilitating medical conditions to the list of allowable debilitating medical conditions for which the medical use of cannabidiol under [this chapter](#) would be medically beneficial.

c. Working with the department regarding the requirements for the licensure of medical cannabidiol manufacturers and medical cannabidiol dispensaries, including licensure procedures.

d. Advising the department regarding the location of medical cannabidiol manufacturers and medical cannabidiol dispensaries throughout the state.

e. Making recommendations relating to the form and quantity of allowable medical uses of cannabidiol.

4. Recommendations made by the medical cannabidiol board pursuant to [subsection 3](#), paragraphs “b” and “e”, shall be made to the board of medicine for consideration, and if approved, shall be adopted by the board of medicine by rule.

5. On or before January 1 of each year, beginning January 1, 2018, the medical cannabidiol board shall submit a report detailing the activities of the board.

6. The medical cannabidiol board may recommend a statutory revision to the definition of medical cannabidiol contained in [this chapter](#) that increases the tetrahydrocannabinol level to more than three percent, however, any such recommendation shall be submitted to the general assembly during the regular session of the general assembly following such submission. The general assembly shall have the sole authority to revise the definition of medical cannabidiol for purposes of [this chapter](#).

[2017 Acts, ch 162, §8, 25](#)

NEW section

124E.6 Medical cannabidiol manufacturer licensure.

1. a. The department shall issue a request for proposals to select and license by December 1, 2017, up to two medical cannabidiol manufacturers to manufacture and to possess, cultivate, harvest, transport, package, process, or supply medical cannabidiol within this state consistent with the provisions of [this chapter](#). The department shall license new medical cannabidiol manufacturers or relicense the existing medical cannabidiol manufacturers by December 1 of each year.

b. Information submitted during the application process shall be confidential until a medical cannabidiol manufacturer is licensed by the department unless otherwise protected from disclosure under state or federal law.

2. As a condition for licensure, a medical cannabidiol manufacturer must agree to begin supplying medical cannabidiol to medical cannabidiol dispensaries in this state no later than December 1, 2018.

3. The department shall consider the following factors in determining whether to select and license a medical cannabidiol manufacturer:

a. The technical expertise of the medical cannabidiol manufacturer regarding medical cannabidiol.

- b. The qualifications of the medical cannabidiol manufacturer's employees.
 - c. The long-term financial stability of the medical cannabidiol manufacturer.
 - d. The ability to provide appropriate security measures on the premises of the medical cannabidiol manufacturer.
 - e. Whether the medical cannabidiol manufacturer has demonstrated an ability to meet certain medical cannabidiol production needs for medical use regarding the range of recommended dosages for each debilitating medical condition, the range of chemical compositions of any plant of the genus cannabis that will likely be medically beneficial for each of the debilitating medical conditions, and the form of the medical cannabidiol in the manner determined by the department pursuant to rule.
 - f. The medical cannabidiol manufacturer's projection of and ongoing assessment of fees on patients with debilitating medical conditions.
4. The department shall require each medical cannabidiol manufacturer to contract with the state hygienic laboratory at the university of Iowa in Iowa City or an independent medical cannabidiol testing laboratory to perform spot-check testing of the medical cannabidiol produced by the manufacturer as provided in [section 124E.7](#). The department shall require that the laboratory report testing results to the manufacturer in a manner determined by the department pursuant to rule.
5. Each entity submitting an application for licensure as a medical cannabidiol manufacturer shall pay a nonrefundable application fee of seven thousand five hundred dollars to the department.

[2017 Acts, ch 162, §9, 25](#)

NEW section

124E.7 Medical cannabidiol manufacturers.

1. A medical cannabidiol manufacturer shall contract with the state hygienic laboratory at the university of Iowa in Iowa City or an independent medical cannabidiol testing laboratory to perform spot-check testing of the medical cannabidiol manufactured by the medical cannabidiol manufacturer as to content, contamination, and consistency. The cost of all laboratory testing shall be paid by the medical cannabidiol manufacturer.
2. The operating documents of a medical cannabidiol manufacturer shall include all of the following:
- a. Procedures for the oversight of the medical cannabidiol manufacturer and procedures to ensure accurate recordkeeping.
 - b. Procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabidiol and unauthorized entrance into areas containing medical cannabidiol.
3. A medical cannabidiol manufacturer shall implement security requirements, including requirements for protection of each location by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system.
4. A medical cannabidiol manufacturer shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner.
5. A medical cannabidiol manufacturer shall not permit any person to consume medical cannabidiol on the property of the medical cannabidiol manufacturer.
6. A medical cannabidiol manufacturer is subject to reasonable inspection by the department.
7. A medical cannabidiol manufacturer shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol manufacturer shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.
8. A medical cannabidiol manufacturer owner shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.

9. A medical cannabidiol manufacturer shall not operate at the same physical location as a medical cannabidiol dispensary.

10. A medical cannabidiol manufacturer shall not operate in any location, whether for manufacturing, possessing, cultivating, harvesting, transporting, packaging, processing, or supplying, within one thousand feet of a public or private school existing before the date of the medical cannabidiol manufacturer's licensure by the department.

11. A medical cannabidiol manufacturer shall comply with reasonable restrictions set by the department relating to signage, marketing, display, and advertising of medical cannabidiol.

12. *a.* A medical cannabidiol manufacturer shall provide a reliable and ongoing supply of medical cannabidiol to medical cannabidiol dispensaries pursuant to [this chapter](#).

b. All manufacturing, cultivating, harvesting, packaging, and processing of medical cannabidiol shall take place in an enclosed, locked facility at a physical address provided to the department during the licensure process.

c. A medical cannabidiol manufacturer shall not manufacture edible medical cannabidiol products.

[2017 Acts, ch 162, §10, 25](#)

Referred to in [§124E.6](#)

NEW section

124E.8 Medical cannabidiol dispensary licensure.

1. *a.* The department shall issue a request for proposals to select and license by April 1, 2018, up to five medical cannabidiol dispensaries to dispense medical cannabidiol within this state consistent with the provisions of [this chapter](#). The department shall license new medical cannabidiol dispensaries or relicense the existing medical cannabidiol dispensaries by December 1 of each year.

b. Information submitted during the application process shall be confidential until a medical cannabidiol dispensary is licensed by the department unless otherwise protected from disclosure under state or federal law.

2. As a condition for licensure, a medical cannabidiol dispensary must agree to begin supplying medical cannabidiol to patients by December 1, 2018.

3. The department shall consider the following factors in determining whether to select and license a medical cannabidiol dispensary:

a. The technical expertise of the medical cannabidiol dispensary regarding medical cannabidiol.

b. The qualifications of the medical cannabidiol dispensary's employees.

c. The long-term financial stability of the medical cannabidiol dispensary.

d. The ability to provide appropriate security measures on the premises of the medical cannabidiol dispensary.

e. The medical cannabidiol dispensary's projection and ongoing assessment of fees for the purchase of medical cannabidiol on patients with debilitating medical conditions.

4. Each entity submitting an application for licensure as a medical cannabidiol dispensary shall pay a nonrefundable application fee of five thousand dollars to the department.

[2017 Acts, ch 162, §11, 25](#)

NEW section

124E.9 Medical cannabidiol dispensaries.

1. *a.* The medical cannabidiol dispensaries shall be located based on geographical need throughout the state to improve patient access.

b. A medical cannabidiol dispensary may dispense medical cannabidiol pursuant to the provisions of [this chapter](#) but shall not dispense any medical cannabidiol in a form or quantity other than the form or quantity allowed by the department pursuant to rule.

2. The operating documents of a medical cannabidiol dispensary shall include all of the following:

a. Procedures for the oversight of the medical cannabidiol dispensary and procedures to ensure accurate recordkeeping.

b. Procedures for the implementation of appropriate security measures to deter and

prevent the theft of medical cannabidiol and unauthorized entrance into areas containing medical cannabidiol.

3. A medical cannabidiol dispensary shall implement security requirements, including requirements for protection by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system.

4. A medical cannabidiol dispensary shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner.

5. A medical cannabidiol dispensary shall not permit any person to consume medical cannabidiol on the property of the medical cannabidiol dispensary.

6. A medical cannabidiol dispensary is subject to reasonable inspection by the department.

7. A medical cannabidiol dispensary shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol dispensary shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.

8. A medical cannabidiol dispensary owner shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.

9. A medical cannabidiol dispensary shall not operate at the same physical location as a medical cannabidiol manufacturer.

10. A medical cannabidiol dispensary shall not operate in any location within one thousand feet of a public or private school existing before the date of the medical cannabidiol dispensary's licensure by the department.

11. A medical cannabidiol dispensary shall comply with reasonable restrictions set by the department relating to signage, marketing, display, and advertising of medical cannabidiol.

12. Prior to dispensing of any medical cannabidiol, a medical cannabidiol dispensary shall do all of the following:

a. Verify that the medical cannabidiol dispensary has received a valid medical cannabidiol registration card from a patient or a patient's primary caregiver, if applicable.

b. Assign a tracking number to any medical cannabidiol dispensed from the medical cannabidiol dispensary.

c. Properly package medical cannabidiol in compliance with federal law regarding child resistant packaging and exemptions for packaging for elderly patients, and label medical cannabidiol with a list of all active ingredients and individually identifying information.

2017 Acts, ch 162, §12, 25

NEW section

124E.10 Fees.

Medical cannabidiol registration card fees and medical cannabidiol manufacturer and medical cannabidiol dispensary application and annual fees collected by the department pursuant to [this chapter](#) shall be retained by the department, shall be considered repayment receipts as defined in [section 8.2](#), and shall be used for the purpose of regulating medical cannabidiol manufacturers and medical cannabidiol dispensaries, for the cost of salaries for two agents of the division of criminal investigation of the department of public safety to inspect medical cannabidiol manufacturers and medical cannabidiol dispensaries, and for other expenses necessary for the administration of [this chapter](#).

2017 Acts, ch 162, §13, 25

NEW section

124E.11 Department duties — rules.

1. a. The department shall maintain a confidential file of the names of each patient to or for whom the department issues a medical cannabidiol registration card and the name of each primary caregiver to whom the department issues a medical cannabidiol registration card under [section 124E.4](#).

b. Individual names contained in the file shall be confidential and shall not be subject to disclosure, except as provided in subparagraph (1).

(1) Information in the confidential file maintained pursuant to paragraph “a” may be released on an individual basis to the following persons under the following circumstances:

(a) To authorized employees or agents of the department and the department of transportation as necessary to perform the duties of the department and the department of transportation pursuant to [this chapter](#).

(b) To authorized employees of law enforcement agencies of a state or political subdivision thereof, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to [this chapter](#).

(c) To authorized employees of a medical cannabidiol dispensary, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to [this chapter](#).

(d) To any other authorized persons recognized by the department by rule, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to [this chapter](#).

(2) Release of information pursuant to subparagraph (1) shall be consistent with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

2. The department shall adopt rules pursuant to [chapter 17A](#) to administer [this chapter](#) which shall include but not be limited to rules to do all of the following:

a. Govern the manner in which the department shall consider applications for new and renewal medical cannabidiol registration cards.

b. Ensure that the medical cannabidiol registration card program operates on a self-sustaining basis.

c. Establish the form and quantity of medical cannabidiol allowed to be dispensed to a patient or primary caregiver pursuant to [this chapter](#) as appropriate to serve the medical needs of patients with debilitating medical conditions, subject to recommendation by the medical cannabidiol board and approval by the board of medicine.

d. Establish requirements for the licensure of medical cannabidiol manufacturers and medical cannabidiol dispensaries and set forth procedures for medical cannabidiol manufacturers and medical cannabidiol dispensaries to obtain licenses.

e. Develop a dispensing system for medical cannabidiol within this state that provides for all of the following:

(1) Medical cannabidiol dispensaries within this state housed on secured grounds and operated by licensed medical cannabidiol dispensaries.

(2) The dispensing of medical cannabidiol to patients and their primary caregivers to occur at locations designated by the department.

f. Establish and collect annual fees from medical cannabidiol manufacturers and medical cannabidiol dispensaries to cover the costs associated with regulating and inspecting medical cannabidiol manufacturers and medical cannabidiol dispensaries.

g. Specify and implement procedures that address public safety including security procedures and product quality including measures to ensure contaminant-free cultivation of medical cannabidiol, safety, and labeling.

h. Establish and implement a real-time, statewide medical cannabidiol registry management sale tracking system that is available to medical cannabidiol dispensaries on a twenty-four-hour-a-day, seven-day-a-week basis for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to [this chapter](#) and for tracking the date of the sale and quantity of medical cannabidiol purchased by a patient or a primary caregiver.

i. Establish and implement a medical cannabidiol inventory and delivery tracking system to track medical cannabidiol from production by a medical cannabidiol manufacturer through dispensing at a medical cannabidiol dispensary.

[2017 Acts, ch 162, §14, 25](#)

NEW section

124E.12 Use of medical cannabidiol — affirmative defenses.

1. A health care practitioner, including any authorized agent or employee thereof, shall not be subject to prosecution for the unlawful certification, possession, or administration of marijuana under the laws of this state for activities arising directly out of or directly related to the certification or use of medical cannabidiol in the treatment of a patient diagnosed with a debilitating medical condition as authorized by [this chapter](#).

2. A medical cannabidiol manufacturer, including any authorized agent or employee thereof, shall not be subject to prosecution for manufacturing, possessing, cultivating, harvesting, transporting, packaging, processing, or supplying medical cannabidiol pursuant to [this chapter](#).

3. A medical cannabidiol dispensary, including any authorized agent or employee thereof, shall not be subject to prosecution for dispensing medical cannabidiol pursuant to [this chapter](#).

4. a. In a prosecution for the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to [chapters 124 and 453B](#), it is an affirmative and complete defense to the prosecution that the patient has been diagnosed with a debilitating medical condition, used or possessed medical cannabidiol pursuant to a certification by a health care practitioner as authorized under [this chapter](#), and, for a patient eighteen years of age or older, is in possession of a valid medical cannabidiol registration card issued pursuant to [this chapter](#).

b. In a prosecution for the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to [chapters 124 and 453B](#), it is an affirmative and complete defense to the prosecution that the person possessed medical cannabidiol because the person is a primary caregiver of a patient who has been diagnosed with a debilitating medical condition and is in possession of a valid medical cannabidiol registration card issued pursuant to [this chapter](#), and where the primary caregiver's possession of the medical cannabidiol is on behalf of the patient and for the patient's use only as authorized under [this chapter](#).

c. If a patient or primary caregiver is charged with the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to [chapters 124 and 453B](#), and is not in possession of the person's medical cannabidiol registration card, any charge or charges filed against the person for the possession of medical cannabidiol shall be dismissed by the court if the person produces to the court prior to or at the person's trial a medical cannabidiol registration card issued to that person and valid at the time the person was charged.

5. An agency of this state or a political subdivision thereof, including any law enforcement agency, shall not remove or initiate proceedings to remove a patient under the age of eighteen from the home of a parent based solely upon the parent's or patient's possession or use of medical cannabidiol as authorized under [this chapter](#).

6. The department, the department of transportation, and any health care practitioner, including any authorized agent or employee thereof, are not subject to any civil or disciplinary penalties by the board of medicine or any business, occupational, or professional licensing board or entity, solely for activities conducted relating to a patient's possession or use of medical cannabidiol as authorized under [this chapter](#). Nothing in [this section](#) affects a professional licensing board from taking action in response to violations of any other section of law.

7. Notwithstanding any law to the contrary, the department, the department of transportation, the governor, or any employee of any state agency shall not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment as authorized under [this chapter](#).

8. An attorney shall not be subject to disciplinary action by the Iowa supreme court or attorney disciplinary board for providing legal assistance to a patient, primary caregiver, or others based upon a patient's or primary caregiver's possession or use of medical cannabidiol as authorized under [this chapter](#).

9. Possession of a medical cannabidiol registration card or an application for a medical

cannabidiol registration card by a person entitled to possess or apply for a medical cannabidiol registration card shall not constitute probable cause or reasonable suspicion, and shall not be used to support a search of the person or property of the person possessing or applying for the medical cannabidiol registration card, or otherwise subject the person or property of the person to inspection by any governmental agency.

2017 Acts, ch 162, §15, 25

NEW section

124E.13 Medical cannabidiol source.

Medical cannabidiol provided exclusively pursuant to a written certification of a health care practitioner, if not legally available in this state or from any other bordering state, shall be obtained from an out-of-state source.

2017 Acts, ch 162, §16, 25

NEW section

124E.14 Out-of-state medical cannabidiol dispensaries.

The department of public health shall utilize a request for proposals process to select and license by December 1, 2017, up to two out-of-state medical cannabidiol dispensaries from a bordering state to sell and dispense medical cannabidiol to a patient or primary caregiver in possession of a valid medical cannabidiol registration card issued under [this chapter](#).

2017 Acts, ch 162, §17, 25

NEW section

124E.15 Iowa patients and primary caregivers registering in the state of Minnesota.

A patient or a primary caregiver with a valid medical cannabidiol registration card issued pursuant to [this chapter](#) may register in the state of Minnesota as a visiting qualified patient or primary caregiver and may register with one or more medical cannabis manufacturers registered under the laws of Minnesota.

2017 Acts, ch 162, §18, 25

NEW section

124E.16 Penalties.

1. A person who knowingly or intentionally possesses or uses medical cannabidiol in violation of the requirements of [this chapter](#) is subject to the penalties provided under [chapters 124](#) and [453B](#).

2. A medical cannabidiol manufacturer or a medical cannabidiol dispensary shall be assessed a civil penalty of up to one thousand dollars per violation for any violation of [this chapter](#) in addition to any other applicable penalties.

2017 Acts, ch 162, §19, 25

NEW section

124E.17 Use of medical cannabidiol — smoking prohibited.

A patient shall not consume medical cannabidiol possessed or used as authorized under [this chapter](#) by smoking medical cannabidiol.

2017 Acts, ch 162, §20, 25

NEW section

124E.18 Reciprocity.

A valid medical cannabidiol registration card, or its equivalent, issued under the laws of another state that allows an out-of-state patient to possess or use medical cannabidiol in the jurisdiction of issuance shall have the same force and effect as a valid medical cannabidiol registration card issued pursuant to [this chapter](#), except that an out-of-state patient in this state shall not obtain medical cannabidiol from a medical cannabidiol dispensary in this state.

2017 Acts, ch 162, §21, 25

NEW section

CHAPTER 169

VETERINARY PRACTICE

Referred to in §159.6, 162.13, 162.20, 163.3, 163.3A, 163.32, 167.18, 272C.1, 272C.6, 581.1A, 714H.4, 717.1A, 717.2A, 717.3, 717A.1, 717A.2, 717B.2, 717B.3A, 717B.5, 717D.3, 717F7

169.1	Title.	169.10	License by endorsement.
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		169.20	Veterinary assistants.

169.1 Title.

[This chapter](#) shall be known as the “Iowa Veterinary Practice Act”.
[C79, 81, §169.1]

169.2 Legislative purpose.

[This chapter](#) is enacted as an exercise of the police powers of the state to promote the public health, safety, and welfare by safeguarding the people of this state against incompetent, dishonest, or unprincipled practitioners of veterinary medicine. It is declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in [this chapter](#). [This chapter](#) shall be liberally construed to effect the legislative purpose.

[C79, 81, §169.2]

169.3 Definitions.

When used in [this chapter](#):

1. “*Accepted livestock management practice*” includes but is not limited to: Dehorning, castration, docking, vaccination, pregnancy testing, clipping swine needle teeth, ear notching, drawing of blood, relief of bloat, draining of abscesses, branding, and other surgical acts of no greater magnitude; artificial insemination, collecting of semen, implanting of growth hormones, feeding commercial feed defined in [section 198.3](#), or administration or prescription of drugs performed by the owner or contract-feeder thereof of livestock, a bona fide employee, or anyone rendering gratuitous assistance with respect to such livestock. Nothing contained herein shall be construed to permit any person except those persons enumerated in [this subsection](#), to provide purportedly gratuitous assistance with regard to the treatment of animals other than advisory assistance, in return for the purchase of goods or services.

2. “*Accredited or approved college of veterinary medicine*” means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation or approval by the board.

3. “*Animal*” means any nonhuman primate, dog, cat, rabbit, rodent, fish, reptile, and other vertebrate or nonvertebrate life forms, living or dead, except domestic poultry.

4. “*Board*” means the Iowa board of veterinary medicine.

5. “*ECFVG certificate*” means a current certificate issued by the American veterinary medical association educational commission for foreign veterinary graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine.

6. “Fee” means monetary compensation given for a service consisting primarily of an act or acts described in [subsection 10](#), paragraph “a”.

7. “Licensed veterinarian” means a person who is validly and currently licensed to practice veterinary medicine in the state of Iowa.

8. “Owner” means any person, association, partnership, corporation, or other legal entity in whom is vested the ownership, dominion over, or title to an animal, including one who is obligated by law to care for such animal.

9. “Person” means natural person or individual.

10. “Practice of veterinary medicine” means any of the following:

a. To diagnose, treat, correct, change, relieve or prevent, for a fee, any animal disease, deformity, defect, injury or other physical or mental conditions or cosmetic surgery; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, for a fee; or to evaluate or correct sterility or infertility, for a fee; or to render, advise or recommend with regard to any of the above for a fee.

b. To represent, directly or indirectly, publicly or privately, an ability or willingness to do an act described in paragraph “a”.

c. To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph “a”.

11. “Veterinarian” means a person who has received a doctor of veterinary medicine degree or its equivalent from an accredited or approved college of veterinary medicine.

12. “Veterinary assistant” means an assistant employed by a licensed veterinarian as an animal technician and any other assistant the board designates by rule.

13. “Veterinary medicine” includes veterinary surgery, veterinary obstetrics, veterinary dentistry, and all other branches or specialties of veterinary medicine.

[S13, §2538-m; C24, 27, 31, 35, 39, §2764, 2765; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.1, 169.2; C79, 81, §169.3]

[83 Acts, ch 115, §2](#)

Further definitions; see §159.1

169.4 License requirement and exceptions.

A person may not practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. [This chapter](#) shall not be construed to prohibit:

1. An employee of the federal, state, or local government from performing official duties.

2. A person who is a veterinary student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by instructors, or working under the direct supervision of a licensed veterinarian. The board shall issue to any veterinary medicine student who attends an accredited veterinary medicine college or school and who has been certified as being competent by an instructor of such college or school to perform veterinary duties under the direction of an instructor of veterinary medicine or under the direct supervision of a licensed veterinarian, a certificate authorizing the veterinary medicine student to perform such functions.

3. A veterinarian currently licensed in another state from consulting with a licensed veterinarian in this state.

4. Any manufacturer, wholesaler, or retailer from advising with respect to or selling in the ordinary course of trade or business, drugs, feeds, including, but not limited to customer-formula feeds as defined in [section 198.3](#), appliances, and other products used in the prevention or treatment of animal diseases.

5. The owner of an animal or the owner’s bona fide employees from caring for and treating the animal in the possession of such owner except where the ownership of the animal was transferred solely for the purpose of circumventing [this chapter](#).

6. A member of the faculty of an accredited college of veterinary medicine from performing functions in the classrooms or continuing education. However, those faculty members who have professional responsibility to the owner must be licensed. A temporary

permit may be granted for a period not to exceed two years to interns or residents who are on the staff of the college of veterinary medicine of Iowa state university of science and technology. Such permit shall be renewable annually upon the application of the dean of the college of veterinary medicine.

7. Any person from manufacturing, selling, offering for sale, or applying any pesticide, insecticide, or herbicide.

8. Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals.

9. Any veterinary assistant employed by a licensed veterinarian from performing duties other than diagnosis, prescription, or surgery under the direct supervision of such veterinarian which assistant has been issued a certificate by the board subject to [section 169.20](#).

10. A graduate of a foreign college of veterinary medicine who is in the process of obtaining an ECFVG certificate for performing duties or actions under the direction or supervision of a licensed veterinarian.

11. Any person from advising with respect to or performing accepted livestock management practices.

12. Any person from engaging in the full-time study of the improvement of the quality of livestock.

13. Any person from performing post-mortem examinations on swine or cattle.

14. Any person from collecting or evaluating semen from livestock or poultry, or artificial insemination of livestock and poultry.

15. Any person from castrating, dehorning or branding notwithstanding [section 169A.14](#). [S13, §2538-a; C24, 27, 31, 35, 39, §2766; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.3; C79, 81, §169.4]

[83 Acts, ch 115, §3](#)

169.4A Provision of veterinary services.

1. A person, including a corporation, limited liability company, or partnership, established on or after July 1, 1994, shall not provide veterinary medical services, own a veterinary clinic, or practice veterinary medicine in this state, except as otherwise provided in [this chapter](#).

2. [Subsection 1](#) shall not do any of the following:

a. Apply to a veterinarian licensed under [this chapter](#), a partnership formed under [chapter 486A](#) and composed of licensed veterinarians, a limited liability partnership formed under [chapter 486A](#) and composed of licensed veterinarians, a professional limited liability company organized under [chapter 489](#) and engaging in the practice of veterinary medicine, or a professional corporation organized under [chapter 496C](#) and engaging in the practice of veterinary medicine.

b. Prohibit a person from owning an interest in real property or a building where a veterinary clinic is located, if veterinary medical services or a veterinary medicine practice is conducted at the clinic by a person described in paragraph "a".

[94 Acts, ch 1198, §35; 2015 Acts, ch 77, §1](#)

169.5 Board of veterinary medicine.

1. a. The governor shall appoint, subject to confirmation by the senate pursuant to [section 2.32](#), a board of five individuals, three of whom shall be licensed veterinarians and two of whom shall not be licensed veterinarians and shall represent the general public. The board shall be known as the Iowa board of veterinary medicine.

b. Each licensed veterinarian board member shall be actively engaged in veterinary medicine and shall have been so engaged for a period of five years immediately preceding appointment, the last two of which shall have been in Iowa. The representatives of the general public shall be knowledgeable in the area of animal husbandry. A member of the board shall not be employed by or have any material or financial interest in any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine.

c. Professional associations or societies composed of licensed veterinarians may

recommend the names of potential board members to the governor, but the governor is not bound by the recommendations.

2. The members of the board shall be appointed for a term of three years, except the terms of the members of the initial board shall be rotated in such a manner that at least one member shall retire each year and a successor be appointed. The term of each member shall commence and end as provided by [section 69.19](#). Members shall serve no more than three terms or nine years total, whichever is less. Any vacancy in the membership of the board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.

3. The board shall meet at least once each year as determined by the board. Other necessary meetings may be called by the president of the board by giving proper notice. Except as provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

4. At its annual meeting, the board shall organize by electing a president and such other officers as may be necessary. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairperson of board meetings. The person designated as the state veterinarian shall serve as secretary of the board.

5. The duties of the board shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for a license, and keeping a register of all persons currently licensed by the board. The representatives of the general public shall not prepare, grade, or otherwise administer examinations to applicants for a license to practice veterinary medicine. All board records shall be open to public inspection during regular office hours.

6. Members of the board shall set their own per diem compensation, at a rate not exceeding the per diem specified in [section 7E.6](#) for each day actually engaged in the discharge of their duties, as well as compensation for necessary traveling and other expenses. Compensation for veterinarian members of the board shall include compensation for the time spent traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination and the reading of papers, in addition to the time actually spent in conducting examinations, within the limits of funds appropriated to the board.

7. Upon a three-fifths vote, the board may:

a. Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.

b. Issue, renew, or deny issuance or renewal of licenses and temporary permits to practice veterinary medicine in this state.

c. Establish and publish annually a schedule of fees for licensing and registration of veterinarians. The fees shall be set by rule and shall include fees for a license to practice veterinary medicine issued upon the basis of the examination, a license granted on the basis of reciprocity, a renewal of a license to practice veterinary medicine, a certified statement that a licensee is licensed to practice in this state, and an issuance of a duplicate license when the original is lost or destroyed. The fee schedule shall be based on the board's anticipated financial requirements for the year, which shall include but not be limited to the following:

(1) Per diem, expenses, and travel of board members.

(2) Costs to the department for administration of [this chapter](#).

d. Conduct investigations for the purpose of discovering violations of [this chapter](#) or grounds for disciplining licensed veterinarians.

e. Hold hearings on all matters properly brought before the board and administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission

depositions. An administrative law judge may be appointed pursuant to [section 17A.11](#) to perform those functions which properly repose in an administrative law judge.

f. Employ full-time or part-time personnel, professional, clerical, or special, as are necessary to effectuate the provisions of [this chapter](#).

g. Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

h. Bring proceedings in the courts for the enforcement of [this chapter](#) or any regulations made pursuant to [this chapter](#).

i. Adopt, amend, or repeal rules relating to the standards of conduct for, testing of, and revocation or suspension of certificates issued to veterinary assistants. However, a certificate shall not be suspended or revoked by less than a two-thirds vote of the entire board in a proceeding conducted in compliance with [section 17A.12](#).

j. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of [this chapter](#), including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

8. The powers enumerated in [subsection 7](#) are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

9. A person who provides veterinary medical services, owns a veterinary clinic, or practices in this state shall obtain a certificate from the board and be subject to the same standards of conduct, as provided in [this chapter](#) and rules adopted by the board, as apply to a licensed veterinarian, unless the board determines that the same standards of conduct are inapplicable. The board shall issue, renew, or deny a certificate; adopt rules relating to the standards of conduct; and take disciplinary action against the person, including suspension or revocation of a certificate, in accordance with the procedures established in [section 169.14](#). Certification fees shall be established by the board pursuant to [subsection 7](#), paragraph "j". Fees shall be established in an amount sufficient to fully offset the costs of certification pursuant to [this subsection](#). For the fiscal year beginning July 1, 2001, and ending June 30, 2002, the department shall retain fees collected to administer the program of certifying veterinary clinics and the fees retained are appropriated to the department for the purposes of [this subsection](#). For the fiscal year beginning July 1, 2001, and ending June 30, 2002, notwithstanding [section 8.33](#), fees which remain unexpended at the end of the fiscal year shall not revert to the general fund of the state but shall be available for use for the following fiscal year to administer the program. For the fiscal year beginning July 1, 2002, and succeeding fiscal years, certification fees shall be deposited in the general fund of the state and are appropriated to the department to administer the certification provisions of [this subsection](#). [This subsection](#) shall not apply to an animal shelter, as defined in [section 162.2](#), that provides veterinary medical services to animals in the custody of the shelter.

10. The department shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained, and the department shall assess the costs to the board for such articles and supplies. The board shall also reimburse the department for direct and indirect administrative costs incurred in issuing and renewing the licenses.

[S13, §2538-f, -h, -i, -j, -t; C24, 27, 31, 35, §2799-d1, -d5; C39, §2773, 2777-2780, 2782, 2784, 2785, 2799.1, 2799.5; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.11, 169.15 – 169.19, 169.21, 169.22, 169.37, 169.41; C79, 81, §169.5]

[83 Acts, ch 115, §4; 84 Acts, ch 1067, §23; 88 Acts, ch 1109, §17; 90 Acts, ch 1256, §31; 98 Acts, ch 1202, §32, 46; 2000 Acts, ch 1183, §1, 3; 2001 Acts, ch 24, §70, 74; 2005 Acts, ch 159, §1; 2009 Acts, ch 133, §72](#)

169.6 Disclosure of confidential information.

1. A member of the board shall not disclose information relating to the following:
 - a. Criminal history or prior misconduct of the applicant.

b. Information relating to the contents of the examination.

c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate information in violation of [subsection 1](#), and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor for each separate offense.

[C75, 77, §169.56; C79, 81, §169.6]

[2009 Acts, ch 133, §207](#)

169.7 Status of persons previously licensed.

Any person holding a valid license to practice veterinary medicine in this state on January 1, 1979 shall be recognized as a licensed veterinarian and shall be entitled to retain this status as long as licensee complies with the provisions of [this chapter](#).

[C79, 81, §169.7]

169.8 Qualifications.

1. a. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board on a form approved by the board. The application shall show that the applicant is a graduate of an accredited or approved college of veterinary medicine or the holder of an ECFVG certificate. The application shall also show such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

b. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for license without examination under [section 169.10](#), the board may grant a license to the applicant.

c. If an applicant is found not qualified to take the examination or for a license without examination, the secretary of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may request a hearing on the question of the applicant's qualification under the procedure set forth in [section 169.14](#). Any applicant who is found not qualified shall be allowed the return of the application fee.

d. Based upon an applicant's education, experience, and training, the board may grant a limited license to an applicant to perform a restricted range of activities within the practice of veterinary medicine, as specified by the board.

2. a. The name, location, number of years of practice of the person to whom a license is issued, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department of agriculture and land stewardship, to be known as the "registry book", and the same shall be open to public inspection.

b. When any person licensed to practice under [this chapter](#) changes residence, the board shall be notified within thirty days and such change shall be noted in the registry book.

3. Every individual licensed under [this chapter](#) shall keep the license displayed in the place at which an office is maintained.

[S13, §2538-e, -i, -j; C24, 27, 31, 35, 39, §2767, 2768, 2775, 2776, 2786; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.4, 169.5, 169.13, 169.14, 169.23; C79, 81, §169.8]

[83 Acts, ch 115, §5, 6; 90 Acts, ch 1117, §1; 2009 Acts, ch 41, §63](#)

169.9 Examinations.

1. The board shall hold at least one examination during each year and may hold such additional examinations as it deems necessary. The secretary shall give public notice of the time and place for each examination at least ninety days in advance of the date set for the examination. A person desiring to take an examination shall make application at least thirty days before the date of the examination.

2. The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical

knowledge sufficient to establish competency to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination prepared by the national board of veterinary examiners as a part of the examination given to examinees.

3. After each examination, the board shall notify each examinee of the examination result, and the board shall issue licenses to the individuals successfully completing the examination. The board shall record the new licenses and issue a certificate of registration to the new licensees. Any individual failing an examination shall be admitted to any subsequent examination on payment of the application fee.

4. In all written examinations the identity of the individual taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon.

[S13, §2538-e, -f, -i; C24, 27, 31, 35, 39, §2772, 2790 – 2792; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.10, 169.27 – 169.29; C79, 81, §169.9]

[83 Acts, ch 115, §7](#); [2017 Acts, ch 54, §76](#)

Code editor directive applied

169.10 License by endorsement.

1. The board may issue a license to practice veterinary medicine in this state without written examination to an applicant who meets all of the following requirements:

a. Has graduated from an accredited college of veterinary medicine or has received a certificate from the educational commission for foreign veterinary graduates at least five years prior to application.

b. Has actively practiced for at least two thousand hours during the five years preceding application.

c. Has not previously failed and not subsequently passed a veterinary licensing examination in this state.

d. Holds a current license to practice veterinary medicine in another state or United States territory or province of Canada.

e. Is not subject to license investigation, suspension, or revocation in any state, United States territory, or province of Canada.

f. Provides other information and proof as the board may require by rule.

2. The board may issue a license to practice veterinary medicine in this state without written or oral examination to an applicant who meets all of the following requirements:

a. Holds a current certification as a diplomate of a national specialty board or college recognized by the board by rule.

b. Is not subject to license investigation, suspension, or revocation in any state, United States territory, or province of Canada.

c. Provides other information and proof as the board may require by rule.

[S13, §2538-i, -i1; C24, 27, 31, 35, 39, §2794 – 2797; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.31 – 169.34; C79, 81, §169.10]

[90 Acts, ch 1117, §2](#)

Referred to in [§169.8](#)

169.11 Temporary permit.

The board may issue without examination a temporary permit to practice veterinary medicine in this state:

1. To a qualified applicant for license pending examination and the temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued. The temporary permit holder should keep the secretary continually advised of the permit holder's current address.

2. To a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country who pays the fee established and published by the board. Such temporary permit shall be issued for a period of no more than one hundred

eighty days and no more than one permit shall be issued to a person during each calendar year.

[C79, 81, §169.11]

169.12 License renewal.

1. All licenses shall expire in multiyear intervals as determined by the board but may be renewed by registration with the board and payment of the registration renewal fee established and published by the board. Prior to expiration the secretary shall mail a notice to each licensed veterinarian that the license will expire and provide the licensee with a form for registration.

2. Any person who shall practice veterinary medicine after license expiration is practicing in violation of [this chapter](#). However, a person may renew an expired license within five years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five years have elapsed since the date of expiration, a license may not be renewed, and the holder must make application for a new license and take the license examination.

3. The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when the veterinarian is on active duty with any branch of the armed services of the United States.

4. Any licensee who is desirous of changing residence to another state or territory shall, upon application to the department and payment of the legal fee, receive a certified statement that the licensee is a duly licensed practitioner in this state.

[S13, §2538-j; C24, 27, 31, 35, 39, §2769, 2769.1, 2798; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.6, 169.35; C79, 81, §169.12]

[2017 Acts, ch 54, §76](#)

Referred to in [§169.13](#)

Code editor directive applied

169.13 Discipline of licensees.

1. The board of veterinary medicine, after due notice and hearing, may revoke or suspend a license to practice veterinary medicine if it determines that a veterinarian licensed to practice veterinary medicine is guilty of any of the following acts or offenses:

a. Knowingly making misleading, deceptive, untrue, or fraudulent representation in the practice of the profession.

b. Being convicted of a felony in the courts of this state or another state, territory, or country. Conviction as used in this paragraph includes a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding in which a finding or verdict of guilt is made or returned, but the adjudication or guilt is either withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state is conclusive evidence.

c. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of veterinary medicine.

d. Having the person's license to practice veterinary medicine revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

e. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice veterinary medicine.

f. Being adjudged mentally incompetent by a court of competent jurisdiction. The adjudication shall automatically suspend a license for the duration of the license unless the board orders otherwise.

g. Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of veterinary medicine as defined in rules adopted by the board, in which proceeding actual injury to an animal need not be established; or the committing by a veterinarian of an act contrary to honesty, justice, or good

morals, whether the act is committed in the course of the practice or otherwise, and whether committed within or without this state.

h. Inability to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition.

i. Willful or repeated violation of lawful rules adopted by the board or violation of a lawful order of the board, previously entered by the board in a disciplinary hearing.

2. *a.* The board, upon probable cause, may compel a veterinarian to submit to a mental or physical examination by designated physicians. Failure of a veterinarian to submit to an examination constitutes an admission to the allegations made against that veterinarian and the finding of fact and decision of the board may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a veterinarian shall be afforded an opportunity to demonstrate that the veterinarian can resume the competent practice of veterinary medicine with reasonable skill and safety to animals.

b. A person licensed to practice veterinary medicine who makes application for the renewal of the person's license as required by [section 169.12](#) gives consent to submit to a mental or physical examination as provided by this paragraph when directed in writing by the board. All objections shall be waived as to the admissibility of the examining physician's testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a veterinarian in another proceeding and are confidential except for other actions filed against a veterinarian to revoke or suspend that person's license.

[S13, §2538-e; C24, 27, 31, 35, 39, §2799; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.36; C79, 81, §169.13]

[83 Acts, ch 115, §8](#); [2009 Acts, ch 41, §64](#)

Referred to in [§169.14](#), [272C.3](#), [272C.4](#)

169.14 Procedure for suspension or revocation.

A proceeding for the revocation or suspension of a license to practice veterinary medicine or to discipline a person licensed to practice veterinary medicine shall be substantially in accord with the following:

1. The board, upon its own motion or upon a verified complaint in writing, may request the department of inspections and appeals to conduct an investigation of the charges contained in the complaint. The department of inspections and appeals shall report its findings to the board, and the board may issue an order fixing the time and place for hearing if a hearing is deemed warranted. A written notice of the time and place of the hearing, together with a statement of the charges, shall be served upon the licensee at least ten days before the hearing in the manner required for the service of notice of the commencement of an ordinary action.

2. If the licensee has left the state, the notice and statement of the charges shall be so served at least twenty days before the date of the hearing, wherever the licensee may be found. If the whereabouts of the licensee is unknown, service may be had by publication as provided in the rules of civil procedure upon filing the affidavit required by those rules. If the licensee fails to appear either in person or by counsel at the time and place designated in the notice, the board shall proceed with the hearing.

3. The hearing shall be before a member or members designated by the board or before an administrative law judge appointed by the board according to the requirements of [section 17A.11, subsection 1](#). The presiding board member or administrative law judge may issue subpoenas, administer oaths, and take or cause depositions to be taken in connection with the hearing. The member or officer shall issue subpoenas at the request and on behalf of the licensee.

4. A mechanized or stenographic record of the proceedings shall be kept. The licensee shall be given the opportunity to appear personally and by attorney, with the right to produce evidence in one's own behalf, to examine and cross-examine witnesses, and to examine documentary evidence produced against the licensee.

5. If a person refuses to obey a subpoena issued by the presiding member or administrative law judge or to answer a proper question put to that person during the hearing, the presiding

member or administrative law judge may invoke the aid of a court of competent jurisdiction in requiring the attendance and testimony of that person and the production of papers. A failure to obey the order of the court may be punished by the court as a civil contempt may be punished.

6. Unless the hearing is before the entire board, a transcript of the proceeding, together with exhibits presented, shall be considered by the entire board at the earliest practicable time. The licensee and attorney shall be given the opportunity to appear personally to present the licensee's position and arguments to the board. The board shall determine the charge upon the merits on the basis of the evidence in the record before it.

7. Upon three members of the board voting in favor of finding the licensee guilty of an act or offense specified in [section 169.13](#), the board shall prepare written findings of fact and its decision imposing one or more of the following disciplinary measures:

a. Suspend the license to practice veterinary medicine for a period to be determined by the board.

b. Revoke the license to practice veterinary medicine.

c. Suspend imposition of judgment and penalty or impose the judgment and penalty, but suspend enforcement and place the veterinarian on probation. The probation ordered may be vacated upon noncompliance. The board may restore and reissue a license to practice veterinary medicine, and may impose a disciplinary or corrective measure which it might originally have imposed.

8. Judicial review of the board's action may be sought in accordance with [chapter 17A](#).

9. The filing of a petition for review does not in itself stay execution or enforcement of board action. Upon application, the board or the review court, in appropriate cases, may order a stay pending the outcome of the review proceedings.

[C31, 35, §2799-d1, -d3, -d4, -d6; C39, §2799.1, 2799.3, 2799.4, 2799.6; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.37, 169.39, 169.40, 169.42; C79, 81, §169.14]

[83 Acts, ch 115, §9](#); [88 Acts, ch 1109, §18](#); [88 Acts, ch 1158, §44](#); [89 Acts, ch 296, §19](#); [98 Acts, ch 1202, §33, 46](#)

Referred to in [§169.5](#), [169.8](#), [169.20](#)

169.15 Appeal.

Any party aggrieved by a decision of the board may appeal the matter to the district court as provided in [section 17A.19](#).

[C79, 81, §169.15]

[83 Acts, ch 115, §10](#)

169.16 Reinstatement.

A person whose license is suspended or revoked may be relicensed or reinstated at any time by a vote of five members of the board after written application made to the board showing cause justifying relicensing or reinstatement. Examination of the applicant may be waived by the board.

[C79, 81, §169.16]

[83 Acts, ch 115, §11](#)

169.17 Forgeries.

Any person who shall file or attempt to file with the department or board of veterinary medicine any false or forged diploma or certificate or affidavit of identification or qualification is guilty of a fraudulent practice.

[C24, 27, 31, 35, 39, §2803; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.43; C79, 81, §169.17]

169.18 Fraud.

Any person who shall present to the department or board of veterinary medicine a diploma or certificate of which the person is not the rightful owner, for the purpose of procuring a license, or who shall falsely impersonate anyone to whom a license has been granted by said department, is guilty of a fraudulent practice.

[C24, 27, 31, 35, 39, §2804; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.44; C79, 81, §169.18]

169.19 Enforcement — penalties.

1. Any person who practices veterinary medicine without a currently valid license or temporary permit is guilty of a fraudulent practice. Each act of such unlawful practice shall constitute a distinct and separate offense.

2. A person who shall practice veterinary medicine without a currently valid license or temporary permit shall not receive any compensation for services so rendered.

3. The county attorney of the county in which any violation of [this chapter](#) occurs shall conduct the necessary prosecution for such violation. Notwithstanding this provision, the board of veterinary medicine or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. The action brought to restrain a person from engaging in the practice of veterinary medicine without possessing a license shall be brought in the name of the state of Iowa. If the court finds that the individual is violating or threatening to violate [this chapter](#) it shall enter an injunction restraining the individual from such unlawful acts.

4. The successful maintenance of an action based on any one of the remedies set forth in [this section](#) shall in no way prejudice the prosecution of an action based on any other remedy set forth in [this section](#).

5. The department shall cooperate with the board of veterinary medicine in the enforcement of the provisions of [this chapter](#).

[S13, §2538-1; C24, 27, 31, 35, 39, §2805 – 2807; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.45 – 169.48; C79, 81, §169.19]

[83 Acts, ch 115, §12; 2012 Acts, ch 1023, §157](#)

Referred to in [§331.756\(31\)](#)

169.20 Veterinary assistants.

1. A veterinarian may employ certified veterinary assistants for any purpose other than diagnosis, prescription or surgery. Veterinary assistants must act under the direct supervision of a licensed veterinarian.

2. The board shall issue certificates to veterinary assistants who have met the educational, experience and testing requirements as the board shall specify by rule. The certificate is not a license and does not expire. The certificate may be suspended or revoked, or any other disciplinary action may be taken as specified in [section 272C.3, subsection 2](#). All disciplinary actions shall be taken pursuant to [section 169.14](#).

[83 Acts, ch 115, §1](#)

Referred to in [§169.4](#)

Section not amended; unnumbered paragraphs 1 and 2 editorially numbered as subsections 1 and 2



A Query from an AAVSB Member Board

Licensure of Faculty and Definition of Veterinary Specialist

On January 8, 2019, the Tennessee Board of Veterinary Examiners asked:

1. Which states license CVM faculty members vs exempt them from licensure?
2. Which states have a definition for “veterinary specialists” either in statute or regulation?
If yes, what authority is named as the credentialing/recognizing authority? (eg, TN specifically names the AVMA ABVS as the recognizing authority for specialists.)

Which states license CVM faculty members vs exempt them from licensure?

Alberta – We license all CVM Faculty members.

Arkansas – Arkansas does not have a CVM, so we do not have a need to address faculty members in our laws.

Colorado – Pursuant Colorado statute (section 12-64-107.5(1), C.R.S.) “A veterinarian who is employed at a school of veterinary medicine in this state and who practices veterinary medicine in the course of his or her employment responsibilities” must hold a current academic veterinary license. Further (section 12-64-107.5(4), C.R.S.), “An academic license shall authorize the licensee to practice veterinary medicine only while engaged in the performance of his or her official duties as a university employee. An academic licensee may not use an academic license to practice veterinary medicine outside of his or her academic responsibilities.”

District of Columbia – DC requires a license for all veterinarians. There are no exemptions.

Hawaii – Hawaii does not license CVM faculty members.

Iowa – The Iowa Board of Veterinary Medicine (IBVM) licenses Iowa State University College of Veterinary Medicine veterinarians who are actively practicing veterinary medicine – treating, diagnosing, correcting, etc. for a fee:

10. “*Practice of veterinary medicine*” means any of the following:
 - a. To diagnose, treat, correct, change, relieve or prevent, for a fee, any animal disease, deformity, defect, injury or other physical or mental conditions or cosmetic surgery; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, for a fee; or to evaluate or correct sterility or infertility, for a fee; or to render, advise or recommend with regard to any of the above for a fee.

- b. To represent, directly or indirectly, publicly or privately, an ability or willingness to do an act described in paragraph “a”.
- c. To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph “a”.

Louisiana – Louisiana Board has Active FACULTY DVM licenses.

Maryland – In Maryland, veterinarians have to be licensed if they are practicing. They don't have to be licensed to teach.

Minnesota – Minnesota requires all clinical faculty to be licensed. Those that are not otherwise eligible to be licensed can only receive a veterinary medicine clinician license if the faculty member is a board-certified specialist and the department chair writes a letter attesting to a shortage of specialists that is making the position hard to fill. These faculty members can only practice within the scope of their job assignments within the veterinary college.

Mississippi – From the Mississippi Veterinary Practice Act:

SECTION 12. Section 73-39-73, Mississippi Code of 1972, is reenacted and amended as follows:

73-39-73. (1) Faculty members employed at the College of Veterinary Medicine who are eligible for licensure shall obtain a Mississippi veterinary license. Faculty members not eligible for a Mississippi license may qualify for a Mississippi faculty license under one (1) of the following criterion:

- (a) Graduate veterinarians who have completed an advanced degree at a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education (AVMA-COE); * * *
- (b) Graduate veterinarians who have completed a formal residency from an AVMA-COE accredited college of veterinary medicine, or other residency approved by the AVMA;
- (c) Graduate veterinarians who are board certified in a specialty recognized by the AVMA-COE; or
- (d) Graduate veterinarians who are board certified by the European Board of Veterinary Specialization.

(2) Possession of a Mississippi faculty license shall enable the holder of such license to operate as a veterinarian under the auspices of the institution for which the person is licensed. Any person holding a Mississippi faculty license desiring to practice veterinary medicine outside of the authority given by the institution shall be required to meet the requirements of the board for obtaining a valid Mississippi veterinary license.

Missouri – Missouri licenses faculty members.

Nevada – In Nevada we license both ‘regular’ brick and mortar facilities as well as mobile practices, which are facilities that are only from a truck or vehicle (e.g. for equine DVMs).

New Jersey – In New Jersey we do not have any veterinary schools, so we do not have a special license for faculty members... just a Veterinarian license.

New Mexico - The New Mexico Veterinary Practice Act:

§ 61-14-14. Exemptions

Provisions of the Veterinary Practice Act do not apply to:

G. a member of the faculty of a veterinary school performing the member's regular functions or a person lecturing or giving instruction or demonstration at a veterinary school or in connection with a continuing education course or seminar for licensed veterinarians, veterinary technicians or persons holding or training for valid permits for artificial insemination or diagnosing pregnancy;

New York – For faculty, NYS has a statutory exemption from licensure for “Any faculty member who is a graduate of a school of veterinary medicine accredited in any state or country and whose practice of veterinary medicine is incidental to his or her course of instruction while serving as a faculty member in a veterinary college offering a program registered by the department.”

Ohio – Ohio licenses faculty and research faculty and residents via a “Limited License”. The law and rule: <http://codes.ohio.gov/orc/4741.13v1> and <http://codes.ohio.gov/oac/4741-2-03v1>.

Oklahoma – Oklahoma requires a faculty license for all Residents, Interns and clinicians if they are seeing the public’s animal. Radiologist typically are not required because they do not interact with the public.

Ontario – The College has an Academic category of licensure specifically offered for faculty.

Oregon – Oregon does not require CVM faculty to be licensed.

Vermont – Vermont licenses all Veterinarians whether they are educators or not.

Virginia – As of July 1, 2018, all veterinary faculty members and intern/residents engaged in clinical practice are required to be licensed. The code and regulations related to this issue are the following:

§ 54.1-3801. Exceptions.

This chapter shall not apply to:

3. Veterinarians employed by the United States or by the Commonwealth while actually engaged in the performance of their official duties, with the exception of those engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth;

§ 54.1-3804. Specific powers of Board.

In addition to the powers granted in § 54.1-2400, the Board shall have the following specific powers and duties:

4. To establish requirements for the licensure of persons engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth.

18VAC150-20-122. Requirements for faculty licensure.

A. Upon payment of the fee prescribed in 18VAC150-20-100 and provided that no grounds exist to deny licensure pursuant to § 54.1-3807 of the Code of Virginia, the board may grant a faculty license to engage in the practice of veterinary medicine as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education to an applicant who:

1. Is qualified for full licensure pursuant to 18VAC150-20-110 or 18VAC150-20-120;
2. Is a graduate of an accredited veterinary program and has an unrestricted current license or if lapsed, is eligible for reinstatement in another United States jurisdiction; or
3. Is a graduate of a veterinary program and has advanced training recognized by the American Board of Veterinary Specialties or a specialty training program acceptable to the veterinary medical education program in which he serves on the faculty.

B. The dean of a veterinary medical education program shall provide verification that the applicant is being or has been hired by the program and shall include an assessment of the applicant's clinical competency and clinical experience that qualifies the applicant for a faculty license.

C. The holder of a faculty license shall be entitled to perform all functions that a person licensed to practice veterinary medicine would be entitled to perform as part of his faculty duties, including patient care functions associated with teaching, research, and the delivery of patient care that takes place only within a veterinary establishment or diagnostic and clinical services operated by or affiliated with the veterinary program. A faculty license shall not authorize the holder to practice veterinary medicine in nonaffiliated veterinary establishments or in private practice settings.

D. A faculty license shall expire on December 31 of the second year after its issuance and may be renewed annually without a requirement for continuing education, as specified in 18VAC150-20-70, as long as the accredited program certifies to the licensee's continued employment. When such a license holder ceases serving on the faculty, the license shall be null and void upon termination of employment. The dean of the veterinary medical education program shall notify the board within 30 days of such termination of employment.

18VAC150-20-123. Requirements for an intern/resident license.

A. Upon payment of the fee prescribed in 18VAC150-20-100 and provided that no grounds exist to deny licensure pursuant to § 54.1-3807 of the Code of Virginia, the board may issue a temporary license to practice veterinary medicine to an intern or resident. Upon recommendation of the dean or director of graduate education of the veterinary medical education program, such a license may be issued to an applicant who is a graduate of an AVMA-accredited program or who meets requirements of the Educational Commission of Foreign Veterinary Graduates or the Program for the Assessment of Veterinary Education Equivalence of the American Association of Veterinary State Boards, as verified by the veterinary medical education program. The application shall include the beginning and ending dates of the internship or residency.

B. The intern or resident shall be supervised by a fully licensed veterinarian or a veterinarian who holds a faculty license issued by the board. The intern or resident shall only practice within a veterinary establishment or diagnostic and clinical services operated by or affiliated with the veterinary program. A temporary license shall not authorize the holder to practice veterinary medicine in nonaffiliated veterinary establishments or in private practice settings.

C. An intern or resident license shall expire on August 1 of the second year after its issuance and may be renewed upon recommendation by the dean or director of graduate education of the veterinary medical education program.

Washington – CVM faculty at the Washington State University are exempt from licensure as state employees RCW 18.92.060 (sec (1)) However, they cannot write prescriptions to be filled at a non-WSU retail pharmacy without a license. Pharmacy laws only authorize licensed veterinarians to prescribe medications that are filled outside of the WSU clinic setting.

**Which states have a definition for “veterinary specialists” either in statute or regulation?
If yes, what authority is named as the credentialing/recognizing authority? (eg, TN
specifically names the AVMA ABVS as the recognizing authority for specialists.)**

Alberta – Our Act states the following:

(5) A registered member or permit holder shall not hold out that the registered member or permit holder is a specialist or is specially qualified in any particular field or specialty of veterinary medicine unless the registered member or permit holder has complied with the regulations and has been approved as a specialist or as being specially qualified by the Council.

Our Act also states that Council may make regulations:

- (l) respecting the academic qualifications and experience a registered member requires to be recognized as a specialist and the registration of specialists;
- (m) prescribing the rights, privileges, duties and obligations of specialists;
- (q) respecting the establishment by the Council of a compulsory continuing education program for registered members and specialists;

Our General Regulation to the Act states the following:

Specialists

5.1 A veterinarian shall not be approved for registration as a specialist in a category of veterinary medicine unless the veterinarian is an unrestricted veterinarian and the veterinarian provides the Registration Committee with

- (a) a certificate of specialization in that category of veterinary medicine and the certificate is recognized by the Council, or
- (b) evidence satisfactory to the Registration Committee of
 - (i) post-graduate training in that category of veterinary medicine at an institution satisfactory to the Committee,
 - (ii) 5 years of experience in that category of veterinary medicine, and
 - (iii) successful completion of an examination that the Council considers to be equivalent to an examination set by a college or other body recognized by the Council on Education of the American Veterinary Medical Association for that category of veterinary medicine.

In the past, Council of the ABVMA has only recognized specialists that are diplomats of the AVMA ABVS, or the European Board of Veterinary Specialists.

Arkansas – Arkansas does not define veterinary specialist in statute or regulation.

Colorado – Colorado does not have a definition for "veterinary specialists" either in statute or regulation.

District of Columbia – Not defined in DC regulations.

Hawaii – Hawaii does not define “veterinary specialist” in statute or regulation. Hawaii statute does exempt a “certified scientist or professional in animal care” from licensure provided the individual is sponsored by veterinarians in Hawaii, and the individual does not open an office, appoint a place to meet patients, or receive calls within the limits of the State; Hawaii Revised Statutes chapter 471-2(5).

The Board of Veterinary Medicine is the licensing authority that implements the above statute.

Iowa – the IBVM may license by endorsement (169.10 - law) a veterinarian who has a certificate as a diplomate of a specialty board as follows:

2. The board may issue a license to practice veterinary medicine in this state without written or oral examination to an applicant who meets all of the following requirements:
 - a. Holds a current certification as a diplomate of a national specialty board or college recognized by the board by rule.
 - b. Is not subject to license investigation, suspension, or revocation in any state, United States territory, or province of Canada.
 - c. Provides other information and proof as the board may require by rule.

and by the following rule section:

6.5(3) An applicant who is a diplomate under Iowa Code section 169.10(2) shall also include a copy of the applicant’s board or college specialty certificate. For the purpose of this rule, a specialty board or college means a specialty board or college which has been officially recognized by the AVMA. Changes of specialty status shall be reported to the board within 30 days of the action. (See Attachment #1 starting on page 9 and Attachment #2 starting on page 20).

Louisiana – Louisiana Board does not recognize/credential DVM “specialists”.

Maryland – We do not have a separate designation for veterinary specialists. You're a veterinarian or you aren't. :)

Minnesota – Veterinary specialist and specialty are protected terms and may not be used by anyone other than a board-certified individual in a specialty recognized by the AVMA.

Missouri - Missouri does not have a definition for “veterinary specialists”.

Nevada - For specialists we use:

NAC 638.0505 Use of “veterinary specialist” title. (NRS 638.070) Except for a person described in subsection 3 of NRS 638.015, only a person who is a diplomate from an approved specialty board of the American Veterinary Medical Association and is licensed to practice veterinary medicine pursuant to subsection 2 of NRS 638.105 may use the title “veterinary specialist.”

(Added to NAC by Bd. of Veterinary Med. Exam’rs by R063-13, eff. 6-23-2014)

New Mexico – The New Mexico Board does not have a definition for veterinary specialist either in statute or board rule.

New Jersey – Although we do not recognize specialty practice with a special license or permit, the Board has accepted proof that an individual is a “boarded specialist” in a specialty recognized by the AVMA in lieu of demonstrating that they have graduated from an AVMA accredited program.

New York – We do not have reference to veterinary specialists in statute or regulation

Ohio – The definition of a “Veterinary Specialist” in Ohio is: "Specialist" means a licensed veterinarian who is certified by a veterinary specialty board of a professional veterinary association recognized by rule of the state veterinary medical licensing board. The rule is:

<http://codes.ohio.gov/oac/4741-1-02v1>

Oklahoma – No definition for a specialist.

Ontario – Our Regulation restricts the use of the title of specialists to the following:

2) A member who holds a certificate of specialization from the National Examining Board of the Canadian Veterinary Medical Association may use a designation for the specialty approved by the Board of that Association. O. Reg. 431/00, s. 9.

(3) A member who holds a certification recognition in a specialty from the Board of the American Veterinary Medical Association may use a designation for the specialty approved by the Board of that Association. O. Reg. 431/00, s. 9.

Oregon - Division 15: MINIMUM STANDARDS FOR VETERINARY MEDICAL FACILITIES AND VETERINARY PRACTICE

875-015-0030

Minimum Veterinary Practice Standards

(8) A veterinarian shall not use, or participate in the use of, any form of advertising or solicitation which contains a false, deceptive or misleading statement or claim.

(a) Specialty Services: Veterinarians shall not make a statement or claim as a specialist or specialty practice unless the veterinarian is a diplomate of a recognized specialty organization of the American Veterinary Medical Association;

Vermont – we do not have a definition for Veterinary Specialists

Virginia – The following definition for “specialist” was added recently to the regulations:

18VAC150-20-10. Definitions.

"Specialist" means a veterinarian who has been awarded and has maintained the status of diplomate of a specialty organization recognized by the American Board of Veterinary Specialties of the American Veterinary Medical Association, or any other organization approved by the board.

Washington – “Veterinary specialist” is not defined, but the board has a rule on veterinary specialty licensure with requirements to obtain that license type. [WAC 246-933-300](#).

See (4) of the WAC above: “The veterinary board of governors recognizes all veterinary medicine specialties recognized by the American Veterinary Medical Association.”

Attachment #1
CHAPTER 169

VETERINARY PRACTICE

Referred to in §159.6, 162.13, 162.20, 163.3, 163.3A, 163.32, 167.18, 272C.1, 272C.6, 581.1A, 714H.4, 717.1A, 717.2A, 717.3, 717A.1, 717A.2, 717B.2, 717B.3A, 717B.5, 717D.3, 717F7

169.1	Title.	169.10	License by endorsement.
169.2	Legislative purpose.	169.11	Temporary permit.
169.3	Definitions.	169.12	License renewal.
169.4	License requirement and exceptions.	169.13	Discipline of licensees.
169.4A	Provision of veterinary services.	169.14	Procedure for suspension or revocation.
169.5	Board of veterinary medicine.	169.15	Appeal.
169.6	Disclosure of confidential information.	169.16	Reinstatement.
169.7	Status of persons previously licensed.	169.17	Forgeries.
169.8	Qualifications.	169.18	Fraud.
169.9	Examinations.	169.19	Enforcement — penalties.
		169.20	Veterinary assistants.

169.1 Title.

[This chapter](#) shall be known as the “Iowa Veterinary Practice Act”.
[C79, 81, §169.1]

169.2 Legislative purpose.

[This chapter](#) is enacted as an exercise of the police powers of the state to promote the public health, safety, and welfare by safeguarding the people of this state against incompetent, dishonest, or unprincipled practitioners of veterinary medicine. It is declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in [this chapter](#). [This chapter](#) shall be liberally construed to effect the legislative purpose.

[C79, 81, §169.2]

169.3 Definitions.

When used in [this chapter](#):

1. “Accepted livestock management practice” includes but is not limited to: Dehorning, castration, docking, vaccination, pregnancy testing, clipping swine needle teeth, ear notching, drawing of blood, relief of bloat, draining of abscesses, branding, and other surgical acts of no greater magnitude; artificial insemination, collecting of semen, implanting of growth hormones, feeding commercial feed defined in [section 198.3](#), or administration or prescription of drugs performed by the owner or contract-feeder thereof of livestock, a bona fide employee, or anyone rendering gratuitous assistance with respect to such livestock. Nothing contained herein shall be construed to permit any person except those persons enumerated in [this subsection](#), to provide purportedly gratuitous assistance with regard to the treatment of animals other than advisory assistance, in return for the purchase of goods or services.

2. “Accredited or approved college of veterinary medicine” means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation or approval by the board.

3. “Animal” means any nonhuman primate, dog, cat, rabbit, rodent, fish, reptile, and other vertebrate or nonvertebrate life forms, living or dead, except domestic poultry.

4. “Board” means the Iowa board of veterinary medicine.

5. “ECFVG certificate” means a current certificate issued by the American veterinary medical association educational commission for foreign veterinary graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine.

6. “Fee” means monetary compensation given for a service consisting primarily of an act or acts described in [subsection 10](#), paragraph “a”.

7. “Licensed veterinarian” means a person who is validly and currently licensed to practice veterinary medicine in the state of Iowa.

8. “Owner” means any person, association, partnership, corporation, or other legal entity in whom is vested the ownership, dominion over, or title to an animal, including one who is obligated by law to care for such animal.

9. “Person” means natural person or individual.

10. “Practice of veterinary medicine” means any of the following:

a. To diagnose, treat, correct, change, relieve or prevent, for a fee, any animal disease, deformity, defect, injury or other physical or mental conditions or cosmetic surgery; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, for a fee; or to evaluate or correct sterility or infertility, for a fee; or to render, advise or recommend with regard to any of the above for a fee.

b. To represent, directly or indirectly, publicly or privately, an ability or willingness to do an act described in paragraph “a”.

c. To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph “a”.

11. “Veterinarian” means a person who has received a doctor of veterinary medicine degree or its equivalent from an accredited or approved college of veterinary medicine.

12. “Veterinary assistant” means an assistant employed by a licensed veterinarian as an animal technician and any other assistant the board designates by rule.

13. “Veterinary medicine” includes veterinary surgery, veterinary obstetrics, veterinary dentistry, and all other branches or specialties of veterinary medicine.

[S13, §2538-m; C24, 27, 31, 35, 39, §2764, 2765; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.1, 169.2; C79, 81, §169.3]

[83 Acts, ch 115, §2](#)

Further definitions; see §159.1

169.4 License requirement and exceptions.

A person may not practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. [This chapter](#) shall not be construed to prohibit:

1. An employee of the federal, state, or local government from performing official duties.

2. A person who is a veterinary student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by instructors, or working under the direct supervision of a licensed veterinarian. The board shall issue to any veterinary medicine student who attends an accredited veterinary medicine college or school and who has been certified as being competent by an instructor of such college or school to perform veterinary duties under the direction of an instructor of veterinary medicine or under the direct supervision of a licensed veterinarian, a certificate authorizing the veterinary medicine student to perform such functions.

3. A veterinarian currently licensed in another state from consulting with a licensed veterinarian in this state.

4. Any manufacturer, wholesaler, or retailer from advising with respect to or selling in the ordinary course of trade or business, drugs, feeds, including, but not limited to customer-formula feeds as defined in [section 198.3](#), appliances, and other products used in the prevention or treatment of animal diseases.

5. The owner of an animal or the owner’s bona fide employees from caring for and treating the animal in the possession of such owner except where the ownership of the animal was transferred solely for the purpose of circumventing [this chapter](#).

6. A member of the faculty of an accredited college of veterinary medicine from performing functions in the classrooms or continuing education. However, those faculty members who have professional responsibility to the owner must be licensed. A temporary

permit may be granted for a period not to exceed two years to interns or residents who are on the staff of the college of veterinary medicine of Iowa state university of science and technology. Such permit shall be renewable annually upon the application of the dean of the college of veterinary medicine.

7. Any person from manufacturing, selling, offering for sale, or applying any pesticide, insecticide, or herbicide.

8. Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals.

9. Any veterinary assistant employed by a licensed veterinarian from performing duties other than diagnosis, prescription, or surgery under the direct supervision of such veterinarian which assistant has been issued a certificate by the board subject to [section 169.20](#).

10. A graduate of a foreign college of veterinary medicine who is in the process of obtaining an ECFVG certificate for performing duties or actions under the direction or supervision of a licensed veterinarian.

11. Any person from advising with respect to or performing accepted livestock management practices.

12. Any person from engaging in the full-time study of the improvement of the quality of livestock.

13. Any person from performing post-mortem examinations on swine or cattle.

14. Any person from collecting or evaluating semen from livestock or poultry, or artificial insemination of livestock and poultry.

15. Any person from castrating, dehorning or branding notwithstanding [section 169A.14](#). [S13, §2538-a; C24, 27, 31, 35, 39, §2766; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.3; C79, 81, §169.4]

[83 Acts, ch 115, §3](#)

169.4A Provision of veterinary services.

1. A person, including a corporation, limited liability company, or partnership, established on or after July 1, 1994, shall not provide veterinary medical services, own a veterinary clinic, or practice veterinary medicine in this state, except as otherwise provided in [this chapter](#).

2. [Subsection 1](#) shall not do any of the following:

a. Apply to a veterinarian licensed under [this chapter](#), a partnership formed under [chapter 486A](#) and composed of licensed veterinarians, a limited liability partnership formed under [chapter 486A](#) and composed of licensed veterinarians, a professional limited liability company organized under [chapter 489](#) and engaging in the practice of veterinary medicine, or a professional corporation organized under [chapter 496C](#) and engaging in the practice of veterinary medicine.

b. Prohibit a person from owning an interest in real property or a building where a veterinary clinic is located, if veterinary medical services or a veterinary medicine practice is conducted at the clinic by a person described in paragraph "a".

[94 Acts, ch 1198, §35; 2015 Acts, ch 77, §1](#)

169.5 Board of veterinary medicine.

1. a. The governor shall appoint, subject to confirmation by the senate pursuant to [section 2.32](#), a board of five individuals, three of whom shall be licensed veterinarians and two of whom shall not be licensed veterinarians and shall represent the general public. The board shall be known as the Iowa board of veterinary medicine.

b. Each licensed veterinarian board member shall be actively engaged in veterinary medicine and shall have been so engaged for a period of five years immediately preceding appointment, the last two of which shall have been in Iowa. The representatives of the general public shall be knowledgeable in the area of animal husbandry. A member of the board shall not be employed by or have any material or financial interest in any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine.

c. Professional associations or societies composed of licensed veterinarians may

recommend the names of potential board members to the governor, but the governor is not bound by the recommendations.

2. The members of the board shall be appointed for a term of three years, except the terms of the members of the initial board shall be rotated in such a manner that at least one member shall retire each year and a successor be appointed. The term of each member shall commence and end as provided by [section 69.19](#). Members shall serve no more than three terms or nine years total, whichever is less. Any vacancy in the membership of the board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.

3. The board shall meet at least once each year as determined by the board. Other necessary meetings may be called by the president of the board by giving proper notice. Except as provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

4. At its annual meeting, the board shall organize by electing a president and such other officers as may be necessary. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairperson of board meetings. The person designated as the state veterinarian shall serve as secretary of the board.

5. The duties of the board shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for a license, and keeping a register of all persons currently licensed by the board. The representatives of the general public shall not prepare, grade, or otherwise administer examinations to applicants for a license to practice veterinary medicine. All board records shall be open to public inspection during regular office hours.

6. Members of the board shall set their own per diem compensation, at a rate not exceeding the per diem specified in [section 7E.6](#) for each day actually engaged in the discharge of their duties, as well as compensation for necessary traveling and other expenses. Compensation for veterinarian members of the board shall include compensation for the time spent traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination and the reading of papers, in addition to the time actually spent in conducting examinations, within the limits of funds appropriated to the board.

7. Upon a three-fifths vote, the board may:

a. Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.

b. Issue, renew, or deny issuance or renewal of licenses and temporary permits to practice veterinary medicine in this state.

c. Establish and publish annually a schedule of fees for licensing and registration of veterinarians. The fees shall be set by rule and shall include fees for a license to practice veterinary medicine issued upon the basis of the examination, a license granted on the basis of reciprocity, a renewal of a license to practice veterinary medicine, a certified statement that a licensee is licensed to practice in this state, and an issuance of a duplicate license when the original is lost or destroyed. The fee schedule shall be based on the board's anticipated financial requirements for the year, which shall include but not be limited to the following:

(1) Per diem, expenses, and travel of board members.

(2) Costs to the department for administration of [this chapter](#).

d. Conduct investigations for the purpose of discovering violations of [this chapter](#) or grounds for disciplining licensed veterinarians.

e. Hold hearings on all matters properly brought before the board and administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission

depositions. An administrative law judge may be appointed pursuant to [section 17A.11](#) to perform those functions which properly repose in an administrative law judge.

f. Employ full-time or part-time personnel, professional, clerical, or special, as are necessary to effectuate the provisions of [this chapter](#).

g. Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

h. Bring proceedings in the courts for the enforcement of [this chapter](#) or any regulations made pursuant to [this chapter](#).

i. Adopt, amend, or repeal rules relating to the standards of conduct for, testing of, and revocation or suspension of certificates issued to veterinary assistants. However, a certificate shall not be suspended or revoked by less than a two-thirds vote of the entire board in a proceeding conducted in compliance with [section 17A.12](#).

j. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of [this chapter](#), including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

8. The powers enumerated in [subsection 7](#) are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

9. A person who provides veterinary medical services, owns a veterinary clinic, or practices in this state shall obtain a certificate from the board and be subject to the same standards of conduct, as provided in [this chapter](#) and rules adopted by the board, as apply to a licensed veterinarian, unless the board determines that the same standards of conduct are inapplicable. The board shall issue, renew, or deny a certificate; adopt rules relating to the standards of conduct; and take disciplinary action against the person, including suspension or revocation of a certificate, in accordance with the procedures established in [section 169.14](#). Certification fees shall be established by the board pursuant to [subsection 7](#), paragraph "j". Fees shall be established in an amount sufficient to fully offset the costs of certification pursuant to [this subsection](#). For the fiscal year beginning July 1, 2001, and ending June 30, 2002, the department shall retain fees collected to administer the program of certifying veterinary clinics and the fees retained are appropriated to the department for the purposes of [this subsection](#). For the fiscal year beginning July 1, 2001, and ending June 30, 2002, notwithstanding [section 8.33](#), fees which remain unexpended at the end of the fiscal year shall not revert to the general fund of the state but shall be available for use for the following fiscal year to administer the program. For the fiscal year beginning July 1, 2002, and succeeding fiscal years, certification fees shall be deposited in the general fund of the state and are appropriated to the department to administer the certification provisions of [this subsection](#). [This subsection](#) shall not apply to an animal shelter, as defined in [section 162.2](#), that provides veterinary medical services to animals in the custody of the shelter.

10. The department shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained, and the department shall assess the costs to the board for such articles and supplies. The board shall also reimburse the department for direct and indirect administrative costs incurred in issuing and renewing the licenses.

[S13, §2538-f, -h, -i, -j, -t; C24, 27, 31, 35, §2799-d1, -d5; C39, §2773, 2777-2780, 2782, 2784, 2785, 2799.1, 2799.5; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.11, 169.15 – 169.19, 169.21, 169.22, 169.37, 169.41; C79, 81, §169.5]

[83 Acts, ch 115, §4; 84 Acts, ch 1067, §23; 88 Acts, ch 1109, §17; 90 Acts, ch 1256, §31; 98 Acts, ch 1202, §32, 46; 2000 Acts, ch 1183, §1, 3; 2001 Acts, ch 24, §70, 74; 2005 Acts, ch 159, §1; 2009 Acts, ch 133, §72](#)

169.6 Disclosure of confidential information.

1. A member of the board shall not disclose information relating to the following:
 - a. Criminal history or prior misconduct of the applicant.

b. Information relating to the contents of the examination.

c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate information in violation of [subsection 1](#), and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor for each separate offense.

[C75, 77, §169.56; C79, 81, §169.6]

[2009 Acts, ch 133, §207](#)

169.7 Status of persons previously licensed.

Any person holding a valid license to practice veterinary medicine in this state on January 1, 1979 shall be recognized as a licensed veterinarian and shall be entitled to retain this status as long as licensee complies with the provisions of [this chapter](#).

[C79, 81, §169.7]

169.8 Qualifications.

1. a. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board on a form approved by the board. The application shall show that the applicant is a graduate of an accredited or approved college of veterinary medicine or the holder of an ECFVG certificate. The application shall also show such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

b. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for license without examination under [section 169.10](#), the board may grant a license to the applicant.

c. If an applicant is found not qualified to take the examination or for a license without examination, the secretary of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may request a hearing on the question of the applicant's qualification under the procedure set forth in [section 169.14](#). Any applicant who is found not qualified shall be allowed the return of the application fee.

d. Based upon an applicant's education, experience, and training, the board may grant a limited license to an applicant to perform a restricted range of activities within the practice of veterinary medicine, as specified by the board.

2. a. The name, location, number of years of practice of the person to whom a license is issued, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department of agriculture and land stewardship, to be known as the "registry book", and the same shall be open to public inspection.

b. When any person licensed to practice under [this chapter](#) changes residence, the board shall be notified within thirty days and such change shall be noted in the registry book.

3. Every individual licensed under [this chapter](#) shall keep the license displayed in the place at which an office is maintained.

[S13, §2538-e, -i, -j; C24, 27, 31, 35, 39, §2767, 2768, 2775, 2776, 2786; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.4, 169.5, 169.13, 169.14, 169.23; C79, 81, §169.8]

[83 Acts, ch 115, §5, 6; 90 Acts, ch 1117, §1; 2009 Acts, ch 41, §63](#)

169.9 Examinations.

1. The board shall hold at least one examination during each year and may hold such additional examinations as it deems necessary. The secretary shall give public notice of the time and place for each examination at least ninety days in advance of the date set for the examination. A person desiring to take an examination shall make application at least thirty days before the date of the examination.

2. The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical

knowledge sufficient to establish competency to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination prepared by the national board of veterinary examiners as a part of the examination given to examinees.

3. After each examination, the board shall notify each examinee of the examination result, and the board shall issue licenses to the individuals successfully completing the examination. The board shall record the new licenses and issue a certificate of registration to the new licensees. Any individual failing an examination shall be admitted to any subsequent examination on payment of the application fee.

4. In all written examinations the identity of the individual taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon.

[S13, §2538-e, -f, -i; C24, 27, 31, 35, 39, §2772, 2790 – 2792; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.10, 169.27 – 169.29; C79, 81, §169.9]

[83 Acts, ch 115, §7](#); [2017 Acts, ch 54, §76](#)

Code editor directive applied

169.10 License by endorsement.

1. The board may issue a license to practice veterinary medicine in this state without written examination to an applicant who meets all of the following requirements:

a. Has graduated from an accredited college of veterinary medicine or has received a certificate from the educational commission for foreign veterinary graduates at least five years prior to application.

b. Has actively practiced for at least two thousand hours during the five years preceding application.

c. Has not previously failed and not subsequently passed a veterinary licensing examination in this state.

d. Holds a current license to practice veterinary medicine in another state or United States territory or province of Canada.

e. Is not subject to license investigation, suspension, or revocation in any state, United States territory, or province of Canada.

f. Provides other information and proof as the board may require by rule.

2. The board may issue a license to practice veterinary medicine in this state without written or oral examination to an applicant who meets all of the following requirements:

a. Holds a current certification as a diplomate of a national specialty board or college recognized by the board by rule.

b. Is not subject to license investigation, suspension, or revocation in any state, United States territory, or province of Canada.

c. Provides other information and proof as the board may require by rule.

[S13, §2538-i, -i1; C24, 27, 31, 35, 39, §2794 – 2797; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.31 – 169.34; C79, 81, §169.10]

[90 Acts, ch 1117, §2](#)

Referred to in [§169.8](#)

169.11 Temporary permit.

The board may issue without examination a temporary permit to practice veterinary medicine in this state:

1. To a qualified applicant for license pending examination and the temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued. The temporary permit holder should keep the secretary continually advised of the permit holder's current address.

2. To a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country who pays the fee established and published by the board. Such temporary permit shall be issued for a period of no more than one hundred

eighty days and no more than one permit shall be issued to a person during each calendar year.

[C79, 81, §169.11]

169.12 License renewal.

1. All licenses shall expire in multiyear intervals as determined by the board but may be renewed by registration with the board and payment of the registration renewal fee established and published by the board. Prior to expiration the secretary shall mail a notice to each licensed veterinarian that the license will expire and provide the licensee with a form for registration.

2. Any person who shall practice veterinary medicine after license expiration is practicing in violation of [this chapter](#). However, a person may renew an expired license within five years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five years have elapsed since the date of expiration, a license may not be renewed, and the holder must make application for a new license and take the license examination.

3. The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when the veterinarian is on active duty with any branch of the armed services of the United States.

4. Any licensee who is desirous of changing residence to another state or territory shall, upon application to the department and payment of the legal fee, receive a certified statement that the licensee is a duly licensed practitioner in this state.

[S13, §2538-j; C24, 27, 31, 35, 39, §2769, 2769.1, 2798; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.6, 169.35; C79, 81, §169.12]

[2017 Acts, ch 54, §76](#)

Referred to in [§169.13](#)

Code editor directive applied

169.13 Discipline of licensees.

1. The board of veterinary medicine, after due notice and hearing, may revoke or suspend a license to practice veterinary medicine if it determines that a veterinarian licensed to practice veterinary medicine is guilty of any of the following acts or offenses:

a. Knowingly making misleading, deceptive, untrue, or fraudulent representation in the practice of the profession.

b. Being convicted of a felony in the courts of this state or another state, territory, or country. Conviction as used in this paragraph includes a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding in which a finding or verdict of guilt is made or returned, but the adjudication or guilt is either withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state is conclusive evidence.

c. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of veterinary medicine.

d. Having the person's license to practice veterinary medicine revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

e. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice veterinary medicine.

f. Being adjudged mentally incompetent by a court of competent jurisdiction. The adjudication shall automatically suspend a license for the duration of the license unless the board orders otherwise.

g. Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of veterinary medicine as defined in rules adopted by the board, in which proceeding actual injury to an animal need not be established; or the committing by a veterinarian of an act contrary to honesty, justice, or good

morals, whether the act is committed in the course of the practice or otherwise, and whether committed within or without this state.

h. Inability to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition.

i. Willful or repeated violation of lawful rules adopted by the board or violation of a lawful order of the board, previously entered by the board in a disciplinary hearing.

2. *a.* The board, upon probable cause, may compel a veterinarian to submit to a mental or physical examination by designated physicians. Failure of a veterinarian to submit to an examination constitutes an admission to the allegations made against that veterinarian and the finding of fact and decision of the board may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a veterinarian shall be afforded an opportunity to demonstrate that the veterinarian can resume the competent practice of veterinary medicine with reasonable skill and safety to animals.

b. A person licensed to practice veterinary medicine who makes application for the renewal of the person's license as required by [section 169.12](#) gives consent to submit to a mental or physical examination as provided by this paragraph when directed in writing by the board. All objections shall be waived as to the admissibility of the examining physician's testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a veterinarian in another proceeding and are confidential except for other actions filed against a veterinarian to revoke or suspend that person's license.

[S13, §2538-e; C24, 27, 31, 35, 39, §2799; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.36; C79, 81, §169.13]

[83 Acts, ch 115, §8](#); [2009 Acts, ch 41, §64](#)

Referred to in [§169.14](#), [272C.3](#), [272C.4](#)

169.14 Procedure for suspension or revocation.

A proceeding for the revocation or suspension of a license to practice veterinary medicine or to discipline a person licensed to practice veterinary medicine shall be substantially in accord with the following:

1. The board, upon its own motion or upon a verified complaint in writing, may request the department of inspections and appeals to conduct an investigation of the charges contained in the complaint. The department of inspections and appeals shall report its findings to the board, and the board may issue an order fixing the time and place for hearing if a hearing is deemed warranted. A written notice of the time and place of the hearing, together with a statement of the charges, shall be served upon the licensee at least ten days before the hearing in the manner required for the service of notice of the commencement of an ordinary action.

2. If the licensee has left the state, the notice and statement of the charges shall be so served at least twenty days before the date of the hearing, wherever the licensee may be found. If the whereabouts of the licensee is unknown, service may be had by publication as provided in the rules of civil procedure upon filing the affidavit required by those rules. If the licensee fails to appear either in person or by counsel at the time and place designated in the notice, the board shall proceed with the hearing.

3. The hearing shall be before a member or members designated by the board or before an administrative law judge appointed by the board according to the requirements of [section 17A.11, subsection 1](#). The presiding board member or administrative law judge may issue subpoenas, administer oaths, and take or cause depositions to be taken in connection with the hearing. The member or officer shall issue subpoenas at the request and on behalf of the licensee.

4. A mechanized or stenographic record of the proceedings shall be kept. The licensee shall be given the opportunity to appear personally and by attorney, with the right to produce evidence in one's own behalf, to examine and cross-examine witnesses, and to examine documentary evidence produced against the licensee.

5. If a person refuses to obey a subpoena issued by the presiding member or administrative law judge or to answer a proper question put to that person during the hearing, the presiding

member or administrative law judge may invoke the aid of a court of competent jurisdiction in requiring the attendance and testimony of that person and the production of papers. A failure to obey the order of the court may be punished by the court as a civil contempt may be punished.

6. Unless the hearing is before the entire board, a transcript of the proceeding, together with exhibits presented, shall be considered by the entire board at the earliest practicable time. The licensee and attorney shall be given the opportunity to appear personally to present the licensee's position and arguments to the board. The board shall determine the charge upon the merits on the basis of the evidence in the record before it.

7. Upon three members of the board voting in favor of finding the licensee guilty of an act or offense specified in [section 169.13](#), the board shall prepare written findings of fact and its decision imposing one or more of the following disciplinary measures:

a. Suspend the license to practice veterinary medicine for a period to be determined by the board.

b. Revoke the license to practice veterinary medicine.

c. Suspend imposition of judgment and penalty or impose the judgment and penalty, but suspend enforcement and place the veterinarian on probation. The probation ordered may be vacated upon noncompliance. The board may restore and reissue a license to practice veterinary medicine, and may impose a disciplinary or corrective measure which it might originally have imposed.

8. Judicial review of the board's action may be sought in accordance with [chapter 17A](#).

9. The filing of a petition for review does not in itself stay execution or enforcement of board action. Upon application, the board or the review court, in appropriate cases, may order a stay pending the outcome of the review proceedings.

[C31, 35, §2799-d1, -d3, -d4, -d6; C39, §2799.1, 2799.3, 2799.4, 2799.6; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.37, 169.39, 169.40, 169.42; C79, 81, §169.14]

[83 Acts, ch 115, §9](#); [88 Acts, ch 1109, §18](#); [88 Acts, ch 1158, §44](#); [89 Acts, ch 296, §19](#); [98 Acts, ch 1202, §33, 46](#)

Referred to in [§169.5](#), [169.8](#), [169.20](#)

169.15 Appeal.

Any party aggrieved by a decision of the board may appeal the matter to the district court as provided in [section 17A.19](#).

[C79, 81, §169.15]

[83 Acts, ch 115, §10](#)

169.16 Reinstatement.

A person whose license is suspended or revoked may be relicensed or reinstated at any time by a vote of five members of the board after written application made to the board showing cause justifying relicensing or reinstatement. Examination of the applicant may be waived by the board.

[C79, 81, §169.16]

[83 Acts, ch 115, §11](#)

169.17 Forgeries.

Any person who shall file or attempt to file with the department or board of veterinary medicine any false or forged diploma or certificate or affidavit of identification or qualification is guilty of a fraudulent practice.

[C24, 27, 31, 35, 39, §2803; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.43; C79, 81, §169.17]

169.18 Fraud.

Any person who shall present to the department or board of veterinary medicine a diploma or certificate of which the person is not the rightful owner, for the purpose of procuring a license, or who shall falsely impersonate anyone to whom a license has been granted by said department, is guilty of a fraudulent practice.

[C24, 27, 31, 35, 39, §2804; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.44; C79, 81, §169.18]

169.19 Enforcement — penalties.

1. Any person who practices veterinary medicine without a currently valid license or temporary permit is guilty of a fraudulent practice. Each act of such unlawful practice shall constitute a distinct and separate offense.

2. A person who shall practice veterinary medicine without a currently valid license or temporary permit shall not receive any compensation for services so rendered.

3. The county attorney of the county in which any violation of [this chapter](#) occurs shall conduct the necessary prosecution for such violation. Notwithstanding this provision, the board of veterinary medicine or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. The action brought to restrain a person from engaging in the practice of veterinary medicine without possessing a license shall be brought in the name of the state of Iowa. If the court finds that the individual is violating or threatening to violate [this chapter](#) it shall enter an injunction restraining the individual from such unlawful acts.

4. The successful maintenance of an action based on any one of the remedies set forth in [this section](#) shall in no way prejudice the prosecution of an action based on any other remedy set forth in [this section](#).

5. The department shall cooperate with the board of veterinary medicine in the enforcement of the provisions of [this chapter](#).

[S13, §2538-1; C24, 27, 31, 35, 39, §2805 – 2807; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.45 – 169.48; C79, 81, §169.19]

[83 Acts, ch 115, §12; 2012 Acts, ch 1023, §157](#)

Referred to in [§331.756\(31\)](#)

169.20 Veterinary assistants.

1. A veterinarian may employ certified veterinary assistants for any purpose other than diagnosis, prescription or surgery. Veterinary assistants must act under the direct supervision of a licensed veterinarian.

2. The board shall issue certificates to veterinary assistants who have met the educational, experience and testing requirements as the board shall specify by rule. The certificate is not a license and does not expire. The certificate may be suspended or revoked, or any other disciplinary action may be taken as specified in [section 272C.3, subsection 2](#). All disciplinary actions shall be taken pursuant to [section 169.14](#).

[83 Acts, ch 115, §1](#)

Referred to in [§169.4](#)

Section not amended; unnumbered paragraphs 1 and 2 editorially numbered as subsections 1 and 2

Veterinary Medicine[811]

CHAPTER 6

APPLICATION FOR VETERINARY LICENSURE

[Prior to 2/8/89, Veterinary Medicine, Board of[842] Ch 2]

Chapter 6, Suspension or Revocation of License, rescinded IAC 2/8/89; see 811—Ch 10.

811—6.1(169) Procedure.

6.1(1) Application to take examination. Any person desiring to take the NAVLE in Iowa for a license to practice veterinary medicine shall make application to the board in accordance with the guidelines and time lines established by the NBVME. The applicant shall submit to the board proof of completing the application process with NBVME along with the administrative fee by sending the proof and fee to:

Iowa Board of Veterinary Medicine
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 E. 9th Street
Des Moines, Iowa 50319-0053

Proof of NAVLE application shall be submitted to the board in accordance with the guidelines and time lines established by the NBVME on forms to be provided by the board. The form shall be notarized and completely filled out. The completed form shall include one current passport size and quality photograph of the applicant. Incomplete applications shall be returned to the applicant along with the tendered fee and a written statement setting forth the reasons for such rejections.

The form shall be accompanied by satisfactory evidence of the applicant's having graduated from an AVMA-accredited school of veterinary medicine or satisfactory evidence that the applicant is expected to graduate within six months of the date of the examination.

Applications to take the NAVLE will not be accepted from any person who has previously taken and passed that examination in any jurisdiction, except on case-by-case petition to the board for good cause shown or other order of the board.

6.1(2) License requirements. Prior to the board's issuance of a license, the applicant shall:

- a. Successfully complete the NAVLE as provided in rule 811—7.1(169);
- b. Remit the proper application fee for licensure;
- c. Graduate from:
 - (1) An AVMA-accredited school of veterinary medicine; or
 - (2) An AVMA-listed school of veterinary medicine and have received a certificate from either ECFVG or PAVE;
- d. Provide a statement indicating all jurisdictions in which the applicant is or has ever been licensed to practice veterinary medicine. The applicant shall provide information and shall consent to release to the board license information from jurisdictions in which the applicant is or has ever been licensed;
- e. Provide information or consent to the release of information pertinent to the character and education of the applicant as the board may deem necessary in order to evaluate the applicant's qualifications; and
- f. Submit evidence of having completed at least 60 hours of approved continuing education within the last three licensing years. New graduates and applicants within one year after the date of graduation are exempt from continuing education requirements for initial licensing. Applicants who apply more than one year but less than two years after the date of graduation must complete at least 20 hours of approved continuing education. Applicants who apply more than two years but less than three years after the date of graduation must have completed at least 40 hours of approved continuing education. As used in this paragraph, "date of graduation" also includes the date of PAVE or ECFVG certification.

A license issued during a triennium, upon the applicant's completion of these requirements and payment of the prorated triennial license fee, shall be issued for the balance of the triennium. A license shall expire on June 30 of the third year if the triennium.

811—6.2(169) Fee schedule for veterinarians. The following fees shall be collected by the board and shall not be refunded except by board action in unusual instances such as documented illness of the

applicant, death of the applicant, inability of the applicant to comply with the rules of the board, or withdrawal of an examination application provided withdrawal is received in writing 45 days prior to the examination date. However, the state fees may be waived for qualifying military service personnel upon request. Examination fees shall be nontransferable from one examination to another.

The fee for the NAVLE, which is utilized by the board as a part of the licensure process, shall be the fee charged that year by NBVME, plus an administrative fee payable to the board.

Based on the board's anticipated financial requirements, the following fees are hereby adopted:

License—application fee	\$50
NAVLE examination fee	set by NBVME
Board administrative fee for NAVLE	\$25
State veterinary examination fee	set by board
State veterinary administration fee	set by board
Triennial license	\$60
Late renewal penalty	\$100
License by endorsement—application fee	\$50
Reactivation fee for lapsed or inactive license	\$100
Reinstatement fee	\$100
Duplicate license	\$15
Temporary permit	\$35
Temporary permit application fee	\$15
Official licensure verification	\$15
Charge for insufficient funds or returned checks	\$25
Senior student certificate	\$0

This rule is intended to implement Iowa Code sections 169.5 and 169.12.

[ARC 1984C, IAB 4/29/15, effective 6/3/15]

811—6.3(169) Reactivation fee. All applications for reactivation of a lapsed or inactive license to practice veterinary medicine shall be filed with the secretary of the board, together with the then current license fee, the current reactivation fee, and all applicable penalties for a lapsed or inactive license.

811—6.4(169) Graduates of foreign schools. Graduates of foreign veterinary schools may become eligible for examination and licensure by either of the following methods:

6.4(1) Examination eligibility through ECFVG. Graduates of foreign veterinary schools which, pursuant to the AVMA criteria, are not AVMA-accredited but are AVMA-listed may make application to take the NAVLE in this state provided that the application includes a copy of the applicant's diploma or certificate indicating the award of a degree in veterinary medicine from an AVMA-listed college and a letter from the ECFVG verifying that the applicant is or will be participating in an ECFVG certification program.

6.4(2) Licensure eligibility through ECFVG. Graduates of foreign veterinary schools which are not AVMA-accredited but are AVMA-listed will not be considered for licensing until they have received the certificate granted by the ECFVG. A license will not be issued to an applicant until the applicant submits a certified copy of the applicant's ECFVG certificate.

6.4(3) Examination eligibility through PAVE. Graduates of foreign veterinary schools may make application to take the NAVLE in this state provided that the application includes a certified copy of the applicant's diploma or certificate indicating the award of a degree in veterinary medicine from a foreign veterinary school and a letter from the AAVSB on behalf of PAVE verifying that the applicant is participating in the PAVE certification program administered by the AAVSB, and has met the requirements for taking the NAVLE.

6.4(4) *Licensure eligibility through PAVE.* Graduates of foreign veterinary schools will not be considered for licensing until they have received the certificate granted by PAVE. A license will not be issued to an applicant until the applicant submits a copy of the applicant's PAVE certificate.

811—6.5(169) License by endorsement.

6.5(1) A license by endorsement may be granted by the board pursuant to either Iowa Code section 169.10(1) or 169.10(2). An applicant shall make application for a license by endorsement on a form provided by the board. The application fee and triennial license fee shall accompany the application. In addition to the information specified in Iowa Code section 169.10, the applicant shall supply all of the following:

a. A statement indicating all jurisdictions in which the licensee is or has ever been licensed to practice veterinary medicine. The applicant shall provide information and shall consent to the release of information to the board from jurisdictions in which the applicant is or has ever been licensed.

b. Information pertinent to the character and education of the applicant as the board may deem necessary in order to evaluate the applicant's qualifications.

c. Evidence of approved continuing education totaling at least 60 hours obtained within the last three licensing years. New graduates and applicants within one year after graduation are exempt from continuing education requirements for initial licensing. Applicants who apply more than one year but less than two years after the date of graduation must complete at least 20 hours of approved continuing education. Applicants who apply more than two years but less than three years after the date of graduation must have completed at least 40 hours of approved continuing education. As used in this paragraph, "date of graduation" also includes the date of PAVE or ECFVG certification. Foreign graduates licensed by PAVE or ECFVG certification are exempt from the continuing education requirement for one year from the date of certification by PAVE or ECFVG.

6.5(2) For an applicant with a non-Iowa license seeking licensure under Iowa Code section 169.10(1), the following shall apply:

a. If the applicant's non-Iowa license was issued between December 31, 1964, and December 31, 1979, the applicant shall have successfully completed the National Board Examination (NBE).

b. If the applicant's non-Iowa license was issued between January 1, 1980, and December 31, 2000, the applicant shall have successfully completed the National Board Examination (NBE) and the Clinical Competency Test (CCT).

c. If the applicant's non-Iowa license was issued on or after January 1, 2001, the applicant shall have successfully completed the NAVLE in accordance with rule 811—7.1(169).

6.5(3) An applicant who is a diplomate under Iowa Code section 169.10(2) shall also include a copy of the applicant's board or college specialty certificate. For the purpose of this rule, a specialty board or college means a specialty board or college which has been officially recognized by the AVMA. Changes of specialty status shall be reported to the board within 30 days of the action.

811—6.6(169) Issuance of limited license; specialization.

6.6(1) The board may grant a license to practice veterinary medicine within a limited and specified scope:

a. As an option for board discipline under 811—Chapter 10.

b. To a qualified member of the faculty of the Iowa State University College of Veterinary Medicine.

c. To an applicant requesting limited or specialized status.

6.6(2) A licensed veterinarian shall not claim or imply specialization unless the veterinarian is a diplomate in good standing of the respective specialty board or college recognized by the AVMA.

6.6(3) Veterinary student certificate. The board may issue a veterinary student certificate to a senior veterinary student who is attending an AVMA-accredited college of veterinary medicine, upon endorsement by the college that the student is competent to perform veterinary duties. The certificate issued by the board shall limit the student to performing duties under the direction of an instructor of veterinary medicine or under the direct supervision of a licensed veterinarian. Veterinary student

certificate holders are prohibited from administering rabies vaccine to dogs as described in Iowa Code section 351.35 and signing a certificate of veterinary inspection as described in Iowa Code section 163.12.

6.6(4) Limited licensure for faculty. Faculty, not including residents or interns, at Iowa State University College of Veterinary Medicine may be issued a limited license to practice veterinary medicine. The applicant for a limited license for faculty shall have graduated from an AVMA-accredited or AVMA-listed school of veterinary medicine or have received a PAVE or ECFVG certificate and shall submit a completed application and the required fees. Holders of limited licenses for faculty are limited to duties performed on the college premises during periods of employment at the college.

811—6.7(169) License renewal.

6.7(1) A license to practice veterinary medicine shall be issued for a three-year period, except that new licenses issued during a triennium shall be issued for the balance of that triennium, except that new certificates issued during a triennium shall be issued for the balance of the triennium and the certificate fee shall be prorated. A license shall expire on June 30 of the third year of the triennium.

6.7(2) At least two months before the end of a triennium, a renewal notice will be sent to each licensee at the last address in the board's file. Failure to receive the notice shall not relieve the licensee of the obligation to pay triennium renewal fees on or before June 30.

6.7(3) The license renewal application shall include a statement which certifies the jurisdictions in which the licensee is currently or has in the past been licensed to practice veterinary medicine.

6.7(4) Renewal fees shall be received by the board on or before the end of the triennium on June 30. Whenever renewal fees are not received as specified, the license lapses and the practice of veterinary medicine must cease until all renewal fees and penalty fees are received by the board.

6.7(5) If the renewal fee has not been received by the board before the license has lapsed, an application for renewal must be filed with the board with a renewal fee in addition to the reactivation fee and the late renewal penalty fee.

811—6.8(169,261) Issuance or renewal of a license to practice veterinary medicine—denial. The board shall deny the issuance or renewal of a license to practice veterinary medicine upon receipt of a certificate of noncompliance from the college student aid commission according to the procedures set forth in 1998 Iowa Acts, chapter 1081. In addition to the procedures contained therein, the following shall apply.

6.8(1) The notice required by 1998 Iowa Acts, chapter 1081, section 6, shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the applicant may accept service personally or through authorized counsel.

6.8(2) The effective date of the denial of the issuance of the license or renewal of a license, as specified in the notice required by 1998 Iowa Acts, chapter 1081, section 6, shall be 60 days following service of the notice upon the applicant.

6.8(3) The board's executive secretary is authorized to prepare and serve the notice required by 1998 Iowa Acts, chapter 1081, section 6, upon the applicant.

6.8(4) Applicants shall keep the board informed of all court actions and all college student aid commission actions taken under or in connection with Iowa Code chapter 261 and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to 1998 Iowa Acts, chapter 1081, section 7, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the college student aid commission.

6.8(5) All board fees required for application or renewal must be paid by applicants and all continuing education requirements must be met before a license will be issued, renewed, or reinstated after the board has denied the issuance or renewal of a license pursuant to Iowa Code chapter 261.

6.8(6) In the event an applicant timely files a district court action following service of a board notice pursuant to 1998 Iowa Acts, chapter 1081, sections 6 and 7, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial

of the issuance or renewal of a license, the board shall count the number of days before the court action was disposed of by the court.

6.8(7) The board shall notify the applicant in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a license and shall similarly notify the applicant when the license is issued or renewed following the board's receipt of a withdrawal of the certificate of noncompliance.

811—6.9(169) Renewal, lapsed or inactive license. A veterinarian whose license has lapsed may renew an expired license within five years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five years have elapsed since the date of expiration, a license may not be renewed, and the veterinarian must make application for a new license and take the license examination. A veterinarian whose license has lapsed or has been placed on inactive status shall, prior to receiving active status licensure in the practice of veterinary medicine in the state of Iowa, satisfy the requirements in either subrule 6.9(1) or subrule 6.9(2) for renewal of a lapsed or inactive license:

6.9(1) *Renewal of a lapsed or inactive license.* An applicant for renewal of a lapsed or inactive license shall do both of the following:

a. Submit written application for renewal of a lapsed or inactive license to the board upon forms provided by the board;

b. Furnish evidence of compliance with continuing education requirements specified in rule 811—11.3(169).

6.9(2) *Renewal by endorsement.* An applicant for renewal by endorsement may submit an application for renewal by endorsement by following the procedures set out in rule 811—6.5(169).

These rules are intended to implement Iowa Code chapters 17A, 169, and 261.

[Filed 3/2/78, Notice 9/21/77—published 3/22/78, effective 4/26/78]

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[Filed ARC 1984C (Notice ARC 1756C, IAB 12/10/14), IAB 4/29/15, effective 6/3/15]

**State of Wisconsin
Department of Agriculture, Trade and Consumer Protection**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Melissa Mace		2) Date When Request Submitted: January 11, 2019 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>	
3) Name of Board, Committee, Council, Sections: VEB			
4) Meeting Date: January 24, 2018	5) <input checked="" type="checkbox"/> Attachments: <input type="checkbox"/> Yes	6) How should the item be titled on the agenda page? Election of Officers Appointment of Liaisons, Alternates, and Delegates	
7) Place Item in: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Session Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) x <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
Describe the issue and action that should be addressed: The Board shall elect 2018 officers: Chair, Vice Chair, and Secretary. The Board shall consider the following 2018 liaison appointments by the Chair: <ul style="list-style-type: none"> a) Education and Exams b) Continuing Education c) Legislative d) Administrative Rules e) Monitoring f) Screening Panel g) Credentialing Committee 			
Melissa <hr/> Signature of person making this request		January 11, 2019 <hr/> Date	
<hr/> Supervisor (if required)		<hr/> Date	
<hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau			

2018 VEB Officers and Liaisons

2018 ELECTION RESULTS	
Board Chair	Philip Johnson
Vice Chair	Robert Forbes
Secretary	Diane Dommer Martin

2018 LIAISON APPOINTMENTS	
Education and Exams Liaison	Lisa Weisensel Nesson <i>Alternate:</i> Sheldon Schall
Continuing Education Liaison	Philip Johnson <i>Alternate:</i> Sheldon Schall
Legislative Liaison	Bruce Berth <i>Alternate:</i> Kevin Kreier
Administrative Rules Liaison	Diane Dommer Martin <i>Alternate:</i> Kevin Kreier
Monitoring Liaison	Lisa Weisensel Nesson <i>Alternate:</i> Kevin Kreier
Screening Panel	Sheldon Schall, Robert Forbes, Diane Dommer Martin and Dana Reimer
Credentialing Panel	Lisa Weisensel Nesson, Diane Dommer Martin and Philip Johnson



VETERINARY EXAMINING BOARD

MEETING MINUTES

Friday, March 1, 2019

PRESENT: Bruce Berth, Diane Dommer Martin, D.V.M., Robert Forbes, D.V.M., Philip Johnson, D.V.M., Kevin Kreier, D.V.M., Dana Reimer C.V.T., Sheldon Schall, Lisa Weisensel Nesson, D.V.M.

STAFF: Department of Agriculture, Trade, and Consumer Protection (DATCP) Division of Animal Health: Melissa Mace, Executive Director; Office of the Secretary: Liz Kennebeck and Cheryl Daniels, DATCP Attorneys; Robert Van Lanen, Regulatory Specialist – Senior; Sally Ballweg, License/Permit Program Associate; Kelly Markor, Executive Staff Assistant; Angela Fisher, Program Policy Analyst; Introductions and Discussion.

Philip Johnson, Chair, called the meeting to order at [Click here to enter a date..](#) A quorum of five (5) members was confirmed.

INTRODUCTIONS

1. Angela Fisher, Program and Policy Analyst DAH/VEB support

APPROVAL OF THE AGENDA

MOTION: Board Member moved, seconded by Board Member, to approve the Agenda. Motion carried unanimously.

APPROVAL OF THE BOARD MEETING MINUTES OF THE BOARD MEETING MINUTES OF

- November 7, 2018

MOTION: Board Member moved, seconded by Board Member to approve the Minutes from the, Wednesday, October 26, 2016 Meeting. Motion carried unanimously.

- November 14, 2018

MOTION: Board Member moved, seconded by Board Member to approve the Minutes from the, Wednesday, October 26, 2016 Meeting. Motion carried unanimously.

PUBLIC COMMENTS

Speaker, From?, Discussion Topic

AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS (AAVSB) MATTERS

1. Nominations for the 2019-2020 leadership for AAVSB. There are five distinctive open positions. Nominations are due May 30, 2019.
2. Call for Bylaws amendments – Proposed bylaws amendments are due to the AAVSB office by March 1, 2019.
3. Resolution 2018-1 – Entering information into the VAULT system or identifying our barriers to entering into the system.
4. Board Basics & Beyond Training – Register by March 5, 2019
5. AAVSB Member Questions

ADMINISTRATIVE UPDATES

ELECTION OF OFFICERS

BOARD CHAIR

NOMINATION: Board Member nominated Board Member for the Office of Board Chair.

Executive Director called for nominations three (3) times.

Board Member was elected as Chair by unanimous consent./consent of the majority.

VICE CHAIR

NOMINATION: Board Member nominated Board Member for the Office of Vice Chair.

Executive Director called for nominations three (3) times.

Board Member was elected as Vice Chair by unanimous consent./consent of the majority.

SECRETARY

NOMINATION: Board Member nominated Board Member for the Office of Secretary.

Executive Director called for nominations three (3) times.

Board Member was elected as Secretary by unanimous consent./consent of the majority.

2019 ELECTION RESULTS

Board Chair	Board Member
Vice Chair	Board Member
Secretary	Board Member

2019 LIAISON APPOINTMENTS

Education and Exams Liaison	Board Member Alternate: Board Member
-----------------------------	---

Continuing Education Liaison	Board Member <i>Alternate:</i> Board Member
Legislative Liaison	Board Member <i>Alternate:</i> Board Member
Administrative Rules Liaison	Board Member <i>Alternate:</i> Board Member
Monitoring	Board Member <i>Alternate:</i> Board Member
Screening Panel	Board Member, Board Member, Board Member and Board Member
Credentialing Panel	Board Member, Board Member and Board Member

MOTION: Board Member moved, seconded by Bruce Berth, to affirm the Chair's appointment of liaisons for 2019. Motion carried unanimously.

DELEGATION MOTIONS

Delegated Authority – Urgent Matters

MOTION: Board Member moved, seconded by Board Member: In order to facilitate the completion of assignments between meetings, the Board delegates authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, to fill vacant appointment positions, where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law.

Delegated Authority - Screening Panel

MOTION: Board Member moved, seconded by Board Member that the Board delegates authority to the Screening Panel to open cases for investigation or close cases inappropriate for further action.

MOTION: Board Member moved, seconded by Board Member that the Board delegates authority to the Screening Panel to consider questions related to scope of practice of veterinary medicine and veterinary technicians. The Screening Panel may choose to approve or reject a particular practice, or bring the matter to the full Board.

Delegated Authority - Credentialing Committee

MOTION: Board Member moved, seconded by Board Member, that the Board delegates authority to the Credentialing Committee to address all issues related to

credentialing matters, except potential denial decisions should be referred to the full Board for final determination.

MOTION: Board Member moved, seconded by Board Member, that the Board delegates authority to the Credentialing Committee to employ a “passive review” process for background checks, whereby if no Committee member requests a Committee meeting on the materials within five (5) business days after receiving them, the application would be considered cleared to proceed through the process.

Delegated Authority - Document Signatures

MOTION: Board Member moved, seconded by Board Member that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board’s Executive Director for purposes of facilitating the completion of assignments during or between meetings.

Delegated Authority - Monitoring Liaison and Department Monitor

MOTION: Board Member moved, seconded by Board Member to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document.

- License Update – Age distribution of licensee

LICENSING/ EXAM INQUIRIES

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

1. VE 7 – Hearing Draft on Complementary, Alternative and Integrative Therapies (Informational)
2. VE 1 - Relating to the definition of veterinary medical surgery (Informational)
3. VE 11 Update on the request for proposals (RFP)

FUTURE MEETING DATES AND TIMES

1. Screening Committee
2. Next Board Meeting - April 24, 2019 at 9:00.

FUTURE AGENDA ITEMS

CLOSED SESSION MOTION

MOTION: Board Member moved seconded by Board Member, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Board Member read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Board Member -yes; Board Member -yes; Board Member -yes; Board Member -yes;

Board Member -yes; Board Member -yes; Board Member -yes; Board Member -yes;
Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Board Member moved seconded by Board Member, to reconvene to open session. Motion carried unanimously. The Board reconvened at [REDACTED].

MOTION: Board Member moved seconded by Board Member, to confirm Rules Advisory Committee Membership as Pedro Rivera, Ann Margret Morgan, Ruthanne Chun, John Swingle, Carrie Stefaniak, Teresa Raffel, Kris Eggleston, Maya Meinhold, Thereasa Wirkus, Jordan Lamb and Lance Paulson. Motion carried unanimously.

MOTION: Board Member moved, seconded by Board Member, to delegate ratification of examination results to DATCP staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Board Member moved, seconded by Board Member, to adjourn. Motion carried unanimously.

The meeting adjourned at [REDACTED] pm.

**State of Wisconsin
Department of Agriculture, Trade and Consumer Protection**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Melissa Mace		2) Date When Request Submitted: January 11, 2019 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>	
3) Name of Board, Committee, Council, Sections: VEB			
4) Meeting Date: January 24, 2019	5) <input checked="" type="checkbox"/> Attachments: <input type="checkbox"/> Yes	6) How should the item be titled on the agenda page? Delegated Authority Motions	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) x <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: <p>The Board shall consider annual delegated authority motions relating to the following areas:</p> <ul style="list-style-type: none"> a. Urgent Matters b. Screening Panel c. Credentialing Committee d. Document Signatures e. Monitoring Liaison and Department Monitor 			
11) Authorization			
Signature of person making this request Melissa Mace		Date January 5, 2018	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau			

DELEGATED AUTHORITY MOTIONS

Delegated Authority – Urgent Matters

MOTION: _____ moved, seconded by _____: In order to facilitate the completion of assignments between meetings, the Board delegates authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, to fill vacant appointment positions, where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law.

Delegated Authority - Screening Panel

MOTION: _____ moved, seconded by _____, that the Board delegates authority to the Screening Panel to open cases for investigation or close cases inappropriate for further action.

MOTION _____ moved, seconded by _____, that the Board delegates authority to the Screening Panel to consider questions related to scope of practice of veterinary medicine and veterinary technicians. The Screening Panel may choose to approve or reject a particular practice, or bring the matter to the full Board.

Delegated Authority - Credentialing Committee

MOTION: _____ moved, seconded by _____, that the Board delegates authority to the Credentialing Committee to address all issues related to credentialing matters, except potential denial decisions should be referred to the full Board for final determination.

MOTION _____ moved, seconded by _____, that the Board delegates authority to the Credentialing Committee to employ a “passive review” process for background checks, whereby if no Committee member requests a Committee meeting on the materials within five (5) business days after receiving them, the application would be considered cleared to proceed through the process.

Delegated Authority - Document Signatures

MOTION: _____, seconded by _____, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board’s Executive Director for purposes of facilitating the completion of assignments during or between meetings.

Delegated Authority - Monitoring Liaison and Department Monitor

MOTION: _____ moved, seconded by _____, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document.

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison is a board designee who works with department monitors to enforce the Board's orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board:

1. Grant a temporary reduction in random drug screen frequency upon Respondent's request if he/she is unemployed and is otherwise compliant with Board order. The Department Monitor will draft an order and sign on behalf of the Liaison. The temporary reduction will be in effect until Respondent secures employment in the profession.
2. Grant a stay of suspension if Respondent is eligible per the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board approval. The Department Monitor will notify Respondent of the Liaison's decision.
5. Grant a maximum 90-day extension, if warranted and requested in writing by Respondent, to complete Board-ordered CE, pay proceeding costs, and/or pay forfeitures upon Respondent's request.

Current Authorities Delegated to the Department Monitor

The Department Monitor may take the following actions on behalf of the Board, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board-ordered CE and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

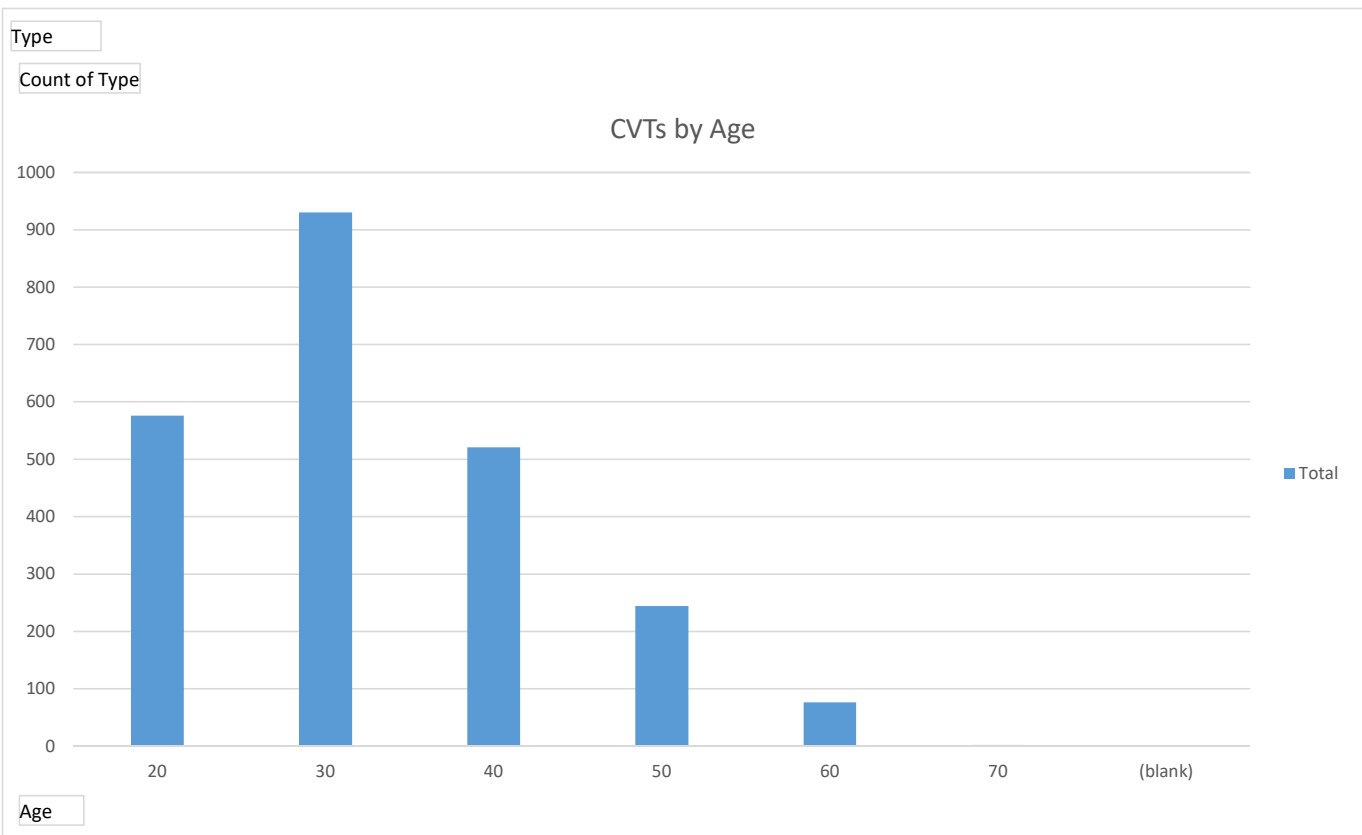
Clarification

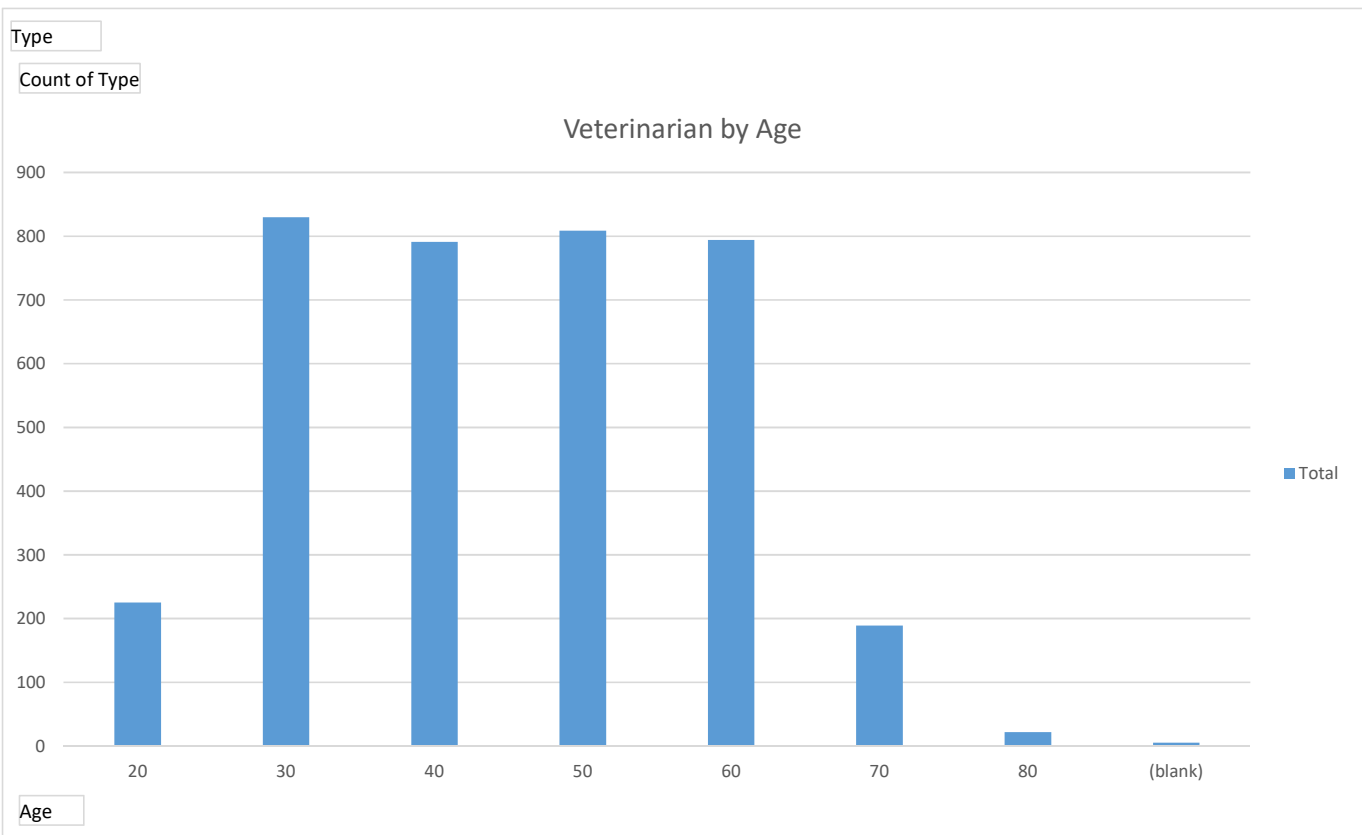
1. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. (This is consistent with current practice.)

**State of Wisconsin
Department of Agriculture, Trade and Consumer Protection**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Melissa Mace		2) Date When Request Submitted: Jan. 15, 2019 Items will be considered late if submitted after 12:00 p.m. on the deadline date.	
3) Name of Board, Committee, Council, Sections: VEB			
4) Meeting Date: Jan 30	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Age Distribution of CVTs and Licensed Veterinarians	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: At the last meeting a request was made to see the age distribution of individuals licensed by the Board.			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			Date
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			





STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : ORDER GRANTING
JAMES S. GRAHAM, D.V.M., : FULL LICENSURE
RESPONDENT. :
 :

The Wisconsin Veterinary Examining Board (the Board) adopts the makes the following Findings of Fact and Order.

PARTIES

1. The Board is created and attached to the Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) pursuant to Wis. Stat. § 15.135(5).
2. Dr. James S. Graham, D.V.M. (Respondent), is licensed in the State of Wisconsin to practice veterinary medicine, having license number 404567 (previously 3204-50), first issued on August 11, 1988, and current through December 31, 2019.
3. The Respondent's most recent address on file with the Department is 4706 New Horizons Blvd., Appleton, WI 54914.

FINDINGS OF FACT

4. On July 30, 2014, the Board issued a Final Decision and Order 0003329, case number 13 VET 034 limiting Respondent's license to practice veterinary medicine.
5. Pursuant to the terms of the Order, Respondent was suspended for twenty-two (22) days commencing on October 1, 2014.
6. Pursuant to the terms of the Order, Respondent was required to pay costs in the amount of \$377.00.
7. Respondent has adhered to suspension and paid the ordered costs.

ORDER

8. Respondent's license to practice veterinary medicine is returned to full, unrestricted status.

9. This Order is effective the date of its signing.

FOR WISCONSIN VETERINARY EXAMINING BOARD:

by: _____

Date

Print name: _____

A Member of the Board

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : ORDER GRANTING
THOMAS L. SIMPSON, D.V.M., : FULL LICENSURE
RESPONDENT. :
 : ORDER:

The Wisconsin Veterinary Examining Board (the Board) makes the following Findings of Fact and Order.

PARTIES

1. The Board is created and attached to the Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) pursuant to Wis. Stat. § 15.135(5).
2. Dr. Thomas L. Simpson, D.V.M. (Respondent), is licensed in the State of Wisconsin to practice veterinary medicine, having license number 404672 (previously, 3601-50), first issued on August 7, 1990, and current through December 31, 2019.
3. The most recent address on file with the Department for Respondent is 1101 W. 3rd Ave., Brodhead, WI 53520-1411.

FINDINGS OF FACT

4. On November 7, 2018, the Board issued a Final Decision and Order 0005048 in case 18 VET 024 limiting Respondent's license to practice veterinary medicine.
5. Pursuant to the terms of the Order, Respondent was required within 90 days of the date of the Order to complete three (3) hours of CE on the topic of ethics, and four (4) addition hours of CE to fulfill the 30 hours of CE for the 2016-2017 biennial renewal period.
6. Pursuant to the terms of the Order, Respondent was required to pay costs in the amount of \$170.70.

7. Respondent has paid the ordered costs and submitted proof that he has completed all required CE.

ORDER

8. Respondent's license to practice veterinary medicine is returned to full, unrestricted status.

9. This Order is effective the date of its signing.

FOR WISCONSIN VETERINARY EXAMINING BOARD:

by: _____ Date _____

Print name: _____
A Member of the Board

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : ORDER GRANTING
SARAH A. TESSARO, C.V.T., : FULL LICENSURE
RESPONDENT. :
 : ORDER:

The Wisconsin Veterinary Examining Board (the Board) makes the following Findings of Fact and Order.

PARTIES

1. The Board is created and attached to the Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) pursuant to Wis. Stat. § 15.135(5).
2. CVT Sarah A. Tessaro (Respondent), is certified in the State of Wisconsin to practice as a veterinary technician, having certification number 406533 (previously, 9902585), first issued on December 11, 2012, and current through December 31, 2019.
3. The most recent address on file with the Department for Respondent is 2490 Hamilton St., Oshkosh, WI 54901.

FINDINGS OF FACT

4. On November 7, 2018, the Board issued a Final Decision and Order 0005052 in case 18 TECH 005 limiting Respondent's certification to practice as a veterinary technician.
5. Pursuant to the terms of the Order, Respondent was required within 90 days of the date of the Order to complete three (3) hours of CE on the topic of ethics.
6. Pursuant to the terms of the Order, Respondent was required to pay costs in the amount of \$104.36.

7. Respondent has paid the ordered costs and submitted proof that she has completed all required CE.

ORDER

8. Respondent's certification to practice as a veterinary technician is returned to full, unrestricted status.

9. This Order is effective the date of its signing.

FOR WISCONSIN VETERINARY EXAMINING BOARD:

by: _____ Date _____

Print name: _____
A Member of the Board

**State of Wisconsin
Department of Agriculture, Trade and Consumer Protection**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Melissa Mace		2) Date When Request Submitted: February, 2019 Items will be considered late if submitted after 12:00 p.m. on the deadline date.	
3) Name of Board, Committee, Council, Sections: VEB			
4) Meeting Date: Mar 1	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? License requirements for Bull Semen Collection and evaluation.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: A Dr. Moore from IA is looking to do Bull Semen collection in WI. He has a person working for him who is not a licensed CVT who he would like to be doing this process, in its entirety. The question to the Board is, what part of the process – if any or all- can be done by an individual that is not licensed as a veterinarian or CVT. And if it can be done by an unlicensed CVI what type of supervision by a veterinarian would be needed, if any. Dr. Moore’s proposed process is below: To Melissa Mace DATCP, Thank you for your e-mail. Our question is can a lay person, that is not a licensed, certified veterinary technician do the following activities: 1) Insert the probe. 2) Ejaculate the bull, there is a certain skill set that is learned. 3) Collect the semen sample. 4) Evaluate the semen for concentration, motility and morphology. 5) Measure scrotal circumference. 6) Based on the evaluation parameters listed in 4 and 5, give a rating as to semen quality. This is a semen evaluation. They would not be doing a breeding soundness exam which would by our Iowa definition includes evaluation of the internal organs and the penis and physical structure of the bull. If any one of these points 1-6 needs to be veterinarian performed only, we need to know. Thank you, Dr. Moore			

**State of Wisconsin
Department of Agriculture, Trade and Consumer Protection**

11)

Authorization

Signature of person making this request

Date

Supervisor (if required)

Date

Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date

Directions for including supporting documents:

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**State of Wisconsin
Department of Agriculture, Trade and Consumer Protection**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Melissa Mace		2) Date When Request Submitted: Jan. 15, 2019 Items will be considered late if submitted after 12:00 p.m. on the deadline date.	
3) Name of Board, Committee, Council, Sections: VEB			
4) Meeting Date: Jan 30	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
<ol style="list-style-type: none"> 1. VE 7 – Final Draft on Complementary, Alternative and Integrative Therapies (Informational) - <ol style="list-style-type: none"> a. At the Governor’s office - pending approval 2. VE 1 - Relating to the definition of veterinary medical surgery (Informational) <ol style="list-style-type: none"> a. Approved by the Governor, referred to legislature for review. 3. VE 11 Update on the request for proposals (RFP) (Informational) 4. VE 1-10 – Reorganization relating to licensing, practice scope, and standard of practice for veterinarians and veterinary technicians. (Informational) <ol style="list-style-type: none"> a. Scope approved, will work with Angela to start rule drafting process 			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			Date
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

Rule Change Timeline: After Final Draft Referral to the Legislature

Last Updated: 1/17/19

10 Days

Within 10 days after DATCP refers a final draft rule for legislative committee review, the presiding officer in each house of the legislature refers the rule to a standing committee in that house.

30 - 60+ Days

Each standing committee may review and hold hearings on the rule, and may ask DATCP to consider modifications. Each standing committee has 30 days to review the rule, but may extend the review period to 60 days (longer if the committee requests rule modifications). Extensions are governed by s. 227.19, Stats. DATCP may elect to modify or withdraw a rule to address legislative concerns.

5 Days

Within 5 days of the date the standing committee jurisdiction ends, the rule is referred to the respective chief clerks.

5 Days

Within an additional 5 days, the rule is assigned to the Joint Committee for Review of Administrative Rules (JCRAR).

30 - 60+ Days

JCRAR also has 30 days to review the rule, but may extend the review period to 60 days (longer if JCRAR requests new rule modifications).

Unknown # Days

The DATCP Secretary must sign the final draft rule, and DATCP must file a certified copy with the Legislative Reference Bureau (s. 227.20, Stats.). A rule is not valid unless DATCP files the certified copy. DATCP may not change a rule after it files the certified copy, except that the Legislative Reference Bureau may correct typographical errors that do not affect the substance of the rule.

1+ Months

The Legislative Reference Bureau publishes the final draft rule in the Wisconsin Administrative Register, together with a brief *final report* by DATCP (see below). A rule takes effect on the first day of the month after it is published, or on a later date specified in the rule (see s. 227.22, Stats.). If the rule has a substantial adverse impact on small business, the effective date for small businesses is automatically delayed by 2 months. The Legislative Reference Bureau only publishes rules in the *end-of-the-month* issue of the Administrative Register (*not* any mid-month issues). In order to be published at the end of any month, a rule must be filed with the LRB by the 1st day of the *preceding* month. So there is an automatic publication delay of *at least* 1 month (may be longer for large rules). After the rule is published in the Wisconsin Administrative Register, the Legislative Reference Bureau updates the Wisconsin Administrative Code to incorporate the rule (a rule may affect one or more chapters of the Wisconsin Administrative Code).

Notes about Session Timing:

If a proposed rule is referred after the last day of the legislature's final general business floor period in the biennial session, the legislative review period is delayed as follows:

A notice and report of a proposed rule that is received by the Legislature for committee review after the last day of the Legislature's final general-business floor period in the biennial session is treated as received on the first day of the next regular session of the Legislature, unless the presiding officers of both houses direct referral of the notice and report before that day.

If a notice and report is received by the Legislature after the last day of the Legislature's final general-business floor period and is referred for committee review before the first day of the next regular session of the Legislature, the committee review period for each committee extends to the day that the next Legislature convenes.

If a committee or JCRAR has not concluded its jurisdiction over a proposed rule or a part of a proposed rule before the day that the next Legislature convenes, that jurisdiction ceases and the proposed rule or part of the proposed rule is referred to the appropriate standing committee or JCRAR of the next Legislature, which begins a new committee review period.

DATCP may not adopt a rule until the standing committee and JCRAR review periods have expired. If either standing committee *formally objects* to the rule, JCRAR must decide whether to concur in the objection. If JCRAR concurs in the objection or adopts its own objection, the rule is subject to further delay (until the full Legislature addresses the matter). If JCRAR does *not* concur in the objection and does not adopt its own objection, DATCP may adopt the rule when the JCRAR jurisdiction ends.