



VETERINARY EXAMINING BOARD
Room 121C, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
July 29, 2015

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

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Welcome New Members
- B) **Adoption of Agenda**
- C) **Approval of Minutes of April 29, 2015 (4-6)**
- D) **Legislative/Administrative Rule Matters**
 - 1) Preliminary Rule Draft of VE 10 Relating to Continuing Education **(7-23)**
 - 2) Adoption Order for CR14-064, VE 2,3,8 relating to entrance to examinations **(24-31)**
 - 3) Wisconsin Veterinary Medical Association Proposed Modifications to Wis. Admin. Code VE 1.02(9), 1.02(3m), and 7.02
 - 4) Discuss authorizing Department Staff to draft scope statement in relation to model practice act and rules review
 - a) Model Practice Act – AVMA **(32-57)**
 - b) Practice Act Model – AAVSB **(58-157)**
- E) **APPEARANCE – Department of Agriculture, Trade, and Consumer Protection (DATCP) Division of Animal Health Members: Sandy Chalmers, Dr. Paul McGraw, Laurie Slauson – Introductions and Discussion**
- F) **Administrative Updates**
 - 1) Department and Staff Updates
 - 2) Other Items
- G) **American Association of Veterinary State Boards (AAVSB) Matters**
 - 1) 2015 Fall Veterinary Examining Board Meeting Date
 - 2) **AAVSB Annual Meeting (158-160)**
 - a) Review Agenda
 - b) Review Board Attendance Plans
 - c) Discuss Possible Welcome Address by Board Chair
 - d) Other matters

- H) Items Added After Preparation of Agenda:
- 1) Introductions, Announcements and Recognition
 - 2) Nominations, Elections and Appointments
 - 3) Administrative Updates
 - 4) Education and Examination Matters
 - 5) Credentialing Matters
 - 6) Practice Matters
 - 7) Legislation/Administrative Rule Matters
 - 8) Liaison Report(s)
 - 9) Informational Item(s)
 - 10) Disciplinary Matters
 - 11) Presentations of Petition(s) for Summary Suspension
 - 12) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 13) Presentation of Proposed Decisions
 - 14) Presentation of Interim Order(s)
 - 15) Petitions for Re-Hearing
 - 16) Petitions for Assessments
 - 17) Petitions to Vacate Order(s)
 - 18) Petitions for Designation of Hearing Examiner
 - 19) Requests for Disciplinary Proceeding Presentations
 - 20) Motions
 - 21) Petitions
 - 22) Appearances from Requests Received or Renewed
 - 23) Speaking Engagement(s), Travel, or Public Relation Request(s)

I) Public Comments

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. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

J) Monitoring Matters

K) Administrative Warnings

- 1) 13 VET 039 T.C.D. D.V.M. **(161-163)**

L) Deliberation on Proposed Stipulations, Final Decisions and Orders

- 1) Kurt Zaeske, D.V.M., 12 VET 031 **(164-169)**
- 2) Scott E. McDonald D.V.M., 15 VET 006 **(170-176)**
- 3) David Williams D.V.M. 14 VET 036 **(177-183)**

M) Case Closing(s)

- 1) 15 VET 004, R.S. D.V.M. **(184-187)**
- 2) 15 VET 015 W.C. D.V.M. **(188-190)**
- 3) 15 VET 007, J.D.F. D.V.M **(191-194)**
- 4) 14 VET 030, V.A.L. **(195-197)**
- 5) 14 VET 037, C.D.G. **(198-201)**
- 6) 15 VET 010 T.E. **(202-217)**

N) **Case Status Report**

O) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

P) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Q) Open Session Items Noticed Above not Completed in the Initial Open Session

R) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

S) Ratification of Licenses and Certificates

ADJOURNMENT

**VETERINARY EXAMINING BOARD
MEETING MINUTES
April 29, 2015**

PRESENT: Bruce Berth; Diane Dommer Martin, D.V.M. (*via GoTo Meeting*); Robert Forbes, D.V.M.; Philip Johnson, D.V.M.; Brenda Nemec, C.V.T. (*via GoTo Meeting*); Lisa Weisensel Nesson, D.V.M.; Neil Wiseley, D.V.M.

EXCUSED: Sheldon Schall

STAFF: Tom Ryan, Executive Director; and Kelly Williams, Bureau Assistant

CALL TO ORDER

Philip Johnson, Chair, called the meeting to order at 9:36 A.M. A quorum of seven (7) members was confirmed.

ADOPTION OF AGENDA

MOTION: Bruce Berth moved, seconded by Lisa Weisensel Nesson, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Robert Forbes moved, seconded by Neil Wiseley, to approve the minutes of January 28, 2015 as published. Motion carried unanimously.

DELEGATED AUTHORITIES - MONITORING

MOTION: Diane Dommer Martin moved, seconded by Lisa Weisensel Nesson, to adopt the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as published in today's meeting packet. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

SCOPE STATEMENT FOR WIS. ADMIN. CODE VE 10 RELATING TO CONTINUING EDUCATION

MOTION: Bruce Berth moved, seconded by Lisa Weisensel Nesson, to approve the scope statement for submission to GORC and publication, and authorize the Chair to approve the scope statement for implementation no less than 10 days after publication. Motion carried unanimously.

**WISCONSIN VETERINARY MEDICAL ASSOCIATION PROPOSED MODIFICATIONS TO
WIS. ADMIN. CODE VE 1.02(9), 1.02(3M), AND 7.02**

MOTION: Robert Forbes moved, seconded by Lisa Weisensel Nesson, to draft a scope statement to clarify the definition of surgery. Motion carried unanimously.

AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS (AAVSB) MATTERS

AAVSB MEETING DATES

MOTION: Philip Johnson moved, seconded by Lisa Weisensel Nesson, to delegate Robert Forbes as the second alternate delegate, to attend the 2015 AAVSB Annual Meeting on September 17-19, 2015 in Milwaukee, WI., and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Lisa Weisensel Nesson moved, seconded by Bruce Berth, to 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. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Bruce Berth – yes; Diane Dommer Martin – yes; Robert Forbes – yes; Philip Johnson – yes; Brenda Nemec – yes; Lisa Weisensel Nesson – yes; Neil Wiseley – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:57 A.M.

RECONVENE TO OPEN SESSION

MOTION: Neil Wiesely moved, seconded by Bruce Berth, to reconvene in Open Session at 11:17 A.M. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,
IF VOTING IS APPROPRIATE**

MOTION: Robert Forbes moved, seconded by Diane Dommer Martin, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

**PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY THE DIVISION OF
LEGAL SERVICES AND COMPLIANCE**

**15 VET 001
JOHN R. PRELLWITZ, D.V.M.**

MOTION: Lisa Weisensel Nesson moved, seconded by Neil Wiseley, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 15 VET 001 – John R. Prellwitz, D.V.M. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Robert Forbes moved, seconded by Lisa Weisensel Nesson, to issue the Administrative Warning in the matter of DLSC case number 14 VET 035 – K.M.C. Motion carried unanimously.

**DELEGATION OF RATIFICATION OF EXAMINATION RESULTS
AND RATIFICATION OF LICENSES AND CERTIFICATES**

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

ADJOURNMENT

MOTION: Lisa Weisensel Nesson moved, seconded by Neil Wiseley, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:18 A.M.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira (Paff) Administrative Rules Coordinator		2) Date When Request Submitted: 7/15/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Veterinary Examining Board			
4) Meeting Date: 7/29/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Preliminary Rule Draft of VE 10 relating to continuing education	
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: N/A	
10) Describe the issue and action that should be addressed: The Board will review and discuss the preliminary rule draft of VE 10 relating to continuing education.			
11) Authorization			
Katie Vieira (Paff)		7/15/15	
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 Policy Development 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
VETERINARY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	VETERINARY EXAMINING
VETERINARY EXAMINING BOARD	:	BOARD
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Veterinary Examining Board to *** relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 453.062 (2) (a) and (b), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 453.03 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides examining boards, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .” The proposed rule seeks to provide guidance to licensed veterinarians and licensed veterinary technicians on compliance with continuing education requirements.

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency, “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 453.03 (2), Stats., provides that the, “examining board shall promulgate rules requiring training and continuing education sufficient to assure competency of veterinarians and veterinary technicians in the practice of veterinary medicine, . . .”

Related statute or rule:

None

Plain language analysis:

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

Iowa:

Michigan:

Continuing education is not required to renew a license as a veterinarian or a veterinary technician in the state of Michigan.

Minnesota:

Summary of factual data and analytical methodologies:

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Katie Vieira (Paff), Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Vieira@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Katie Vieira (Paff), Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Vieira@wisconsin.gov. Comments must be received on or before the public hearing to be held on *** to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. VE 10.03 (b) and (i) are repealed.

SECTION 2.

SECTION EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Veterinary Examining Board

Joint Committee on Administrative Rules
ADMINISTRATIVE CODE

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS
PART 1500 VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 2004
SECTION 1500.25 CONTINUING EDUCATION

Section 1500.25 Continuing Education

- a) Continuing Education Hours Requirements
- 1) Each person who applies for renewal of a license as a veterinarian is required to complete 40 hours of continuing education (CE) relevant to the practice of veterinary medicine and surgery during the prerenewal period.
 - 2) A prerenewal period is the 24 months preceding the expiration date of the license.
 - 3) A renewal applicant is not required to comply with CE requirements for the first renewal.
 - 4) CE credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois if the CE required by the other state is consistent with the CE requirements set forth in this Section.
 - 5) CE credit hours used to satisfy this requirement may be achieved through self study courses offered by an approved provider.
 - 6) A licensee who serves as an instructor, speaker or discussion leader of an approved provider will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Time shall not be allowed for repetitious presentations of the same course.
 - 7) CE course credit will be allowed for actual authorship of published articles and books, provided the subject matter of such article or book complies with this Section. CE course credit shall be allowed for actual time spent in writing or researching.
- b) Approved CE Providers
- 1) CE credit may be earned for verified attendance at or participation in any

program given or approved by one of the following:

- A) An approved veterinary program, as provided in Section 1500.5(a)(2) and (a)(3);
- B) The American Veterinary Medical Association or any of its constituent organizations;
- C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association or any of its constituent organizations;
- D) The American Animal Hospital Association;
- E) National Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB);
- F) Programs provided by, or appropriate for, veterinary specialty organizations; and
- G) United States Department of Agriculture (USDA), or any organization approved by the USDA to offer the USDA Recertification Course.

2) Course Requirements

- A) All courses or programs shall:
 - i) Be a minimum of 1 hour in duration. An hour is defined as 50 to 60 minutes of contact time;
 - ii) Contribute to the advancement, extension and enhancement of professional skills and/or scientific knowledge in the practice of veterinary medicine;
 - iii) Provide experiences that contain scientific integrity, relevant subject matter and course materials;
 - iv) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
 - v) Specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- B) The Division may periodically review approved providers to ensure compliance.

c) The licensees shall maintain their CE records for 4 years.

d) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Division may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned or is seeking CE hours offered in another jurisdiction for a program not approved by the Division for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
 - 2) If a licensee fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$100 per hour of CE late fee not to exceed \$500. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license or certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Board. If the Division finds from the statement, or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.
 - 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness; or
 - C) Undue hardship (e.g., prolonged hospitalization, being disabled or unable to practice veterinary medicine for a majority of the duration

of the renewal cycle) as determined by the Board. Every attempt should be made by the applicant to comply with CE through self-study.

- 3) If an interview is requested at the time the request for a waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 36 Ill. Reg. 13866, effective September 7, 2012)

Joint Committee on Administrative Rules**ADMINISTRATIVE CODE**

**TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS
PART 1505 CERTIFIED VETERINARY TECHNICIANS
SECTION 1505.55 CONTINUING EDUCATION**

Section 1505.55 Continuing Education

- a) Continuing Education Hours Requirements
- 1) Each person who applies for renewal of a certificate as a veterinarian technician is required to complete 15 hours of continuing education (CE) relevant to veterinary medicine and surgery during the prerenewal period.
 - 2) A prerenewal period is the 24 months preceding January 1 in the year of the renewal.
 - 3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the certificate.
 - 4) CE credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.
 - 5) CE credit hours used to satisfy this requirement may be achieved through self study courses offered by an approved provider.
- b) Approved CE Providers
- 1) CE credit may be earned for verified attendance at or participation in any program given by one of the following:
 - A) An approved veterinary program, as provided in 68 Ill. Adm. Code 1500.5, or a veterinary technician program;
 - B) The American Veterinary Medical Association Committee on Veterinary Technician Education and Activities (CVTEA);
 - C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association or any of its constituent organizations;
 - D) The American Animal Hospital Association;

- E) National Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB);
 - F) Programs provided by, or appropriate for, veterinary specialty organizations; and
 - G) United States Department of Agriculture (USDA) or any organization approved by USDA to offer the USDA Recertification Course.
- 2) Courses Requirements
- A) All courses or programs shall:
 - i) Be a minimum of 1 hour in duration. An hour is defined as 50 to 60 minutes of contact time;
 - ii) Contribute to the advancement, extension and enhancement of professional skills and/or scientific knowledge in the practice of veterinarian medicine;
 - iii) Provide experiences that contain scientific integrity, relevant subject matter and course materials;
 - iv) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
 - v) Specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
 - B) The Division may periodically review approved providers to ensure compliance.
- c) The certificate holder shall maintain CE records for 4 years.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on a renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Division may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
- e) Continuing Education Earned in Other Jurisdictions
- 1) If an individual has earned or is seeking CE hours offered in another jurisdiction for a program not approved by the Division for which the individual will be claiming credit toward full compliance in Illinois, the

applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the certificate. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.

- 2) If an individual fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$50 per hour of CE late fee not to exceed \$250. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.

f) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of those facts and, if desired, a request for an interview before the Board. If the Division finds from the statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness; or
 - C) Undue hardship (e.g., prolonged hospitalization, being disabled or unable to practice as a veterinary technician for a majority of the duration of the renewal cycle) as determined by the Board. Every attempt should be made by the applicant to comply with CE through self-study.
- 3) If an interview is requested at the time the request for waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 36 Ill. Reg. 13876, effective September 7, 2012)

CHAPTER 11
CONTINUING EDUCATION
[Prior to 2/8/89, Veterinary Medicine, Board of(842) Ch 8]

811—11.1(169) Continuing education required for a veterinary licensee.

11.1(1) At least 60 hours of continuing education in courses approved by the board shall be completed within the last three licensing years by each licensee as a condition for license renewal. The licensee has financial responsibility for the cost of continuing education. These credit hours may be obtained by attending board-approved scientific or practice management seminars and meetings on the basis of one credit hour for each hour of attendance. Attendance at any approved national, state or regional meeting or RACE-approved meeting will be acceptable. One hour of credit may be approved for local meetings where a scientific paper is presented. Credit for qualified graduate college courses may be approved on the basis of multiplying each college credit hour by 10, to a maximum of 30 hours during any one triennial license period. A maximum of 20 hours during any one triennial license period of continuing education may be achieved by completion of approved distance education courses. A maximum of 20 hours of continuing education during any one triennial license period may be achieved by completion of approved practice management courses.

11.1(2) Each licensee shall obtain the 60 credit hours between July 1 of the year the license was issued and June 30 of the following third year as a condition precedent to license renewal. Continuing education credits in excess of 60 hours for any three-year license period may be carried over to the next triennial license period, but the total number of credit hours carried over shall not exceed 20 hours.

11.1(3) A recent graduate is exempt from meeting continuing education requirements at the time of original licensure and for the first year of practice. For the purpose of this rule, "recent graduate" means a person who has graduated from an accredited or approved school of veterinary medicine, or received a certificate from the ECFVG or PAVE no more than three years prior to application for licensure. If a recent graduate is licensed during the first year of the triennial license period, the licensee is required to complete 40 hours of continuing education for the first license renewal. If a recent graduate is licensed during the second year of the triennial license period, the licensee is required to complete 20 hours of continuing education for the first license renewal. If a recent graduate is licensed during the third year of the triennial license period, the licensee is exempt from meeting continuing education requirements for the first license renewal.

11.1(4) Completion of the continuing education requirement will be reported to the secretary of the board on a form provided by the board, at the time of license renewal. The form must be signed by the licensee and accompanied by a renewal application and the proper renewal fee.

11.1(5) The board may waive continuing education requirements for qualifying military service personnel upon request.

[ARC 1984C, IAB 4/29/15, effective 6/3/15]

811—11.2(169) Exemptions for an inactive veterinary licensee. A licensee residing within or outside Iowa who is not engaged in practice in the state of Iowa may be granted a waiver of compliance and obtain a certificate of exemption upon paying the annual license renewal fee. The licensee shall provide a written application to the board that includes a statement that the applicant will not engage in the practice of veterinary medicine in Iowa without first complying with all the rules governing reactivation after exemption. The application for a certificate of exemption shall be submitted on a form provided by the board.

811—11.3(169) Reactivation of license. A veterinarian whose license has lapsed or been placed on inactive status shall furnish evidence of completion of a total number of hours of accredited continuing education computed by multiplying 20 by the number of years since the date of the last issuance of the license for which reactivation is sought.

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

[Filed 3/2/78, Notice 9/21/77—published 3/22/78, effective 4/26/78]

[Filed 8/3/78, Notice 6/28/78—published 8/23/78, effective 9/28/78]

9100.1000 CONTINUING EDUCATION.

Subpart 1. **Continuing education required.** Commencing with license renewal for 1997, no license renewal may be issued to a veterinarian, pursuant to Minnesota Statutes, section 156.07, until the veterinarian has certified to the board that the veterinarian has completed at least 40 hours of approved continuing education during the previous two years. Thereafter, each veterinarian possessing a license to practice veterinary medicine shall certify compliance at the time of each subsequent biennial license renewal. Licensees with odd-numbered licenses renewed in 1997 are required to have completed 20 credit hours and thereafter 40 credit hours for subsequent biennial license renewal periods. Licensees with even-numbered licenses are required to have completed 40 credit hours at time of 1998 renewal.

Subp. 2. **Purpose.** The primary purpose of continuing veterinary education is to assure the consumer of an optimal quality of veterinary care by requiring veterinarians to attend educational or training programs designed to advance their professional skills, knowledge, and obligations.

Subp. 3. Approved continuing education programs.

A. Courses, seminars, wet labs, and lectures sponsored by accredited colleges of veterinary medicine; the AVMA and CVMA; state, regional, and local VMAs; AVMA recognized specialty boards; academic or specialty groups; international veterinary organizations; the Minnesota Academy of Veterinary Practice; the U.S. Animal Health Association; training programs of the U.S.D.A. and Minnesota Board of Animal Health; and the AAHA are automatically approved and do not require advance approval on an individual program basis.

B. Sponsors of programs not automatically approved in item A must apply to the board for course approval at least 90 days prior to the anticipated presentation date.

Applications for approval of a continuing education program must be submitted on a form provided by the board containing the following information:

(1) the name and address of the organization sponsoring the course for which approval is requested;

(2) a detailed description of the course content, including a time schedule for the course;

(3) the name and credentials of each person making a presentation;

(4) the mechanism of monitoring and certifying attendance;

(5) the dates and location, including the name and address of the facility at which the course will be conducted; and

(6) the tuition fee.

C. Program approval criteria:

(1) The criteria in units (a) to (d) must be used to determine approval of a continuing education program.

(a) The educational activities must have significant intellectual or practical content dealing primarily with information on skills directly related to the practice of veterinary medicine, to the professional responsibility or ethical and legal obligations of the participants, or to practice management concepts.

(b) Presenters must be qualified by practical or academic experience to teach the subject covered.

(c) The program must be conducted in a suitable setting conducive to the learning process.

(d) Except for limitations due to space availability or instructor/pupil ratio or academic or experience prerequisites, courses must be open to all licensed veterinarians.

(2) Licensees, within 30 days of attending a nonpreapproved course, may apply to the board for credit by completing and submitting an individual continuing education course approval form. The board is the final determinator of credit to be allowed.

(3) Courses not directly related to the practice of veterinary medicine, such as estate planning, investments, and marketing of ancillary products, must not be approved for continuing education credit.

(4) Providers, in advertisements for approved programs, must use the following phrase: "This program has been approved by the Minnesota Board of Veterinary Medicine for (insert appropriate number) continuing education credit hours."

(5) Providers must maintain records of attendance for a minimum of three years and must verify individual attendance to the board upon request.

Subp. 4. Continuing education advisory committee.

A. A six-member continuing education advisory committee is established to assist and advise the board in continuing education matters. Two members of the committee must be designated by the Minnesota Academy of Veterinary Practice; two must be members of the board; one member must be designated by the College of Veterinary Medicine, University of Minnesota; and one member must be designated by the Minnesota Veterinary Medical Association. The executive director of the board shall serve as secretary of the committee.

B. Responsibilities of the continuing education advisory committee include:

(1) reviewing proposed continuing education programs for approval and recommending the number of continuing education credit hours that will be awarded;

(2) reviewing individual licensee requests for continuing education credit approval and recommending the number of credit hours to be awarded;

(3) reviewing the validity of individual requests for a waiver of continuing education requirements; and

(4) assisting and advising the board staff in administering the continuing education program.

C. All recommendations of the continuing education advisory committee must be approved by the board.

Subp. 5. **Requirements for relicensure.** Each licensee must obtain 40 hours of approved continuing education credit in the two years immediately preceding the biennial license renewal deadline.

A. Thirty of the 40 required hours of continuing education credit must be obtained from interactive sources, such as lectures, seminars, wet labs, interactive television, or as a presenter of a continuing education topic or author of a referred journal article or contributing author for a recognized textbook.

B. For self study, such as journal reading, audio/visual tape instruction, or other noninteractive study, three hours of study must be awarded one hour of continuing education credit. Not more than ten hours of continuing education credit from noninteractive sources must be accepted toward the 40-hour continuing education credit requirement for licensure renewal.

C. Not more than ten hours of continuing education credit must be accepted for courses, seminars, or training sessions focused on practice management.

Subp. 6. **Credit determination.**

A. Ten hours of continuing education credit must be granted for authoring a scientific paper or book chapter published in a scholarly journal or book.

B. Up to ten hours of continuing education credit must be granted on a one-time basis for a paper or exhibit presented before a professional veterinary or allied health audience. Two hours of credit must be given for each hour of presentation, to a maximum of ten credit hours.

C. One hour of continuing education credit must be given for each period of not less than 50 minutes of attendance at an approved continuing education program. Credit

for attendance at combined scientific, business, and social conventions must be given only for the actual number of hours spent participating in continuing education programs.

Subp. 7. Extension and waivers of continuing education requirements.

A. For good cause, a licensee may apply to the board for a six-month extension of the deadline for obtaining the required number of continuing education credits. No more than two consecutive extensions may be granted. Extensions may be granted for unforeseen hardships such as illness, family emergency, and military call-up.

B. Waiver of continuing education requirements must be granted to licensees enrolled in a graduate or residency program leading to an advanced degree or certification in a specialty or academic field related to veterinary medicine.

C. Waiver of continuing education requirements must be granted to licensees who are members in current good standing of academies and specialty boards that have continuing education requirements equal to or higher than board requirements.

D. Waiver of continuing education requirements must be granted to licensees who practice and maintain licensure in another United States or Canadian jurisdiction that has continuing education requirements equal to or higher than board requirements.

E. Continuing education requirements are waived for the time period immediately preceding the first license renewal date.

Subp. 8. Certification procedure.

A. The board, at the time of license renewal, must furnish each licensee a form upon which the licensee must certify fulfillment of the required number of continuing education hours for the two-year period preceding the license renewal date or that they qualify for waiver of requirements as specified in items B to E.

B. Licensees are responsible for maintaining documentation of continuing education attendance for a minimum of four years. The board may, at its discretion, require licensees to furnish additional evidence as is necessary to verify compliance with board continuing education requirements. Upon board request, whether as part of a routine audit or as part of an individual complaint investigation, a licensee must furnish, within 30 days, proof to the board of satisfactorily meeting the required number of continuing education hours established by the board or of qualifying for a waiver.

(1) Proof in the form of attendance certificates, diplomas, canceled checks, or class rosters accompanied with a course program, or other documentation acceptable to the board must be submitted.

(2) The board is the final determining authority as to the acceptability of specific continuing education documentation or waiver qualification.

C. The following acts are unprofessional conduct and are subject to disciplinary action under Minnesota Statutes, section 156.081, subdivision 2, clause (11):

(1) failure to meet minimum continuing education credit hour requirements for biennial license renewal;

(2) failure to submit adequate proof of continuing education attendance within 30 days of a board request; and

(3) falsification of attendance documentation.

D. Excess continuing education credit hours may not be banked or carried forward into the next license renewal cycle.

E. For disciplinary purposes, the board may direct a licensee to take additional continuing education, in specific disciplines, over and above the general continuing education requirements for relicensure.

Subp. 9. **Reinstatement of expired license.** A person wishing to reinstate an expired license under Minnesota Statutes, section 156.071, shall furnish proof that the person meets continuing education requirements of their current state of residency and that those requirements are equal to Minnesota requirements, or otherwise provide documentation to the board of having met Minnesota continuing education requirements for each year the license was expired, up to five years maximum, or provide proof of enrollment in a qualified graduate or residency program during the period the license was expired.

Statutory Authority: *MS s 214.12*

History: *20 SR 860*

Published Electronically: *October 2, 2007*

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira (Paff) Administrative Rules Coordinator		2) Date When Request Submitted: 7/14/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Veterinary Examining Board			
4) Meeting Date: 7/29/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Adoption Order for CR14-064, VE 2, 3, 8 relating to entrance to examinations	
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: N/A	
10) Describe the issue and action that should be addressed: The Board will review and approve the Adoption Order for CR14-064.			
11) Authorization			
Katie Vieira (Paff)		7/14/2015	
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 Policy Development 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
VETERINARY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	VETERINARY EXAMINING
	:	BOARD
VETERINARY EXAMINING	:	ADOPTING RULES
BOARD	:	CLEARINGHOUSE RULE 14-064

ORDER

An order of the Veterinary Examining Board to repeal VE 2.01 (2) and 3.03; to repeal and recreate VE 3.02 and 8.02, relating to entrance to examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.071, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), Stats., and 2013 Wisconsin Act 114.

Explanation of agency authority:

Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Veterinary Examining Board is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and interpret the statutes it administers. 2013 Wisconsin Act 114 requires the Department of Safety and Professional Services and its attached boards to allow candidates for licensure to take their examination for a credential before completing their post-secondary education. This statutory change prompted the Veterinary Examining Board to exercise its rule-making authority to amend pertinent sections of Wis. Admin. Code specifically, ss. VE 2.01, VE 3.03, and VE 8.03 in order to give guidance within the profession related to entrance to examinations.

Related statute or rule:

None.

Plain language analysis:

Before 2013 Wisconsin Act 114, applicants for veterinary credentials were required to either have graduated from a school of veterinary medicine or expected to graduate no

later than 10 months after the last date of an applicable testing period before being allowed to sit for the North American Veterinary Licensing Examination (NAVLE). Act 114 removed both requirements to sit for the NAVLE. Now Wisconsin law no longer prohibits applicants for veterinary licensure in Wisconsin from taking the NAVLE before completing their post-secondary education. However, applicants must continue to comply with the National Board of Veterinary Medical Examiners' requirements before taking the NAVLE which may require that applicants who take the NAVLE graduate within a certain time period.

SECTION 1. repeals the requirement to have graduated or expect to graduate from a veterinary college within 10 months of the last applicable testing period before taking the NAVLE.

SECTION 2. creates a list of the requirement for a veterinary license by examination.

SECTION 3. repeals the process for veterinary licensure applicants to take the examination on state laws and rules.

SECTION 4. creates a list of the requirements for applicants for veterinary technician certification.

SECTION 5. repeals the application process for applying for veterinary technician certification.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Illinois has a rule similar to the current Wisconsin rule whereby applicants must have graduated or be enrolled in an approved veterinary program and certify that the applicant will graduate from that program. "If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination shall be void." 68 Ill Admin. Code 1500.10.

Iowa: Iowa requires applicants for veterinary licensure to meet the guidelines established by the National Board of Veterinary Medical Examiners (NBVME). The applicant sends proof of completion of the NBVME application process and the administrative fee to the Iowa Board of Veterinary Medicine. Iowa Admin. Code R 811-6.1.

Michigan: Michigan requires applicants to graduate from veterinary college before becoming licensed. Mich. Admin. Code R. 338.4902.

Minnesota: Minnesota requires a diploma, or a certificate from a college of veterinary medicine in which the applicant is enrolled certifying that the applicant will graduate at the completion of the current academic year. Minn. Stat. §156.02.

Summary of factual data and analytical methodologies:

No factual data or analytical methodologies were used in drafting the proposed rule due to the proposed rule being prompted by recent legislation.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435

Agency contact person:

Katie Vieira (Paff), Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone (608) 261-4472; email at Kathleen.Vieira@wisconsin.gov.

TEXT OF RULE

SECTION 1. VE 2.01 (2) is repealed.

SECTION 2. VE 3.02 is repealed and recreated to read:

VE 3.02 Qualifications for licensure by examinations. The board may issue a license to practice veterinary medicine to an applicant who satisfies all of the following:

- (1) Submits an application form provided by the board which includes the applicant’s notarized signature.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708 or at the website at www.dsps.wi.gov.

- (2) Pays the fee required under s. 440.05 (1), Stats.
- (3) Prior to November 1, 2000, passes the national board examination and clinical competency test. On or after November 1, 2000, passes the north American veterinary licensing examination.
- (4) Successfully completes an examination on state laws and rules related to the practice of veterinary medicine.
- (5) Provides a certificate of graduation from a board approved veterinary college which shall be signed and sealed by the dean of the school and submitted directly to the board by the school. Applicants who graduated from a veterinary college which is not a board approved veterinary college shall provide a certificate of graduation which is signed and sealed by the dean of the school and submitted directly to the board by the school, and evidence of successful completion of either the educational commission for foreign veterinary graduates certification program or the Program for the Assessment of Veterinary Education Equivalence offered by the American Association of Veterinary State Boards (AAVSB) which shall be submitted directly to the board by the AVMA or the AAVSB.
- (6) Provides verification of licensure records and status which has been sent directly to the board by every state or country in which the applicant has ever held a license or certificate to practice veterinary medicine.
- (7) Does not have a conviction record or pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of veterinary medicine. An applicant who has a conviction record or pending criminal charge shall request appropriate authorities to provide information about the record or charge directly to the board in sufficient specificity to enable the board to make a determination whether the record or charge substantially relates to the practice of veterinary medicine.
- (8) All supporting documents shall be provided in English.

SECTION 3. VE 3.03 is repealed.

SECTION 4. VE 8.02 is repealed and recreated to read:

VE 8.02 Qualifications for certification. The board may issue a certificate to practice as a veterinary technician to an applicant who does all of the following:

- (1) Submits an application form provided by the board which includes the applicant's notarized signature.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708 or at the website at www.dsps.wi.gov.

- (2) Meets the age and training requirements of s. 453.06 (3), Stats.
- (3) Pays the fees required under s. 440.05 (1), Stats.
- (4) Has passed an examination consisting of a national written examination and the examination on state laws and rules shall be submitted directly to the board by the department's office of examinations or the interstate reporting services.
- (5) Has successfully completed an examination on state laws and rules related to the practice of veterinary technology.
- (6) Provides verification of licensure records and status which has been sent directly to the board by every state or country in which the applicant has ever held a license or certificate to practice veterinary technology.
- (7) Does not have a conviction record or pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of veterinary technology. An applicant who has a conviction record or pending criminal charge shall request appropriate authorities to provide information about the record or charge directly to the board in sufficient specificity to enable the board to make a determination.
- (8) All supporting documents shall be provided in English.

SECTION 5. VE 8.03 is repealed.

SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Veterinary Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

VE 2, 3, 8

3. Subject

Entrance to examinations

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165 (1)(g)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

Recently passed legislation, 2013 Wisconsin Act 114 requires the Department of Safety and Professional Services, and its attached boards, to allow applicants for licensure to take their examination for a credential before they complete their post-secondary education. This proposed rule will address this change in policy by bringing current rules into conformity with the new legislation.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule will primarily affect licensed veterinarians and licensed veterinary technicians. The rule was posted on the Department of Safety and Professional Service's website for 14 days in order to solicit comments from the public regarding the rule. No comments were received from the public regarding the rule.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed will not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit of implementing the proposed rule is to bring the current rules in conformity with recent legislation, specifically 2013 Wisconsin Act 114.

14. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule include greater consistency in examination requirements within the profession.

15. Compare With Approaches Being Used by Federal Government

None.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Illinois: Illinois has a rule similar to the current Wisconsin rule whereby applicants must have graduated or be enrolled in an approved veterinary program and certify that the applicant will graduate from that program. “If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination shall be void.” 68 Ill Admin. Code 1500.10.

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Michigan: Michigan requires applicants to graduate from veterinary college before becoming licensed. Mich. Admin. Code R. 338.4902.

Minnesota: Minnesota requires a diploma, or a certificate from a college of veterinary medicine in which the applicant is enrolled certifying that the applicant will graduate at the completion of the current academic year. Minn. Stat. §156.02.

17. Contact Name

Shawn Leatherwood

18. Contact Phone Number

608-261-4438

This document can be made available in alternate formats to individuals with disabilities upon request.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira (Paff) Administrative Rules Coordinator		2) Date When Request Submitted: 7/17/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Veterinary Examining Board			
4) Meeting Date: 7/29/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of Model Practice Acts and Veterinary Examining Board 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: N/A	
10) Describe the issue and action that should be addressed: The Board will review and discuss the Model Practice Act from the American Veterinary Medical Association and the Practice Act Model from the American Association of Veterinary State Boards. The Board will discuss facility inspections for veterinary clinics, the duty to report, and any other topics relating to the model practice acts. The Board may authorize Department staff to draft a scope statement as a result of reviewing the model practice acts and Board rules .			
11) Authorization			
Katie Vieira (Paff)		7/17/2015	
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 Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



Model Veterinary Practice Act- January 2013

Introduction to the AVMA Model Veterinary Practice Act

The American Veterinary Medical Association (AVMA) Model Veterinary Practice Act (MVPA) is intended to serve as a model set of guiding principles for those who are now or will be in the future preparing or revising a practice act under the codes and laws of an individual state. Commentary following each section of the MVPA also serves a similar purpose.



The first AVMA Model Veterinary Practice Act was developed by the Judicial Council of the AVMA, in cooperation with Professor N. William Hines of the University of Iowa College of Law, in the early 1960s. The AVMA House of Delegates approved this first MVPA in 1964, and since then, the MVPA has been revised several times to reflect professional, technological, and societal changes. A major revision occurred in 2003. In 2010, recognizing the need for another complete review of the MVPA, the AVMA Executive Board established the Task Force on AVMA Model Veterinary Practice Act, which consisted of representatives from the AVMA Executive Board, AVMA House of Delegates, AVMA Council on Veterinary Service (the oversight entity for the MVPA), AVMA Judicial Council (the entity responsible for drafting the original MVPA), AVMA State Advocacy Committee, AVMA Committee on Veterinary Technician Education and Activities, American Veterinary Medical Law Association, and American Society of Veterinary Medical Association Executives. The task force also included a member of a state veterinary licensing board, a small animal practitioner, a large animal practitioner, and a non-veterinarian public member.

The latest revision process began in January 2011 with a 30-day public comment period. Approximately 1,000 comments were submitted by AVMA members and non-members concerning various provisions of the MVPA. The task force reviewed these comments and issued a first draft of revisions in June 2011, which was followed by additional input from AVMA councils, committees and other entities. After further consideration, the task force submitted a final draft to the AVMA Executive Board in November 2011. The AVMA House of Delegates approved the revisions to the MVPA in January 2012.

Because the MVPA is intended to evolve as technology, the veterinary profession, and societal needs change, comments are welcome and should be directed to the Council on Veterinary Service at the AVMA, 1931 N Meacham Rd, Suite 100, Schaumburg, Illinois 60173-4360.

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Preamble

This statute is enacted as an exercise of the powers of the State to protect the health, safety, and welfare of the public and animals by ensuring the delivery of competent veterinary medical care. It is hereby declared that the practice of veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this Act.

COMMENTARY TO THE PREAMBLE—The preamble defines the purpose of the veterinary practice act. It emphasizes that the right to practice veterinary medicine is a privilege granted by state law and is thus subject to regulation in order to protect health, safety, and welfare of the public and animals.

Section 1 – Title

This Act shall be known as the [name of State] Veterinary Practice Act. Except where otherwise indicated by context, in this Act the present tense includes the past and future tenses, the future tense includes the present tense, the singular includes the plural, and the plural includes the singular.

COMMENTARY TO SECTION 1—Sections such as this are commonly included in lengthy statutes for purposes of simplification and clarification of tense and number rules. "State" may include a territory of the United States, the District of Columbia, Puerto Rico, or other jurisdiction.

Section 2 – Definitions

1. "Accredited college of veterinary medicine" means any veterinary college, school, or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that is accredited by the

Council on Education of the American Veterinary Medical Association (AVMA).

2. "Accredited program in veterinary technology" means any postsecondary educational program that is accredited by the Committee on Veterinary Technician Education and Activities of the AVMA.
3. "Animal" means any living organism, except humans, having sensation and the power of voluntary movement and requiring for its existence oxygen and organic nutrients.
4. "Board" means the [State Board of Veterinary Medicine].
5. "Client" means the patient's owner, owner's agent, or other person responsible for the patient.
6. "Complementary, alternative, and integrative therapies" means a heterogeneous group of preventive, diagnostic, and therapeutic philosophies and practices that are not considered part of conventional (Western) medicine as practiced by most veterinarians and veterinary technicians. These therapies include, but are not limited to, veterinary acupuncture, acuthery, and acupressure; veterinary homeopathy; veterinary manual or manipulative therapy (ie, therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy); veterinary nutraceutical therapy; and veterinary phytotherapy.
7. "Consultation" means when a licensed veterinarian receives advice in person, telephonically, electronically, or by any other method of communication from a veterinarian licensed in this or any other state or other person whose expertise, in the opinion of the licensed veterinarian, would benefit a patient. The licensed veterinarian receiving consultation maintains the veterinarian-client-patient relationship.
8. "Credentialed veterinary technician or technologist" means a veterinary technician or veterinary technologist who is currently registered, certified, or licensed by the Board.
9. "ECFVG® certificate" means the certificate issued by the Educational Commission for Foreign Veterinary Graduates® of the AVMA indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.
10. "Extralabel use" means actual use or intended use of a drug in an animal in a manner that is not in accordance with the approved labeling. This includes, but is not limited to, use in species not listed in the labeling, use for indications (disease or other conditions) not listed in the labeling, use at dosage levels, frequencies, or routes of administration other than those stated in the labeling, and deviation from the labeled withdrawal time based on these different uses.
11. "Impaired" means a licensed veterinarian or credentialed veterinary technician who is unable to perform his or her duties in veterinary medicine with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination from a competent authority or written consent based on clinical evidence, including deterioration of mental capacity, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish the person's ability to deliver competent patient care.
12. "Owner consent" means the veterinarian has informed the client, in a manner that would be understood by a reasonable person, of the diagnostic and treatment options, risk assessment, and prognosis and has provided the client with an estimate of the fees expected for the provision of veterinary services and the client has consented to the recommended treatment.
13. "Licensed veterinarian" means a person who is currently licensed to practice veterinary medicine in the State.
14. "Patient" means an animal or group of animals examined or treated by a veterinarian.
15. "Person" means any individual, firm, partnership (general, limited, or limited liability), association, joint venture, cooperative, corporation, limited liability company, or any other group or combination acting in concert; and whether or not acting as a principal, partner, member, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.
16. "Practice of veterinary medicine" means:
 - a. To diagnose, prognose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions by any method or mode; including the:

- i. performance of any medical or surgical procedure, or
 - ii. prescription, dispensing, administration, or application of any drug, medicine, biologic, apparatus, anesthetic, or other therapeutic or diagnostic substance, or
 - iii. use of complementary, alternative, and integrative therapies, or
 - iv. use of any procedure for reproductive management, including but not limited to the diagnosis or treatment of pregnancy, fertility, sterility, or infertility, or
 - v. determination of the health, fitness, or soundness of an animal, or
 - vi. rendering of advice or recommendation by any means including telephonic and other electronic communications with regard to any of the above.
 - b. To represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subsection 16(a).
 - c. To use any title, words, abbreviation, or letters in a manner or under circumstances that induce the belief that the person using them is qualified to do any act described in subsection 16(a).
17. "Practice of veterinary technology" means:
 - a. To perform patient care or other services that require a technical understanding of veterinary medicine on the basis of written or oral instruction of a veterinarian, excluding diagnosing, prognosing, performing surgery, or prescribing.
 - b. To represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subsection 17(a).
 - c. To use any title, words, abbreviation, or letters in a manner or under circumstances that induce the belief that the person using them is qualified to do any act described in subsection 17(a).
18. "Supervision":
 - a. "Direct supervision" means a licensed veterinarian is readily available on the premises where the patient is being treated and has assumed responsibility for the veterinary care given to the patient by a person working under his or her direction.
 - b. "Indirect supervision" means a licensed veterinarian need not be on the premises; has given either written or oral instructions for treatment of the patient; is readily available by telephone or other forms of immediate communication; and has assumed responsibility for the veterinary care given to the patient by a person working under his or her direction.
19. "Veterinarian" means a person who has received a professional veterinary medical degree from a college of veterinary medicine.
20. "Veterinarian-client-patient relationship" means that all of the following are required:
 - a. The veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient and the client has agreed to follow the veterinarian's instructions.
 - b. The veterinarian has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. This means that the veterinarian is personally acquainted with the keeping and care of the patient by virtue of:
 - i. a timely examination of the patient by the veterinarian, or
 - ii. medically appropriate and timely visits by the veterinarian to the operation where the patient is managed.
 - c. The veterinarian is readily available for follow-up evaluation or has arranged for the following:
 - i. veterinary emergency coverage, and
 - ii. continuing care and treatment.
 - d. The veterinarian provides oversight of treatment, compliance and outcome.
 - e. Patient records are maintained.
21. "Veterinary prescription drug" means a drug that may not be dispensed without the prescription of a

veterinarian and that bears the label statement: "CAUTION: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

22. "Veterinary specialist" means a veterinarian that has been awarded and maintains certification from an AVMA-recognized veterinary specialty organization.
23. "Veterinary technician" means a graduate of a two- or three-year accredited program in veterinary technology.
24. "Veterinary technologist" means a graduate of a four-year accredited program in veterinary technology.

COMMENTARY TO SECTION 2—The terms defined within the definition section of any practice act lay the groundwork for all other sections of that act. An attempt should be made to define each term in a manner so that the intended meaning is clear. The AVMA recognizes that names and acronyms of entities administering current programs may change or new programs may be developed to replace or parallel existing programs. State regulatory boards should keep abreast of simple name changes and correct those through annual legislative housekeeping policies. Addition of new programs to the practice act should be made only after careful review to ensure that the high standards of existing programs are met or exceeded.

The definition of "abandoned" was removed in 2012 as unnecessary and duplicative of the requirements contained in Section 22.

To protect and promote public health, safety, and welfare, the AVMA believes that it is important for state practice acts or the rules and regulations promulgated under those acts to include language that will preserve the present-day high standard of veterinary medical education throughout the United States (see subsection 1). The accreditation process administered by the Council on Education of the AVMA, which is the sole entity recognized by the United States Department of Education to accredit United States veterinary colleges, assures that this standard is maintained. All accreditation decisions made by the Council are independent of the AVMA. In a like manner, the accreditation process for veterinary technology programs administered by the Committee on Veterinary Technician Education and Activities of the AVMA maintains the standard for veterinary technician education throughout the United States (see subsection 2).

The 2012 revision also includes a more descriptive definition of "animal" in subsection 3. The new definition is intended to include invertebrates and cold-blooded or warm-blooded vertebrates, other than humans.

The definition of the practice of veterinary medicine in the 2012 revision continues to include the use of complementary, alternative, and integrative therapies, which is defined in Section 2, subsection 6. The definition used for the MVPA is based largely on that in the *AVMA Guidelines for Complementary and Alternative Veterinary Medicine*, which was approved by the AVMA Executive Board in 2001. In 2012, the definition was modified because of the increasing scientific information available about these modalities as well as increasing inclusion of these modalities in the curriculum at accredited veterinary schools. The definition reflects the current use of these modalities in regard to the standard care provided by most veterinarians. The inclusion of complementary, alternative, and integrative therapies in the MVPA should be viewed as a public protection issue, because if these definitions are excluded, the State has no authority to discipline an individual, whether a licensed veterinarian or not, who causes harm to an animal as a result of practicing such therapies. The AVMA recognizes that clients may seek any of a number of treatment modalities for their animals. However, when applied to animals, these treatment modalities represent the practice of veterinary medicine, and as such, are subject to regulation as outlined in the practice act. If one considers conventional animal drugs as a treatment modality, "animal drugs" could be defined as articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in an animal, or articles intended to affect the structure or any function of the body of an animal. This would include, but not be limited to, medicated feed or water, growth-promoting implants, and drugs labeled for human use administered in accordance with extralabel use guidelines. Veterinarians should ensure that they have the requisite skills and knowledge for any

treatment modality they may consider using. The foremost objective in veterinary medicine is patient welfare. Owner consent should be obtained prior to initiating any treatment, including complementary, alternative, and integrative therapies.

In subsection 7, "consultation" is defined in part from the recognition that veterinary medicine is becoming an increasingly specialized profession, and a licensed veterinarian may believe it is in the best interest of the patient to request advice from another individual with given expertise. In addition, the definition used in this MVPA better delineates, for the public interest, who will maintain responsibility for maintaining the veterinarian-client-patient relationship.

Subsection 8 defines "credentialed veterinary technician or technologist". States are encouraged to standardize the terms used to describe technician credentialing.

In subsection 9, reference is made to the ECFVG® program. The Educational Commission for Foreign Veterinary Graduates® (ECFVG®) program is the only program that the AVMA believes adequately evaluates the educational equivalency of graduates of nonaccredited colleges of veterinary medicine at an acceptable educational standard. In the future, other educational equivalency assessment programs may be developed to parallel or succeed the ECFVG® program. States may find it prudent to prepare for that possibility by establishing by rule the necessary educational standards that need to be met by such alternate programs. These standards should include:

1. Proof of graduation from a nonaccredited foreign college of veterinary medicine recognized by the World Health Organization or the government of that country, and whose graduates are eligible to practice veterinary medicine in that country.
2. Demonstration and proof of English language proficiency.
3. Demonstration of adequate knowledge of basic and clinical veterinary medical sciences.
4. Demonstration of clinical skills proficiency through consistent and validated testing or evaluation after graduation.

In subsection 10, "extralabel use" is defined as written in federal regulation 21CFR530.3(a), which implements the Animal Medicinal Drug Use Clarification Act (AMDUCA).

Subsection 11 was revised in 2012 to address impaired veterinary technicians in addition to impaired veterinarians.

In subsection 12, "owner consent" is defined to better protect the public by ensuring that veterinarians provide sufficient information in a manner so that clients may reach informed decisions regarding the care of their animals. Consent should be documented in the medical record, and the signature of the client should be obtained whenever possible. A more specific description of owner consent is found in the AVMA policy titled "[Owner Consent in Veterinary Medicine](#)."

In subsection 16, the definition of the practice of veterinary medicine is provided. In 2012, subsection 16(a)(i) was added to emphasize that both medical treatment and surgical procedures constitute the practice of veterinary medicine. Subsection 16(a)(iv) also was expanded to clarify that procedures for reproductive management of all types of conditions constitutes the practice of veterinary medicine. Subsection 16(a)(v) also was added to indicate that examination to verify the health of an animal, such as for prepurchase examinations or issuing of health certificates, constitutes the practice of veterinary medicine.

Rather than addressing the ever-changing telephonic/electronic industry by adding a specific definition of

telemedicine or telepractice, the definition of the practice of veterinary medicine in subsection 16 reflects the continued increase in the use of telemedicine in veterinary practice. The definition indicates that the practice of veterinary medicine means "to diagnose, prognose, treat, correct, change, alleviate, or prevent animal disease...**by any method or mode.**" In addition, this definition stresses that the practice of veterinary medicine includes the use of **telephonic and other electronic communications** for the rendering of advice or recommendation for the diagnosis, treatment, correction, alteration, relief, or prevention of animal disease. The intention of this section is not to prevent non-veterinarians from discussing animal care; it is intended to regulate the practice of telemedicine. Several exemptions are included within Section 6 to clarify this intent.

Subsection 18 includes definitions of direct and indirect supervision. Revisions approved in 2012 clarify that in both cases, the licensed veterinarian assumes responsibility for the veterinary care provided to the patient by another person working under his or her direction.

The definition of "veterinarian-client-patient relationship" (VCPR) in subsection 20 was changed in 2012, and is now different from that embodied in federal regulation 21 CFR 530.3(i) relating to extralabel drug use.

In 2012, subsection 14 was revised to define "patient" as "an animal or group of animals." Therefore, the definition of VCPR can be applied to individual animals as well as a group or groups of animals within an operation (production system).

The AVMA recognizes that individual states may wish to more clearly define specific terms within the definition of VCPR. For example, a state regulatory board may wish to include a specific time period (eg, no less frequent than 6 or 12 months) to better delineate the term "timely" relating to examinations and visits. The term "timely" should be considered in light of the nature and circumstances of the patient (eg, species, condition or disease, or operation).

In 2012, subsections 20-b and 20-c were revised for purposes of clarification. Subsection 20-e was added to state that patient records must be maintained to establish a VCPR.

States may also wish to further specify that when establishing a VCPR in the case of large operations, "sufficient knowledge" can be supplemented by means of:

1. examination of health, laboratory, or production records; or
2. consultation with owners, caretakers or supervisory staff regarding a health management program for the patient; or
3. information regarding the local epidemiology of diseases for the appropriate species.

The definition of "veterinary specialist" (subsection 24) was added to the MVPA in 2003 to clearly define for the public and the profession what is meant by "veterinary specialist." The *Principles of Veterinary Medical Ethics of the AVMA* also states that "It is unethical for veterinarians to identify themselves as members of an AVMA-recognized specialty organization if such certification has not been awarded." In *Policies and Procedures of the AVMA American Board of Veterinary Specialties*, it is also stated that: "Veterinarians should not in any way imply they are specialists unless they are certified by an AVMA-recognized veterinary specialty organization," and "The use of the terms 'board eligible' or 'board qualified' as an indication of special qualification is potentially misleading to the public and should not be used in any public communication or other solicitation." This definition was revised in 2012 to clarify that the veterinarian was actually awarded certification, not that he or she has merely completed the requirements to become a diplomate. The AVMA believes that it is important to include language in the practice act that clearly defines the term "specialist". The AVMA also recommends that rules and regulations promulgated under the practice act include language that will ensure the ethical and legal use of these terms by licensees, in order to protect the public's interests and to avoid confusion regarding the qualifications of board-certified veterinary specialists.

The definitions of "veterinary technician" and "veterinary technologist" (subsections 25 and 26) are included to emphasize the belief that the educational pathway of choice for a veterinary technician or technologist throughout the United States should be graduation from an AVMA-accredited or CVMA (Canadian Veterinary Medical Association)-

accredited program, as defined in this MVPA. With the increasing number of accredited veterinary technology programs in the United States, both in traditional settings and as distance-learning modalities, it can no longer be stated that an individual wishing to become a veterinary technician or technologist does not have access to an accredited educational program. In the future, states may wish to consider defining veterinary technician specialists. For a definition, we suggest that the term "veterinary technician specialist" refers to a veterinary technician or technologist who has been awarded certification from a NAVTA-recognized veterinary specialty organization.

Section 3 – Board of Veterinary Medicine

1. A Board of Veterinary Medicine shall be appointed by the governor and shall consist of five licensed veterinarians, one credentialed veterinary technician or technologist, and one member of the public who is not a veterinarian or veterinary technician or technologist. All persons appointed to the Board shall have been residents of the State for at least the five years immediately preceding appointment. Each member shall be appointed for a term of five years or until a successor is appointed, except that the terms of the first appointees may be for shorter periods to permit a staggering of terms. Members of the Board appointed under the chapter that this Act replaces may continue as members of the Board until the expiration of the term for which they were appointed. Vacancies due to death, resignation, or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve more than two consecutive full terms.
 - a. A licensed veterinarian shall be qualified to serve as a member of the Board if he or she has been licensed to practice veterinary medicine in the State for the five years immediately preceding the time of his or her appointment. A credentialed veterinary technician or technologist shall be qualified to serve as a member of the Board if he or she has been credentialed in the State for the five years immediately preceding his or her appointment.
 - b. Each member of the Board shall be paid for each day or substantial portion thereof if he or she is engaged in the work of the Board, in addition to such reimbursement for travel and other expenses as is normally allowed to state employees.
 - c. Any member of the Board may be removed in accordance with the Administrative Procedures Act of the State or other applicable laws.
2. The Board shall meet at least once each year at the time and place fixed by rule of the Board. Other necessary meetings may be called by the Board by giving notice as may be required by rule. Except as may otherwise be 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 qualification of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian or credentialed veterinary technician or technologist.
3. The Board shall annually elect officers from its membership as may be prescribed by rule. Officers of the Board serve for terms of 1 year and until a successor is elected, without limitation on the number of terms an officer may serve. The duties of officers shall be prescribed by rule.
4. The Board shall have the power to:
 - a. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provisions of this Act, including the establishment and publication of standards of practice

and professional conduct for the practice of veterinary medicine or veterinary technology.

- b. Adopt, promulgate, and enforce rules and regulations relating to specific duties and responsibilities; certification, registration, or licensure; and other matters pertaining to veterinary technicians, veterinary technologists, or nonlicensed persons consistent with the provisions of this Act.
- c. Initiate disciplinary procedures, hold hearings, reprimand, suspend, revoke, or refuse to issue or renew credentials, and perform any other acts that may be necessary to regulate veterinary technicians and technologists in a manner consistent with the provisions of this Act applicable to veterinarians.
- d. Examine by established protocol the qualifications and fitness of applicants for a license to practice veterinary medicine or veterinary technology in the State.
- e. Issue, renew, or deny the licenses and temporary permits to practice veterinary medicine or veterinary technology in the State.
- f. Limit, suspend, or revoke the licenses of disciplined veterinarians or veterinary technicians, or otherwise discipline licensed veterinarians or credentialed veterinary technicians, consistent with the provisions of the Act and the rules and regulations adopted thereunder.
- g. Establish and publish annually a schedule of fees for licensing, certification, and registration.
- h. Conduct investigations of suspected violations of this Act to determine whether there are sufficient grounds to initiate disciplinary proceedings. All investigations shall be conducted in accordance with the Administrative Procedures Act of the State or other applicable laws.
- i. Inspect veterinary premises and equipment, including practice vehicles, at any time in accordance with protocols established by rule.
- j. Hold hearings on all matters properly brought before the Board and in connection thereto to administer oaths, receive evidence, make necessary determinations, and enter orders consistent with the findings. The Board may commission depositions and require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence. The Board may designate one or more of its members to serve as its hearing officer or may employ a hearing officer defined by state law. All hearings shall be conducted in accordance with the Administrative Procedures Act of the State or other applicable laws.
- k. Employ full or part-time personnel necessary to effectuate the provisions of this Act and purchase or rent necessary office space, equipment, and supplies.
- l. Appoint from its own membership one or more members to act as representatives of the Board at any meeting within or outside the State where such representation is deemed desirable.
- m. Bring proceedings in the courts against any person for the enforcement of this Act or any regulations made pursuant thereto.

5. The powers enumerated above are granted for the purpose of enabling the Board to effectively supervise the

practice of veterinary medicine and veterinary technology and are to be construed liberally to accomplish this objective.

COMMENTARY TO SECTION 3—This section provides guidelines for the establishment, composition, and duties of the Board. As stated in the MVPA, the Board is the supervisory body created to administer the practice act in any given state. The intent of this section is not to be prescriptive, but to provide broad guidelines that each state may use to establish an appropriate and well-functioning Board. For example, in subsection 1, it is stated that each member shall be appointed for a term of five years. Currently, terms on state boards typically range from four to six years, which the AVMA believes is sufficient time to provide continuity to Board activities and deliberations but not too extensive to prevent infusion of new ideas. Moreover, the number of Board members listed in subsection 1 is a suggestion based on current practice. Individual states may wish to vary this number, but all Boards should include a number of licensed veterinarians, at least one credentialed veterinary technician or technologist, and at least one public member.

Although not explicitly stated, the AVMA believes that it is important that the Board interact with the state veterinary medical association to forward names of potential well-qualified nominees to the Governor for appointment so that all areas of veterinary practice prevalent within the state are represented on the Board.

In subsection 4(b), language was added to empower the Board to adopt, promulgate, and enforce rules and regulations relating to specific duties and responsibilities; certification, registration, or licensure; and other matters pertaining to nonlicensed persons consistent with the provisions of this act. The intent is to provide Boards with the power to regulate non-veterinarians who may be performing specific duties related to veterinary medicine (eg, equine dentists).

Subsection 4(c) was inserted to provide the Board with the authority to regulate veterinary technicians and technologists. This subsection provides substantial latitude to the individual state boards to adopt and implement rules pertaining to the duties of veterinary technicians and technologists. The Board should adopt regulations establishing health-care tasks and an appropriate degree of supervision required for those tasks that may be performed only by a veterinary technician or technologist. There needs to be a degree of flexibility that will allow the Board to make necessary adjustments from time to time to meet the ongoing needs of consumers and the ever changing profession of veterinary medicine.

Section 4 – License Requirement

No person may practice veterinary medicine or veterinary technology in the State who is not a licensed veterinarian or the holder of a valid temporary permit issued by the Board or a credentialed veterinary technician unless otherwise exempt pursuant to Section 6 of this Act.

COMMENTARY TO SECTION 4—The intent of this section is to declare unlawful the practice of veterinary medicine by any person not licensed or holding a temporary permit to practice in the state or the practice of veterinary technology without credentials if the state requires credentialing.

Section 5 – Veterinarian-Client-Patient Relationship Requirement

1. No person may practice veterinary medicine in the State except within the context of a veterinarian-client-patient relationship.
2. A veterinarian-client-patient relationship cannot be established solely by telephonic or other electronic means.

COMMENTARY TO SECTION 5—This section, which was added in 2003, emphasizes not only that veterinary medicine must be practiced within the context of a veterinarian-client-patient relationship (VCPR), but also emphasizes that because a VCPR requires the veterinarian to examine the patient, it cannot be adequately established by telephonic or other electronic means (ie, via telemedicine) alone. However, once established, a VCPR may be able to be maintained between medically necessary examinations via telephone or other types of consultations.

Section 6 – Exemptions

This Act shall not be construed to prohibit:

1. Any employee of the federal, state, or local government performing his or her official duties.
2. Any student who is enrolled:
 - a. in an accredited college of veterinary medicine performing duties or actions assigned by instructors or working under the direct supervision of a licensed veterinarian, or
 - b. in an accredited program of veterinary technology performing duties or actions other than diagnosis, prognosis, prescription, or surgery, as assigned by instructors or working under the direct supervision of a licensed veterinarian
3. Any person advising with respect to or performing acts that the Board has designated by rule as accepted livestock management practices.
4. Any person providing consultation to a licensed veterinarian in the State on the care and management of a patient.
5. Any licensed individual of a licensed or regulated profession within the State who is providing assistance requested by a veterinarian licensed in the State, acting with owner consent from the client, and acting under the supervision of the licensed veterinarian. The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship.
6. Any veterinarian employed by an accredited college of veterinary medicine providing assistance requested by a veterinarian licensed in the State, acting with owner consent from the client, and acting under the direct or indirect supervision of the licensed veterinarian. The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship.
7. Any pharmacist, merchant, or manufacturer selling at his or her regular place of business medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases as permitted by law.
8. Any person lawfully engaged in the art or profession of farriery.
9. Subject to the State's [animal cruelty law(s)], an owner of an animal and any of the owner's regular employees caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for purposes of circumventing this Act. Individuals must comply with all laws, rules and regulations relative to the use of medicines and biologics.

10. Any person who provides training for animals that does not include diagnosing or the prescribing or dispensing of any therapeutic agent.
11. Any instructor at an accredited college of veterinary medicine or accredited program in veterinary technology performing his or her regular functions or any person lecturing or giving instructions or demonstrations at an accredited college of veterinary medicine or accredited program in veterinary technology or in connection with a veterinary or veterinary technology continuing education course or seminar.
12. Any person selling or applying pesticides, insecticides, or herbicides as permitted by law.
13. Any person engaging in scientific research involving animals conducted in accordance with federal, state, and local laws and regulations.
14. Any credentialed veterinary technician, veterinary technologist, or other employee of a licensed veterinarian performing lawful duties under the direction and supervision of such veterinarian who shall be responsible for the performance of the employee.
15. A veterinarian licensed or a veterinary technician credentialed in another state may practice in the State during an emergency or natural disaster within the scope and location of assigned veterinary medical duties of the response efforts without written examination or other qualification if:
 1. an official declaration of the disaster or emergency has been made by the Governor or the delegated State official; and
 2. an official invitation has been extended to the veterinarian or veterinary technician for a specified time by the authority that has jurisdiction for coordinating the animal/agricultural issues in the State during emergencies either within or outside the Emergency Management Assistance Compact (EMAC).
16. Any person who, without expectation of compensation, provides immediate veterinary care in the event of an emergency or accident situation.
17. Any person acting under the direct or indirect supervision of a licensed veterinarian to provide care to animals that are the property of an animal shelter when at least the following three conditions are met:
 1. the person is an employee of an animal shelter or its agencies; and
 2. the person is performing these tasks in compliance with a written protocol developed in consultation with a licensed veterinarian; and
 3. the person has received proper training.Such persons shall not diagnose, prescribe or perform surgery.
18. Any person who lawfully provides care and rehabilitation of wildlife species under the supervision of a licensed veterinarian.

COMMENTARY TO SECTION 6—This section provides a list of carefully considered exemptions to the general rule outlined in Section 4 that it is unlawful to practice veterinary medicine without a valid license.

Subsection 1 exempts any federal, state, or local government employee performing his or her official duties. This exemption is intended to include full-time, temporary, or contract employees, particularly in the case of emergency outbreak events or disaster situations.

"Livestock management practices," in the context of subsection 3, refers to those cosmetic or surgical procedures currently considered essential and routine individual animal husbandry techniques necessary for management of groups of animals raised at various levels of confinement. As used in this MVPA, the term "livestock" includes cattle, horses, sheep, goats, swine, farm-raised cervidae and camilidae, and other species used in the production of fiber, meat, and milk products. State legislatures, as a part of the veterinary practice act, should identify, list, or describe those factors the Board must or should consider in determining whether a particular procedure, technique, or endeavor is an accepted livestock management practice. Among the acts that a state may consider exempting by rule are nonsurgical methods of artificial insemination, dehorning, castration or emasculation of male animals, and tail docking, which are procedures that typically should be performed by persons working under the order of a veterinarian within a valid VCPR. State humane laws apply to farm and ranch personnel during the performance of and subsequent aftercare associated with these exempted procedures. It behooves the attending veterinarian to advocate on the animal's behalf to ensure that procedures are performed at the proper age to minimize pain and discomfort and that appropriate techniques are applied.

A licensed veterinarian may, in the best interest of the patient, and with the owner's consent, request assistance from either non-veterinarians licensed in a licensed or regulated profession in the state with specific expertise or veterinarians who are exempt from licensure by employment at an accredited college of veterinary medicine. Subsections 5 and 6 indicate that such licensed non-veterinarians and veterinarians employed at an accredited college of veterinary medicine may provide assistance only if the individual is acting under the supervision of a licensed veterinarian and the licensed veterinarian maintains responsibility for the VCPR. Acting outside these parameters constitutes the practice of veterinary medicine, and as such, may result in penalties specified within the act. Subsection 5 does not preclude a state from adopting oversight requirements applicable to non-veterinarian licensed professionals, such as referral by a veterinarian, obtaining a veterinarian's medical clearance prior to treatment, certification by an approved entity, continuing education relating to working on animals, and liability coverage.

It has been a common practice for states to allow an owner of an animal or any of that owner's regular employees to treat animals belonging to that owner. In subsection 9, the term "regular employee" is used to avoid circumvention of the intent of this exemption by individuals employed primarily to treat the owner's animals. Furthermore, this exemption should not apply to situations in which ownership of the animal is transferred to qualify for the exemption. Finally, language in subsection 9 indicates that regardless of the situation, no prescription drug or nonprescription drug intended for extralabel use can be administered, dispensed, or prescribed during the treatment of the animal unless a VCPR exists. This latter requirement reflects language embodied in federal regulation 21CFR530 (which implements the Animal Medicinal Drug Use Clarification Act [AMDUCA]). Classification of animal drugs and biologics as to prescription or over-the-counter is not the purview of the state practice act, but rather the purview of the United States Food and Drug Administration, the United States Department of Agriculture, and, in some cases, state law. Subsection 9 does not exempt the owner or his or her regular employee from compliance with the state's animal cruelty laws.

Subsection 14 is not intended to allow for diagnosing, prognosing, prescribing, or performing surgery by veterinary technicians, veterinary technologists or other employees of a licensed veterinarian.

Subsection 15 was added to exempt those who respond to disasters under a strict set of circumstances. This is written to exempt self-responders who have not been invited into the state through the proper channels. Adherence to an authoritative chain of command is necessary to protect out-of-state responders' credentials and to ensure a successful response to an incident. States may wish to provide details about what person(s) or agency(ies) can request assistance in animal or agricultural emergencies either within or outside the Emergency Management Compact (EMAC). Proper credentialing as established by the Incident Command System (ICS) through the National Incident Management System (NIMS) for the duties the out-of-state individuals are responding could be added.

Subsection 17 was expanded in 2012 to clearly outline the care of animals for which a shelter has taken possession. This exemption allows a shelter employee to perform tasks, such as vaccinations, prophylactic treatment of parasites, testing for infectious diseases and euthanasia, under supervision of a licensed veterinarian, when certain specific conditions are met. In reference to veterinary care, including euthanasia, performed at animal shelters (subsection 17), the AVMA urges that each Board check with the United States Drug Enforcement Administration (DEA) to determine the current requirements governing use of DEA-regulated drugs in veterinary medicine. To be in compliance with DEA requirements, a Board may need to require that euthanasia be performed under the **direct** supervision of a licensed veterinarian or by a euthanasia technician licensed by the Board.

Subsection 18 was added to exempt those who lawfully provide care and rehabilitation to wildlife under the supervision of a veterinarian.

Section 7 — Veterinary Technicians and Technologists

1. No person may practice veterinary technology in the State who is not a veterinary technician or technologist credentialed by the Board.
2. A veterinary technician or technologist who performs veterinary technology contrary to this Act shall be subject to disciplinary actions in a manner consistent with the provisions of this Act applicable to veterinarians.
3. Credentialed veterinary technicians and technologists shall be required to complete continuing education as prescribed by rule to renew their credentials.

COMMENTARY TO SECTION 7—Section 7 was inserted because the AVMA believes it is important for Boards to have the authority to regulate the practice of veterinary technology and to discipline those persons representing themselves as credentialed veterinary technicians or technologists but who have not fulfilled the requirements set forth in the definition of a veterinary technician or technologist.

Section 7, together with subsection 4(b) of Section 3, allows Boards to develop rules and regulations governing the practice of veterinary technology in a separate but related document to the veterinary practice act. A state may instead choose to add statutory language pertaining to the practice of veterinary technology within its veterinary practice act or may choose to develop a separate veterinary technology practice act.

It should also be noted that although subsection 4(b) of Section 3 provides Boards with the power to adopt, promulgate, and enforce rules and regulations relating to specific duties and responsibilities; certification, registration, or licensure; and other matters pertaining to veterinary technicians, veterinary technologists, or nonlicensed persons, it should not be construed that this MVPA intends for states to adopt alternate educational routes for veterinary technicians and technologists. Indeed, it is clearly stated in Section 2, subsections 25 and 26, that a "veterinary technician or technologist" means a graduate of a two- or three-year accredited program in veterinary technology or a four-year accredited program in veterinary technology, respectively.

If credentialing of unlicensed assistants and certified non-veterinarian practitioners continues to increase and evolve in the future, the AVMA may need to study how the MVPA should treat the use and activities of these non-licensed individuals.

Section 8 – Status of Persons Previously Licensed

Any person who holds a valid license to practice veterinary medicine or is credentialed as a veterinary technician in

the State on the date this Act becomes effective shall be recognized as a licensed veterinarian or a credentialed veterinary technician and shall be entitled to retain this status so long as he or she complies with the provisions of this Act, including periodic renewal of the license.

COMMENTARY TO SECTION 8—The sole purpose of this section is to clarify the status of veterinarians licensed or veterinary technicians credentialed under a former regulatory procedure. Such practitioners or technicians are authorized to practice under the new act without a special reregistration or examination. It is also clear under this section that persons licensed or credentialed under a former act are nevertheless subject to all of the provisions of the new act.

Section 9 – Application for License: Qualifications

1. Any person desiring a license to practice veterinary medicine in the State shall make written application to the Board. The application shall show that the applicant is a graduate of an accredited college of veterinary medicine or the holder of an ECFVG® certificate and has passed a recognized national licensing examination. The application shall also show that the applicant is a person of good moral character and provide 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.
2. Any person desiring to become a credentialed veterinary technician in the State shall make written application to the Board. The application shall show that the applicant is a graduate of an accredited program of veterinary technology and has passed a recognized national licensing examination for credentialed technicians. The application shall also show that the applicant is a person of good moral character and provide 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.
3. If the Board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next State examination, or if the applicant is eligible for license by endorsement under Section 11 of this Act, the Board may forthwith grant him or her a license. If an applicant is found not qualified to take the State examination or for a license by endorsement under Section 11 of this Act, the Board shall notify the applicant in writing in compliance with State law of such finding and the grounds therefore. An applicant found unqualified may request a hearing on the questions of his or her qualifications under the procedure set forth in Section 16.

COMMENTARY TO SECTION 9—Section 9 marks the beginning of sections addressing the licensing procedure. This section specifically covers both the qualifications a candidate must possess to be eligible for licensure or credentialing and the general process such a candidate must pursue to make application for licensure or credentialing.

The qualifications stated in this section derive in part from the preamble to the MVPA, which clearly states its scope and purpose. To facilitate the charge stated in the preamble, the Board should only license qualified persons of "good moral character." The Board can utilize various means (eg, the Veterinary Information Verifying Agency [VIVA®], state police background checks) in assessing the qualities of applicants for licensure. The AVMA encourages Boards to conduct extensive checks, while at all times ensuring that the applicant's civil rights are respected.

Section 9 also indicates that the Board must notify candidates of adverse decisions. It is essential that adverse decisions be forwarded in a timely manner and include the grounds by which the Board reached its decision.

As is the case with all sections relating to licensure, references to named licensing or testing entities should be interpreted to include any recognized successor or parallel entities.

Section 10 – Examinations

1. The Board shall provide for at least one examination for licensing, certification, or registration during each calendar year and may provide for such additional examinations as are necessary. The Board shall give public notice of the time and place for each examination in compliance with state law. A person desiring to take the State examination shall make application before the date of the examination in compliance with state law.
2. The passing score for the examination shall be established by the testing entity.
3. After examination, each examinee shall be notified of the result of the examination, and the Board shall issue a certificate of registration to the successful candidates. Any person who fails the State examination may be admitted to any subsequent examination on payment of the application fee.

COMMENTARY TO SECTION 10—General examination procedures are set out in this section. Procedures listed are purposefully broad to leave as many of the details concerning the examination to the discretion of each Board.

Although not explicitly stated in the MVPA, to maintain the integrity and security of national and state licensing examinations, a Board may elect to limit the number of times a candidate may take and fail each examination in a given time period. The restriction on the number of attempts should be in the practice act, rather than in the regulations, to provide statutory authority to any subsequent challenge. A state may also elect to require that a candidate who fails several examinations engage in remedial strategies prior to reapplying for examination.

Section 11 – License By Endorsement

1. Veterinarian: The Board, in its sole discretion, may issue a license by endorsement to a qualified applicant who
 - a. has submitted a complete application,
 - b. holds a license issued by another state and is in good standing,
 - c. has successfully passed an examination covering the laws and rules pertaining to the practice of veterinary medicine in the State, and
 - d. has actively practiced clinical veterinary medicine for 3,000 hours during the 5 years preceding application
2. Veterinary Technician: The Board, in its sole discretion, may issue certification, registration, or license by endorsement to a qualified applicant who:
 - a. furnishes satisfactory proof that he or she is a graduate of an accredited program of veterinary technology,
 - b. shows that he or she is a person of good moral character,
 - c. is currently credentialed as a veterinary technician in at least one state of the United States, and
 - d. has practiced veterinary technology in one or more of those states without disciplinary action by any state or federal agency for at least the three years immediately prior to filing the application.

3. At its sole discretion, the Board may examine any person qualifying for licensing under this Section.

COMMENTARY TO SECTION 11—This section addresses situations in which the Board may issue a license or other credential by endorsement. In 2012, the requirements for veterinarians to qualify for a license by endorsement were revised. The section also was revised to include provisions for veterinary technicians. Certain Boards, perhaps most likely those in northern border states, may wish to add inclusive language (eg, "or province of Canada") in subsection 1(b) and subsection 2(c), respectively, to allow veterinarians licensed or veterinary technicians credentialed in Canada to seek license by endorsement.

In certain states, agencies other than the Board may have jurisdictions that exercise control over certain aspects of veterinary licensure. For example, it is a common requirement that applicants for license by endorsement pass an examination on a state's laws and rules related to veterinary medicine. The impetus for such requirements can also be driven by state pesticide regulations that require certification and permits for pesticide applicators and distributors. In other states, licensure or relicensure of those veterinarians with a state tax delinquency may be under the jurisdiction of a state agency other than the Board.

Section 12 – Temporary Permit

The Board, in its sole discretion, may issue a temporary permit to practice veterinary medicine in the State:

1. To a qualified applicant for license, pending examination, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued and provided that the grantee is under indirect supervision of a licensed veterinarian. No temporary permit may be issued to any applicant who has previously failed the examination in the State or in any other state, territory, or district of the United States or a foreign country.
2. To a nonresident veterinarian who is a graduate of an accredited college of veterinary medicine or an ECFVG® certificate holder 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, provided that such temporary permit shall be issued for a period of no more than 60 consecutive days and that no more than one permit shall be issued to a person during a calendar year.

A temporary permit may be summarily revoked or limited by the Board without a hearing.

COMMENTARY TO SECTION 12—This section authorizes the Board to grant temporary permits for the practice of veterinary medicine to two categories of individuals: qualified applicants pending examination and nonresident veterinarians who are graduates of an accredited college or ECFVG® certificate holders and who are validly licensed in the United States or another country. The AVMA supports the policy of states offering temporary permits to practice to qualified but unlicensed applicants waiting to take the licensing examination(s), with the added stipulation that such applicants must work under the indirect supervision of a veterinarian licensed in that state. Furthermore, a nonresident veterinarian meeting all other application requirements (ie, graduation from an accredited college of veterinary medicine or completion of the ECFVG® program) and holding a license to practice in another state or country may be granted a temporary permit to practice and may do so with or without indirect supervision of a veterinarian licensed to practice in that state.

Each state veterinary medical licensing board may wish to add language to the last line of this section to indicate whether the decision of the board to summarily revoke or limit temporary permits is to be made on the basis of a simple majority of voting membership, a simple majority of a quorum present, or a 2/3 majority of either the voting membership or quorum present.

Section 13 – License Renewal

1. All licenses shall expire periodically but may be renewed by registration with the Board and payment of the registration renewal fee established and published by the Board. The Board shall provide written or electronic notification to each licensed veterinarian that his or her license will expire within a specific number of days, as specified by Board rules, and provide him or her with a form for reregistration. The Board shall issue a new certificate of registration to all persons registering under this Act.
2. The Board shall establish the continuing education requirements that must be met for license renewal. The Board shall also define the types of continuing education that will meet its requirements.
3. Any person who shall practice veterinary medicine after the expiration of his or her license and willfully or by neglect fail to renew such license shall be practicing in violation of this Act. Licenses may be reinstated after the date of expiration provided conditions are met as defined by Board rules, such as payment of a late fee in addition to the renewal fee. A person who submits an application for renewal more than a specific number of days after the license renewal date, as specified in Board rules, is subject to all requirements governing new applicants. As defined by Board rules, the Board may, after giving due consideration to the protection of the public, waive examination if that renewal application is received, together with all fees as may apply, within 3 years from the date of the expiration, and providing the applicant has complied with the continuing education requirements.
4. The Board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when he or she is on active duty with any branch of the armed services of the United States.

COMMENTARY TO SECTION 13—This section contains information regarding expiration of veterinary licenses and renewal fees. It provides details of notification procedures and issuing of new certificates. This section also specifies that any person practicing after expiration of his or her license and who willfully or by neglect fails to renew shall be in violation of the Act. This section allows reinstatement provided all conditions set forth by the Board are met. It provides that a person has up to 3 years after expiration of his or her license to renew the license by application and payment of fees and penalties in addition to complying with current continuing education (CE) requirements. After 3 years have elapsed, the individual must reapply for licensure. This section also allows each Board to establish its own CE requirements and establishes that by rule, renewal fees can be modified for individuals on duty in the military. It is important to note that the intent of this last clause is to allow only waiver of fees. An individual on active duty in the military will still be required to renew his or her license.

Section 14 – Discipline of Licensees

Upon written complaint sworn by any person, the Board, in its sole discretion, may, after a hearing, revoke, suspend, or limit for a certain time the license of, or otherwise discipline, any licensee (for the purpose this Section, "licensee" means a licensed veterinarian or credentialed veterinary technician) for any of the following reasons:

1. Violations of any order of the Board.
2. Unprofessional conduct as defined in regulations adopted by the Board.
3. Violations of this Act or of the rules promulgated under this Act.
4. The use of advertising or solicitation that is false or misleading.
5. Failure to keep accurate and comprehensive patient records as set by rules promulgated by the Board.
6. Failure to keep veterinary premises and equipment, including practice vehicles, in a clean and sanitary

condition as set by rules promulgated by the Board.

7. Failure to permit the Board or its agents to enter and inspect veterinary premises and equipment, including practice vehicles, as set by rules promulgated by the Board.
8. Fraud, misrepresentation, or deception in obtaining a license.
9. Aiding the unlawful practice of veterinary medicine or veterinary technology.
10. The inability to practice with reasonable skill and safety because of a physical or mental disability, including deterioration of mental capacity, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish the person's ability to deliver competent patient care.
11. Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine or veterinary technology.
12. Revocation, suspension, or limitation of a license to practice by another state, on grounds other than nonpayment of registration fees.
13. Loss or suspension of accreditation by any federal or state agency on grounds other than nonpayment of registration fees or voluntary relinquishment of accreditation.
14. Fraud or dishonesty in the application or reporting of any test for disease in animals.
15. Failing to report or making an intentional false or misleading report of reportable diseases; reportable diseases are those stipulated by federal or state laws or requirements of the Board.
16. Dishonesty or gross negligence in the performance of food safety inspections or the issuance of any Certificates of Veterinary Inspection.
17. The dispensing, distribution, prescription, or administration of any veterinary prescription drug, or the extralabel use of any drug, in the absence of a veterinarian-client-patient relationship.
18. Violations of state or federal drug laws.
19. Conviction or entering of a diversion agreement relative to the following in any federal court or in the courts of the State or any other jurisdiction, regardless of whether the sentence is deferred:
 - a. Any felony.
 - b. Any crime involving cruelty, abuse, or neglect of animals, including bestiality.
20. Any crime of moral turpitude including, but not limited to, any crime involving unlawful sexual contact; child abuse; the use or threatened use of a weapon; the infliction of injury; indecent exposure; perjury, false reporting, criminal impersonation, forgery, and any other crime involving a lack of truthfulness, veracity, or honesty; intimidation of a victim or witness; larceny; or alcohol or drugs.
21. For the purposes of subsection 19, a plea of guilty or a plea of nolo contendere accepted by the court shall be considered as a conviction.

COMMENTARY TO SECTION 14—This section, together with Sections 16, 17, and 23, provides the procedures for initiating and enforcing disciplinary action against individuals violating any section of this act. Language in Section 14 specifically delineates the reasons for which the Board may initiate hearing procedures and disciplinary actions against licensed veterinarians or credentialed veterinary technicians.

The AVMA recommends that each Board require that complaints be made in writing and provide positive identification of the complainant by means deemed sufficient by the Board.

In 2012, section 14 was revised to include credentialed veterinary technicians.

Section 15 – Impaired Licensed Veterinarian and Credentialed Veterinary Technician

1. The Board shall establish by rule a program of care, counseling, or treatment for impaired licensed veterinarians and credentialed veterinary technicians.
2. The program of care, counseling, or treatment shall include a written schedule of organized treatment, care, counseling, activities, or education satisfactory to the Board, designed for the purposes of restoring an impaired person to a condition whereby the impaired person can practice veterinary medicine or veterinary technology with reasonable skill and safety of a sufficient degree to deliver competent patient care.
3. All persons authorized to practice by the Board shall report in good faith any licensed veterinarian or credentialed veterinary technician they reasonably believe to be impaired as defined in Section 2, subsection 11.

COMMENTARY TO SECTION 15—This section addresses the licensed veterinarian or credentialed veterinary technician who is in violation of the practice act according to section 14, subsection 10, which provides for the revocation, suspension, or restriction of the veterinary license of any veterinarian or credential of any veterinary technician whose mental or physical ability to practice with reasonable skill and safety is impaired. "Impaired" is clearly defined in Section 2, subsection 11.

In 2012, section 15 was revised to include credentialed veterinary technicians.

Section 16 – Hearing Procedure

All hearings shall be in accordance with the Administrative Procedures Act of the State or other applicable State law.

COMMENTARY TO SECTION 16—This section establishes the hearing procedure for any person who is the subject of a complaint under section 14 of the act; found to be an unqualified applicant for licensure under section 9 of the act; or as required in accordance with section 23 of the act. The principle underlying this section is that no person shall be denied the right to practice or be otherwise disciplined unless he or she has been granted a fair hearing on the charges brought against him or her.

The language in this section was left broad in recognition that in most states, hearings are conducted under the provisions defined in the state's administrative procedures act or other applicable laws. There may be certain provisions that may be exempted and that would be noted. In addition, any unique provisions specific to the veterinary practice act should be specified.

Section 17 – Appeal

All appeals shall be in accordance with the Administrative Procedures Act of the State or other applicable State law.

COMMENTARY TO SECTION 17—This section expressly provides a right of appeal to any person dissatisfied with the decision of the Board. As with the language in Section 16, this language was left broad in recognition that in most states, the appeal process is conducted under the provisions defined in the state's administrative procedures act or other applicable laws. There may be certain provisions that may be exempted and that would be noted. In addition, any unique provisions specific to the veterinary practice act should be specified.

Section 18 – Reinstatement

Any person whose license or credential is suspended, revoked, or limited may be reinstated at any time, with or without an examination, by approval of the Board after written application is made to the Board showing cause justifying relicensing or reinstatement.

COMMENTARY TO SECTION 18—This section permits the Board to reinstate a suspended, revoked, or limited license or credential at any time with or without examination. Each Board may wish to add language to this section to indicate whether approval of the Board means an affirmative vote of a simple majority of either the voting membership or quorum present, or whether approval of the Board will require a 2/3 majority of either the voting membership or quorum present.

Section 19 – Veterinarian-Client Confidentiality

1. No licensed veterinarian shall disclose any information concerning the licensed veterinarian's care of a patient, except on written or electronic authorization or waiver by the licensed veterinarian's client or an appropriate court order or subpoena, or as otherwise provided in this Section.
2. Copies of or information from veterinary records shall be provided without the owner's consent to the Board or public health, animal health, animal welfare, wildlife, or agriculture authorities employed by federal, state, or local governmental agencies who have a legal or regulatory interest in the contents of said records for the protection of animal or public health.
3. Any licensed veterinarian releasing information under written or electronic authorization or other waiver by the client or under an appropriate court order or subpoena, or as otherwise provided by this Section, shall not be liable to the client or any other person.
4. The privilege provided by this Section shall be waived to the extent that the licensed veterinarian's client or the owner of the patient places the licensed veterinarian's care and treatment of the patient or the nature and extent of injuries to the animal at issue in any administrative, civil, or criminal proceeding.
5. This Section shall not prevent a licensed veterinarian from disclosing identifiable client and patient information to a third party so that the third party can use the information to provide services for or perform functions on behalf of the licensed veterinarian, provided that a written agreement is in place requiring the third party to maintain the confidentiality of such information.
6. This Section shall not prevent a licensed veterinarian from disclosing any information for purposes of the veterinarian's own treatment, payment, or veterinary care operations.
7. This Section shall not prevent a licensed veterinarian from disclosing medical information for research purposes, so long as patients and clients are not individually identifiable or, if patients or clients are individually identifiable, appropriate written or electronic authorizations have been obtained.
8. For purposes of this Section, "appropriate court order or subpoena" means for information or veterinary records specifically exempted or deemed waived as provided in this Section.
9. For purposes of this Section, "client" means the client at the time services were rendered by the licensed

veterinarian.

COMMENTARY TO SECTION 19—This section reflects the ethical obligation of veterinarians and their employees to consider information from clients and veterinary medical records privileged and confidential. This section recognizes that an important objective of the veterinarian-client-patient relationship is to encourage clients to provide the fullest extent of information possible to the veterinarian so that a reasonable determination might be made about an animal's condition. Section 19 in the MVPA is modeled after statutes in Georgia, Kansas, Illinois, Missouri, Oklahoma, and Texas.

As stated in this Section 19, information and records related to patient care should remain confidential except under certain well-defined exceptions. The AVMA also encourages each state board to be familiar with other open-records laws (eg, laws relating to the Freedom of Information Act) at the federal and state level that must be taken into consideration. It should also be noted that subsection 1 refers to "waiver by the licensed veterinarian's client." Such waiver includes written documentation of a client's verbal consent.

States with veterinary colleges are encouraged to specify that the confidentiality protections and exceptions apply to veterinarian faculty members even if they are not licensed in the state.

Exceptions were added in 2012 for disclosure to third parties providing services; information within the veterinarian's practice for purposes of treatment, payment or veterinary care operations; and research purposes under certain circumstances. Language was added to clarify that "appropriate court order or subpoena" means for information or veterinary records specifically exempted or deemed waived as provided in this section. Subsection 9 was added to clarify that "client" means client at the time services were rendered by the licensed veterinarian.

Section 20 – Immunity from Liability

Any member of the Board, any witness testifying in a proceeding or hearing authorized under this Act, any person who lodges a complaint pursuant to this Act, and any person reporting an impaired licensed veterinarian or credentialed veterinary technician shall be immune from liability in any civil or criminal action brought against him or her for any action occurring while acting in his or her capacity as a Board member, witness, complainant, or reporting party, if such person was acting in good faith within the scope of his or her respective capacity.

COMMENTARY TO SECTION 20—This section was included to encourage members of the public (including veterinarians) to report, in good faith, any licensed veterinarian or credentialed veterinary technician whose conduct or status may have violated the provisions of the practice act. It is also intended to promote and facilitate full, fair, and truthful disclosure to the Board and allow the Board to make good faith decisions thereon. Any member of the Board, any witness or complainant, and any reporting party who acts in bad faith would not be protected under the provisions of this section.

Section 21 – Cruelty to Animals – Immunity for Reporting

Any veterinarian or veterinary technician licensed or credentialed in the State who reports, in good faith and in the normal course of business, a suspected incident of animal cruelty, as described by law, to the proper authorities shall be immune from liability in any civil or criminal action brought against such veterinarian or veterinary technician for reporting such incident.

COMMENTARY TO SECTION 21—This section was inserted to encourage veterinarians to report animal abuse to the appropriate authorities by providing immunity to the reporting veterinarian. The AVMA recognizes that veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws or local ordinances. The AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities. Disclosure may be necessary to protect the health and welfare of animals and people. Veterinarians should be aware that accurate record keeping and documentation of these cases are invaluable. Any veterinarian who acts in bad faith would not be protected under the provisions of this section.

In 2012, this section was revised to provide credentialed veterinary technicians reporting under this section similar protection from liability.

Section 22 – Abandoned Animal

1. Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care, which is not retrieved by the client within ten calendar days after written notice is sent by certified mail, registered mail, postage pre-paid return receipt requested, or courier with confirmation of receipt to the client at the client's last known address shall be deemed to be abandoned. Such abandoned animal may be turned over to a humane society or animal shelter, adopted, otherwise disposed of, or destroyed by the licensed veterinarian in a humane manner.
2. If notice is sent pursuant to subsection 1 of this Section, the licensed veterinarian responsible for such abandoned animal is relieved of any further liability for disposal. If a licensed veterinarian follows the procedures of this Section, the veterinarian shall not be subject to disciplinary action under Section 14 of this Act, unless such licensed veterinarian fails to provide the proper notification to the client.
3. The disposal of an abandoned animal shall not relieve the client of any financial obligation incurred for treatment, boarding, or other care provided by the licensed veterinarian.

COMMENTARY TO SECTION 22— This section was inserted to encourage responsible animal ownership and to provide a standardized procedure for veterinarians to address animals that may have been abandoned by a client. Section 22 is modeled after a Missouri statute, and many states have adopted the same or similar abandoned animal statutes.

Section 23 – Enforcement

1. Any person who practices veterinary medicine or veterinary technology without a valid license, temporary permit, or credential issued by the Board shall be guilty of a criminal offense and upon conviction for each violation shall be fined [an appropriate amount of money according to the Board or the laws of the State] or imprisoned [an appropriate amount of time according to the Board or the laws of the State], provided that each act of such unlawful practice shall constitute a distinct and separate offense.
2. Any person not licensed or credentialed under this Act is considered to have violated this Act and may be subject to all the penalties provided for such violations if that person:
 - a. Performs any of the functions described as the practice of veterinary medicine or veterinary technology as defined in this Act, or
 - b. Represents, directly or indirectly, publicly or privately, an ability and willingness to perform any of the functions described as the practice of veterinary medicine or veterinary technology as defined in this Act, or
 - c. Uses any title, words, abbreviation, or letters in a manner or under circumstances that induces the

belief that the person using them is qualified to perform any of the functions described as the practice of veterinary medicine or veterinary technology as defined in this Act.

3. The Board may bring an action to enjoin any person from practicing veterinary medicine or veterinary technology without a currently valid license, temporary permit, or credential issued by the Board. If the court finds that the person is violating or is threatening to violate this Act, it shall enter an injunction restraining him or her from such unlawful acts.
4. Notwithstanding other provisions of this Act, the Board may take immediate action if there is an imminent threat to the health, safety, or welfare of the public. The Board shall find that this action is necessary for the protection of the public and necessary to effectively enforce this Act. If the Board takes immediate action pursuant to this subsection 4, efforts shall be made as soon as possible to proceed in accordance with a hearing pursuant to Section 16 of this Act.
5. In addition to any other penalty or remedy provided by law, the Board shall have the authority to implement a system of Cite and Fine procedures for licensed and non-licensed persons who violate the State Veterinary Practice Act. The Board may also impose a civil penalty, upon conviction, for each separate violation. This civil penalty shall be in an amount not to exceed [dollar amount] for each violation and shall be assessed by the Board in accordance with the provisions set forth in Section 16 of this Act.
6. The success or failure 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 of the remedies.

COMMENTARY TO SECTION 23—Under this section, any licensed or nonlicensed person, veterinarian or non-veterinarian, who engages in the unlawful practice of veterinary medicine may have criminal action brought against him or her. The person may be fined or imprisoned. Each act of unlawful practice constitutes a separate crime.

Subsection 5 indicates that the Board is authorized to implement a system of Cite and Fine procedures and to impose civil penalties for licensed and nonlicensed persons who violate the state veterinary practice act. The Board, in accordance with laws of each state, would establish these procedures, including the amount of the fines or the time of imprisonment.

Subsection 6 indicates that all of the remedies set forth in this section are available in any case and that enforcement of this act through one remedy does not prevent the use of other remedies.

In 2012, several subsections were revised to emphasize that the enforcement provisions are applicable to veterinary technology as well as veterinary medicine.

Section 24 – Severability

If any part of this Act is held invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid part remain in effect.

COMMENTARY TO SECTION 24—This section simply provides that if any part of the act should be found invalid, this finding of invalidity shall not affect any portion of the act found valid.

Section 25 – Effective Date

This Act shall become effective on 1, 20_. This Act does not affect rights and duties that matured, penalties that were

incurred, and proceedings that were begun before its effective date.

COMMENTARY TO SECTION 25—This section sets out the effective date of the act and provides for the handling of matters during the transition to the new procedure. The Board should also recognize that obsolete laws or laws superseded by changes to the act must first be repealed.

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AMERICAN ASSOCIATION OF
VETERINARY STATE BOARDS

**Veterinary Medicine and Veterinary
Technology Practice Act Model
with Comments**

Veterinary Medicine Practice Act Model with Comments created 2001

Latest revisions in 2014

380 West 22nd Street
Suite 101
Kansas City, MO 64108



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Introduction

The American Association of Veterinary State Boards (AAVSB) is a not-for-profit, 501(c)(3) association comprised of 59 veterinary licensing boards from the United States, six provinces in Canada, the U.S. Virgin Islands and Puerto Rico. The AAVSB is committed to serving these veterinary regulatory agencies (its Member Boards) by providing quality, relevant programs and services they can rely on to carry out their statutory responsibilities in the interest of public protection.

The AAVSB Member Boards have direct input and formally set policy and direction for the AAVSB by submitting nominations, Bylaws amendments and resolutions, and appointing a Delegate from their jurisdiction to attend the annual Delegate Assembly. Voting delegates elect the AAVSB Board of Directors and vote on important matters at the annual Delegate Assembly. The AAVSB Board of Directors is responsible for governing the association and fulfilling the mission and strategic priorities of the organization.

The American Association of Veterinary State Boards (AAVSB) is pleased to present the AAVSB Veterinary Medicine and Veterinary Technology Practice Act Model. At the 2000 AAVSB annual meeting in Salt Lake City, the AAVSB Member Boards were presented with a “generic” model practice act for comment and discussion. After receiving several constructive comments, and based upon the will of the membership, the AAVSB Executive Committee convened a Model Act Task Force. The Task Force was convened in July 2000 and met twelve times between September 2000 and June 2001. During its meetings, Task Force members argued passionately their points of view and studied research, information, and other regulatory schemes. Such healthy debate led to the draft, which was disseminated for comment on March 7, 2001. The AAVSB endeavored to disseminate its draft Model Act to all interested organizations. To this end, it was also posted on the the AAVSB web site to provide access to the entire public. Comments were received from over fifty organizations and individuals from across the country. All comments were extensively reviewed by the Model Act Task Force in subsequent meetings from the public protection perspective. Where appropriate, constructive comments resulted in modifications to the act and/or commentary.

In July 2001, the Delegates to the AAVSB Delegate Assembly in Boston approved the Veterinary Practice Act Model as a resource document available for use by Member Boards. Because it is a “living document”, the Assembly also directed the Practice Act Model Task Force to continue their work by adding statutory language regarding the regulation of veterinary technicians.

The purpose of the AAVSB Practice Act Model is to provide a resource to its Member Boards, many of which regulate the practice of veterinary technology as well as veterinary medicine. This document reflects a national perspective and was developed by the AAVSB consistent with its public protection mission. The AAVSB Practice Act Model reflects the most current thinking on professional regulation. An additional goal is to facilitate greater standardization of terminology and regulation

among jurisdictions. It is hoped that such uniformity will begin to allow jurisdictions to provide for increased public protection through effective regulation as well as facilitating mobility of veterinary professionals from jurisdiction to jurisdiction through the licensure process. Such developments are advantageous to the public by clarifying the role of veterinary medical regulatory boards while creating valid and accurate expectations for veterinary medical services. Increased mobility will also provide the public with greater access to qualified veterinarians to perform important services.

The AAVSB Practice Act Model was not drafted to protect professional territory or to define or secure specific job descriptions for veterinarians or veterinary technicians. While professional promotion may be an important activity of professional associations, societies, and other professional veterinary medicine membership groups, the sole concern of the AAVSB Practice Act Model is the protection of the public.

From the perspective of the Practice Act Model Task Force, and as reflected by the comments, the most challenging issues included the scope of practice, exemptions from licensure, board powers and responsibilities, the title protection of the term “veterinarian”, and mandatory reporting. Several additional comments also addressed other aspects of the Practice Act Model. While the Practice Act Model commentary contains explanations for most of the issues raised by individuals and entities who provided written comments to the original document, certain challenging issues are worthy of discussion in this Introduction. It is also worth noting that virtually the entire AAVSB Practice Act Model is law at least in part in one or more jurisdictions. Thus, the Model is not a departure from what already exists in several jurisdictions.

First, the Scope of Practice is probably one of the most important clauses within the legislation. Accordingly, it was extensively discussed by the Task Force and also was the subject of comments as well. The AAVSB is of the opinion that section 104 of the Practice Act Model reflects an appropriate reference to both generalities and the specifics of the practice of veterinary medicine. The AAVSB believes that the broadness and flexibility within the definitions of the practices of veterinary medicine are necessary in order to most effectively protect the public. Similarly, section 105 reflects an appropriate reference to tasks which may be performed by a veterinary technician under the supervision of a licensed veterinarian.

Also subject to various comments were the Exemptions contained in section 106. These exemptions have been redefined as “Special Provisions” in the 2014 revision to recognize that such activities fall within the scope of practice but do not require licensure, rather than attempting to exempt them or formulate the scope of practice to not include such activities. The commentary to sections 106 and 107 further address these issues.

The Powers and Responsibilities as set forth in section 213 were the subject of rigorous review and comments. Specifically, section 213 (a)(5) grants authority to the board to determine the standards for recognition and approval of degree programs of schools and colleges of veterinary medicine and veterinary technology for purposes of determining licensure eligibility. As has been addressed in the

commentary to this particular section, the AAVSB respects the 10th Amendment of the United States Constitution which bestows upon the states the authority to provide regulation within their borders. Furthermore, the AAVSB also recognizes the legal doctrine of improper delegation, which prohibits the legislatures and boards from delegating to outside private entities their authority to determine criteria necessary for licensure as a veterinarian. The AAVSB believes that such decision-making must be maintained by the regulatory board, through the legislative process, based upon its accountability to the public and public protection mission. Delegation analysis involves constitutional principles and prohibits unequivocal reliance in licensure decision-making upon outside private entities that are not accountable to the public and over whom the legislature and regulatory board have no rights of participation. Again, this concept is fully discussed in the commentary to section 213 (a)(5). Furthermore, a similar legal analysis applies to sections 302 (a)(4) and (5) and 302 (b)(4) and (5) Qualifications for Licensure by Examination, as well as section 303, Educational Equivalence, and section 304, Examinations.

Regarding the protection of the title “Veterinarian” and “Veterinary Technician,” the AAVSB believes that the use of such terms should be limited to those legally able to practice veterinary medicine and veterinary technology. This position is not only consistent with federal law but also provides the maximum public protection by minimizing the misconceptions of the consumers over individuals who are and are not able to practice veterinary medicine. Additionally, several states already limit the use of the term veterinarian to only licensees; however, since not all states regulate veterinary technicians, the term may not always be protected. The AAVSB believes that an administrative enforcement mechanism must be vested in the regulatory board in order to best protect the public. The AAVSB also believes that limiting enforcement of protecting the title “veterinarian” through the civil sector (after harm has occurred) or through the District Attorney’s office (if criminal statutes are implicated) does not satisfactorily protect the public. Again, interested parties are encouraged to read the comments to section 301 (b), Unlawful Practice.

The AAVSB intends that the Practice Act Model provide a basis for information on the regulation of veterinary medicine and veterinary technology. Consistent with other regulatory schemes, the Practice Act Model does not contain specific references to the administrative procedures used in the disciplinary process. Each jurisdiction has an Administrative Procedures Act that addresses the “due process” rights to which licensees are entitled in the administrative investigative and disciplinary processes. Also, the federal and state constitutions address the procedural rights bestowed upon licensees. To avoid inconsistencies with such other laws and regulations, the AAVSB has not addressed these specific rights in the Practice Act Model.

Although the AAVSB Practice Act Model includes language authorizing a board to regulate veterinary facilities, it does not have recommended standards of practice for facilities. Many jurisdictions currently regulate facilities, so this area of concern to the legislatures and boards is one that the AAVSB has begun to address in section 311 in the 2014 revisions.

The AAVSB Practice Act Model was developed and is available to the AAVSB Member Boards as a resource containing contemporary language regarding the regulation of veterinary medicine and

veterinary technology. It was drafted to withstand legal scrutiny and provide maximum public protection. While distancing itself from undue influence from professional associations to avoid legal and practical allegations of the “profession protecting its own,” the AAVSB welcomes input from these organizations, their state chapters, individual practitioners, academia, and others in formulating this document. The association appreciates all those who provided constructive comments to the original document. It is important to note the AAVSB Practice Act Model is a fluid document which will always be subject to modifications and, thus, can never be “final.” The AAVSB looks forward to continued dialogue on its Practice Act Model whereby Member Boards can comment and fully discuss issues impacting the regulation of veterinary medicine, veterinary technology and the mission of public protection. The AAVSB Practice Act Model is an example of the resources that can be made available to AAVSB Member Boards when diverse interests work together toward a common goal.

The AAVSB invites comments from all interested persons on the revised and retitled Veterinary Medicine and Veterinary Technology Practice Act Model. Like the original, it has been formatted to include the Model legislation in the left-hand column with corresponding commentary in the right-hand column. In an attempt to provide the rationale and thought processes behind several portions of the Practice Act Model, readers are encouraged to read the commentary as well as the Act to receive a complete perspective.

Acknowledgments

The American Association of Veterinary State Boards is very grateful to Dr. Lila Miller, chair of the original Practice Act Model Task Force and to Marilyn Cute, LVT, Barbara Pinker, CAHT, Georgianne Ludwig, DVM, Bob Gillespie, DVM, and Joe Gordon, DVM, subsequent Task Force members and consultants who worked so hard and devoted so much time to developing the AAVSB Veterinary Medicine and Veterinary Technology Practice Act Model.

The AAVSB would also like to thank the veterinary regulatory boards, professional organizations, and individuals who took the time to review and comment on this original model during its creation and hopes that many will comment on this draft. Input from these groups is an extremely important part in the development of this document.

Revisions

- Veterinary Medicine Practice Act Model with Comments created 2001
- Veterinary Medicine and Veterinary Technology Practice Act Model with Comments revised 2002
- Articles I and III revised 2005
- Article I revised 2009
- All articles revised 2014

Article I

Title, Purpose, and Definitions

Model Law**Comments****Article I. Title, Purpose, and Definitions**

An ACT concerning the regulation of the practices of veterinary medicine and veterinary technology.

Be it enacted...

Section 101. Title of Act

This Act shall be known as the “(Name of State) Veterinary Medicine and Veterinary Technology Practice Act.”

Section 102. Legislative Declaration

The practices of veterinary medicine and veterinary technology in the state of _____ are declared professional practices affecting the public health, safety, and welfare and are subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practices of veterinary medicine and veterinary technology, as defined in the Act, merit and receive the confidence of the public and that only qualified Persons be permitted to engage in the practice of veterinary medicine or veterinary technology in the state of _____. This Act shall be liberally construed to carry out these objectives and purposes.

Introductory Comment to Article I

The AAVSB believes that the public interest must be the central precept of any professional regulatory act and its administration, and that state regulatory Boards must constantly strive to ensure that this basic principle is upheld. These beliefs are clearly articulated in the Veterinary Medicine and Veterinary Technology Practice Act Model (“Act”).

Article I of the Act states that safeguarding the public interest is the most compelling reason for regulating the practices of veterinary medicine and veterinary technology, and identifies the activities included within the practices. Definitions of other terms used throughout the Act are also included in this article.

Section 102. Legislative Declaration

Veterinary medicine and veterinary technology are learned professions affecting public health and welfare and should be declared as such by the legislature.

Model Law**Comments****Section 103. Statement of Purpose**

- (a) It is the purpose of this Act to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of Persons, residing in or out of the state who practice veterinary medicine or veterinary technology within this state.
- (b) (1) The purpose of this Act is to fully occupy the field of veterinary medicine and provide a uniform state-wide regulatory scheme to be enforced by the Board of Veterinary Medicine as defined in the scope of practice. As such, no city or county shall prohibit a Veterinarian, as defined, from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of licensure as a Veterinarian, including but not limited to the scope of practice set forth in this Act.
- (2) Nothing in this section 103(b) shall prohibit any city or county from:
- (i) levying a business license tax solely for revenue purpose, or
- (ii) levying a license tax solely for the purpose of covering the cost of regulation.

Section 103. Statement of Purpose

The Statement of Purpose defines the general scope of the veterinary medicine and veterinary technology Practice Act. A Board must have full knowledge of the Persons practicing veterinary medicine and veterinary technology within its Jurisdiction, and must effectively protect the public through regulation. This section provides for the regulation of both practices and the licensure of Veterinarians and Veterinary Technicians engaged in these practices, and also stipulates that the regulation of the practices of veterinary medicine and veterinary technology extends to all Veterinarians and Veterinary Technicians practicing in the state, regardless of their actual state of residency.

Model Law**Comments****Section 104. Practice of Veterinary Medicine**

The Practice of Veterinary Medicine means:

Any Person practices veterinary medicine with respect to Animals when such Person performs any one or more of the following:

- (a) Directly or indirectly consults, diagnoses, prognoses, corrects, supervises, or recommends treatment of an Animal, for the prevention, cure or relief of a wound, fracture, bodily injury, disease, physical or mental condition;
- (b) Prescribes, dispenses or administers a drug, medicine, biologic, appliance, application or treatment of whatever nature;
- (c) Performs upon an Animal a surgical or dental operation or a Complementary or Alternative Veterinary Medical procedure;
- (d) Performs upon an Animal any manual procedure for the diagnosis and/or treatment of pregnancy, sterility, or infertility;
- (e) Determines the health, fitness, or soundness of an Animal;
- (f) Represents oneself directly or indirectly, as engaging in the practice of veterinary medicine; or
- (g) Uses any words, letters or titles under such circumstance as to induce the belief that the Person using them is qualified to engage in the practice of veterinary medicine, as defined. Such use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine.

Section 104. Practice of Veterinary Medicine

The definition of the practice of veterinary medicine is one of the most important – and most-discussed – clauses in the AAVSB Veterinary Medicine and Veterinary Technology Practice Act Model. Veterinary Medicine is a dynamic profession, particularly over the past several years, and any definition of practice needs to contain a degree of flexibility that will allow the Board to make necessary adjustments from time to time to meet a changing veterinary medicine environment, an evolving practice, and the ongoing needs of consumers. The definition in Section 104 is purposely broad in order to provide substantial latitude to the Board in the adoption and implementation of rules. However, the definition does specifically identify a range of acceptable activities. The rules process would function as an important tool in the Board's efforts to adapt the definition to the needs of its state, since any new or amended rules that the Board may implement would be promulgated within the requirements of the state's Administrative Procedures Act, and would afford all interested parties an opportunity to provide review and comment.

Model Law**Comments****Section 105. Practice of Veterinary Technology**

The Practice of Veterinary Technology means:

Any Person practices veterinary technology with respect to Animals when such Person performs any one or more of the following:

- (a) Provides professional medical care, monitors and treats Animals, under supervision of a Veterinarian;
- (b) Represents oneself directly or indirectly, as engaging in the practice of veterinary technology; or
- (c) Uses any words, letters or titles under such circumstance as to induce the belief that the Person using them is qualified to engage in the practice of veterinary technology, as defined. Such use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary technology. Nothing in this section shall be construed to permit a Veterinary Technician to do the following:
 - (1) surgery;
 - (2) diagnose;
 - (3) prognose; and
 - (4) prescribe.

Regulations defining tasks of Veterinary Technicians:

The Board shall adopt regulations establishing Animal health-care tasks and an appropriate degree of supervision required for those tasks that may be performed only by a Veterinary Technician or a Veterinarian.

Section 106. Special Provisions (formerly Exempt Persons or Activities)

The requirements of the Act shall not apply to the following:

- (a) Any veterinary medical officer serving in the United States armed forces or in the federal or

Section 105. Practice of Veterinary Technology

See comment to Section 107 (z) regarding the protection of the title and the licensed profession.

Section 106. Special Provisions (formerly Exempt Persons or Activities)

The AAVSB recognizes that some states include additional special provisions relating to the spaying, neutering, dehorning, castration, emasculation, or docking of cattle, horses, sheep, goats, or swine in the course or exchange of work for which no monetary

Model Law**Comments****Section 106. Cont'd.**

state government performing veterinary medical services within the scope of official duties, provided such veterinary medical services are limited to the period of their military service;

- (b) Any Animal care specialist serving in the United States armed forces or in the federal or state government performing veterinary technology services within the scope of official duties, provided such veterinary technology services are limited to the period of their military service;
- (c) Any Person offering gratuitous services in cases of emergency;
- (d) Any veterinarian who is licensed in another Jurisdiction or country, or any Person whose expertise, in the opinion of the Veterinarian licensed in this state, would benefit an Animal, and who is consulting with a Veterinarian licensed in this state provided such service is limited to such Consultation;
- (e) Any Person in this state other than a Veterinarian whose expertise, in the opinion of a veterinarian licensed in another Jurisdiction or country, would benefit an Animal, and who is consulting with such Veterinarian provided such service is limited to such Consultation;
- (f) Any intern or resident who practices veterinary medicine in an Approved Veterinary Medical Program and who is a graduate of an Approved Veterinary Medical Program in any Jurisdiction or country, provided such practice is limited to such duties as intern or resident and is under the Direct Supervision of a Veterinarian or faculty under Section 106(11);
- (g) Any student enrolled and in good standing in an Approved Veterinary Medical Program who engages in practice at a veterinary teaching hospital or under the Direct Supervision of a Veterinarian under this article; provided however, that only such students who have completed at least _____ [time period

Section 106. Cont'd.

compensation is paid, or to artificial insemination and the collection of semen as well as additional services. Due to the potential for harm to the public/Animal(s), it is the intent of the Act to include Persons performing such activities as professionals who must be licensed. Accordingly, these particular activities are intentionally absent from the list of special provisions and such activities are included in the practice definition.

The special provision for students who engage in practice at a veterinary teaching hospital or under the Direct Supervision of a Veterinarian is intended to be restricted to those students who have completed some basic clinical courses. After much discussion and review of the comments, the AAVSB chose to leave the time period blank. The states should determine the requisite time period which can be reflected in hours, percentages or years. Similarly, states should determine the appropriate prerequisites to be completed before veterinary technology students are permitted to engage in the practice of veterinary technology.

As drafted, the special provision is intended to restrict the practice of veterinary technology to those students who have completed some basic courses and are pursuing completion of the experience component of the program.

In all cases the special provision is intended to apply only to students practicing under the appropriate supervision as determined by the Board. With regard to faculty, the AAVSB noted that several Jurisdictions already require licensure of faculty who teach clinical curriculum. Others require faculty licenses or institutional licenses. The AAVSB feels strongly that veterinary medicine faculty involved in direct, clinical relationships with the public and its Animals are engaged in practice and, thus, should be licensed, particularly when a Veterinarian-Client-Patient Relationship exists.

Through the Practice Act Model comment process, however, concerns were voiced regarding the practical implications such a licensure requirement would have on the education, recruitment of faculty and the

Model Law**Comments****Section 106. Cont'd.**

may be reflected in course hours, percentage of completion of curriculum or years] in an Approved Veterinary Medical Program may assist in diagnosis, prognosis, treatment and surgery in such practice, subject to the following limitations:

- 1) assistance in diagnosis and surgery must be under the Immediate Supervision of such Veterinarian; and
 - 2) assistance in treatment must be under the Indirect Supervision of such Veterinarian;
- (h) Any student enrolled and in good standing in an Approved Veterinary Technology Program approved by the Board who engages in the practice of veterinary technology in pursuance of the required experience component of the program under Direct Supervision of a Veterinarian or at a veterinary teaching hospital under Direct Supervision of veterinary faculty;
- (i) An Animal Shelter employee or volunteer who provides care and performs euthanasia for the shelter's Animals in the course and scope of the Person's employment or duties if the Person has successfully completed training acceptable to the Board and is acting under the Direct or Indirect Supervision of a Veterinarian or in accordance with the written guidelines of a Veterinarian. Such Persons shall not diagnose, prognose, prescribe or perform surgery;
- (j) Any Persons engaged in bona fide scientific research that reasonably requires experimentation involving Animals and is conducted in a facility or with a company that complies with federal regulations regarding Animal welfare;
- (k) Any Person or that Person's employee, who treats Animals belonging to that Person, providing that ownership is not transferred for the purpose of circumventing this Act;

Section 106. Cont'd.

undertaking of research and other important projects related to the educational process. In recognition of the practical implications such a requirement might have on educational institutions, the AAVSB Practice Act Model, provides a faculty license to provide for public protection, see Section 306.

To protect the public and to prevent Persons from circumventing the licensure requirements, the faculty license is limited to recognized faculty members who teach courses in Approved Veterinary Medical Programs.

A special provision is granted in the model statute to Animal Shelter employees who provide care and perform euthanasias. The Task Force acknowledges that many Jurisdictions have adopted more specific language requiring that shelter Animals be euthanized by certified euthanasia technicians when a Veterinarian or Veterinary Technician is not available.

A variety of certification methods have emerged through the rules process. To train euthanasia technicians, some Boards have established guidelines to certify euthanasia technicians whereas other Boards have little involvement.

Shelters, private and government agencies often respond to disasters and large scale cruelty such as dog fighting and puppy mill cases by setting up temporary shelters to provide care and shelter for rescued victims. In disaster cases, the Animals needing care and shelter often number well into the hundreds. In order to provide appropriate care for these Animals, it may be necessary to recruit Veterinarians from outside the state. In cruelty cases, law enforcement often depends upon assistance from Veterinarians with expertise in forensics, diagnosing, prognosing and treating Animal in large scale cruelty and fighting cases. They should not be limited in their ability to effectively enforce state criminal laws or render needed veterinary care due to jurisdictional constraints on veterinary practice.

Model Law**Comments****Section 106. Cont'd.**

- (l) Any veterinarian or veterinary technician who is licensed in good standing in another Jurisdiction or country and is providing veterinary services in response to an emergency, disaster (natural or man-made) or a case involving Animal cruelty or fighting, provided a request for such assistance is received from a government, law enforcement, or Animal protection agency;
- (m) Any veterinarian who is licensed in good standing in another Jurisdiction or country and is providing a continuing education course or training at an Approved Veterinary Medical or Veterinary Technology Program or in connection with an Approved Program of Continuing Education.

Section 106. Cont'd.

There needs to be a special provision that would allow them to practice temporarily in response to a call from a government, law enforcement or Animal protection agency that does not require a written Examination or other qualifications.

Model Law**Comments****Section 107. Definitions**

When used in this Act, these words and phrases shall be defined as follows:

- (a) **Animal** means any member of the Animal kingdom other than humans, whether living or dead.
- (b) **Animal Shelter** means a public or private humane society, Animal Shelter, society for the prevention of cruelty to Animals, Animal protection or control agency, rescue group, etc, that provides shelter and care for homeless Animals.
- (c) **Approved Provider of Continuing Education** means any Person, professional association, university or college, corporation or other entity that has met the requirements of the Board to provide educational courses that are designed to assure continued competence in the practice of veterinary medicine or veterinary technology.
- (d) **Approved Program of Continuing Education** means an educational program approved by the Board or offered by an Approved Provider of Continuing Education.
- (e) **Approved Veterinary Medical Program** means a school of veterinary medicine or a veterinary medical education program that has been approved by the Board.
- (f) **Approved Veterinary Technology Program** means a school of veterinary technology or a veterinary technology education program that has been approved by the Board.
- (g) **Board of Veterinary Medicine** means the Board of Veterinary Medicine created under this Act.
- (h) **Client** means an entity, Person, group or corporation that has entered into an agreement with

Section 107. Definitions

The Practices of Veterinary Medicine and Veterinary Technology are defined in Sections 104 and 105.

Section 107(c) and (d). Approved Provider and Approved Program of Continuing Education.

See comment to Section 213(a) regarding Board's role in the approval process of programs and providers.

Section 107(g). Board of Veterinary Medicine

Some Jurisdictions may select the title, Board of Veterinary Medicine and Veterinary Technology.

Model Law**Comments****Section 107. Cont'd.**

a Veterinarian for the purposes of obtaining veterinary medical services.

- (i) **Complementary and Alternative Veterinary Medicine [Therapies]** means a heterogeneous group of preventive, diagnostic, and therapeutic philosophies and practices that are not considered part of conventional veterinary medicine. These therapies include but are not limited to veterinary acupuncture, acuthery, and acupressure; veterinary homeopathy; veterinary manual or manipulative therapy (i.e., therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy); veterinary nutraceutical therapy; and veterinary phytotherapy.
- (j) **Consultation** means when a Veterinarian receives advice or assistance in Person, telephonically, electronically, or by any other method of communication, from a veterinarian or other Person whose expertise, in the opinion of the Veterinarian, would benefit an Animal. Under any circumstance, the responsibility for the welfare of the Animal remains with the Veterinarian receiving Consultation.
- (k) **Continuing Education** means training which is designed to assure continued competence in the practice of veterinary medicine or veterinary technology.
- (l) **Continuing Education Contact Hour** means a fifty (50) minute clock hour of instruction, not including breaks or meals.
- (m) **Conviction** means Conviction of a crime by a court of competent jurisdiction and shall include a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered on admission of guilt, a no consent plea, a plea of nolo contendere, or a guilty plea.

Section 107. Cont'd.

Model Law**Comments****Section 107. Cont'd.**

- (n) **Examination** means an Examination approved by the Board.
- (o) **Felony** means a criminal act as defined by this state or any other state or by definition under federal law.
- (p) **Informed Consent** means the Veterinarian has informed the Client or the Client's authorized representative, in a manner understood by the Client or representative, of the diagnostic and treatment options, risk assessment, and prognosis, and has provided the Client with an estimate of the charges for veterinary services to be rendered and the Client has consented to the recommended treatment.
- (q) **Jurisdiction** means any commonwealth, state, or territory, including the District of Columbia, of the United States of America, or any province of Canada.
- (r) **Licensee** means a Person duly licensed under this Act.
- (s) **Licensure Transfer** means the method whereby a veterinarian or a veterinary technician currently licensed in another Jurisdiction can also become licensed as a Veterinarian or Veterinary Technician in this Jurisdiction.
- (t) **Person** means any individual, firm, partnership, association, joint venture, cooperative, corporation, or any other group, legal entity or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any kind of legal or Personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such Person.
- (u) **Premises** means any place where the animal is located and where veterinary medicine is

Section 107. Cont'd.**Section 107(s). Licensure Transfer**

The phrase "Licensure Transfer" is intended to provide a mechanism for a licensee from another Jurisdiction to also become licensed in the model state through a process which recognizes certain already established qualifications.

The AAVSB has elected to use "Licensure Transfer" rather than Licensure by Endorsement or Reciprocity because of the confusion existing in regulation between such terms. "Licensure Transfer" is intended to allow for the possession of multiple licenses.

Model Law**Comments****Section 107. Cont'd.**

being practiced.

(v) **Supervision**-related terms are defined as follows:

(1) **Supervising Veterinarian** means a Veterinarian who assumes responsibility for the professional veterinary care given to an Animal by a Person working under his or her direction. The Supervising Veterinarian must have examined the Animal at such time as acceptable veterinary medical practice requires consistent with the particular delegated Animal healthcare task.

(2) **Immediate Supervision** means the Supervising Veterinarian is in the immediate area and within audible and visual range of the Animal patient and the Person treating the patient.

(3) **Direct Supervision** means the Supervising Veterinarian is on the premises where the Animal is being treated and is quickly and easily available.

(4) **Indirect Supervision** means a Supervising Veterinarian need not be on the premises but has given either written or oral instructions for the treatment of the Animal.

(w) **Veterinarian** means an individual who is duly licensed to practice veterinary medicine under the provisions of this Act.

(x) **Veterinarian Manager** is a Veterinarian who registers to assume responsibility for the management and operation of a veterinary facility.

Section 107. Cont'd.**Section 107(v)(3). Direct Supervision**

Boards may want to define “premises” to include ranches, racetracks, farms or other venues in which veterinary care may be provided.

Section 107(v)(4). Indirect Supervision

The AAVSB contemplates that this definition of Indirect Supervision includes and incorporates the technological advancements and the ability of Persons to communicate through electronic and other means as a form of supervision. Of course, such supervision must maintain the necessary “contacts” to be as effective as the Veterinarian deems appropriate, using professional judgment.

Section 107 (w). Veterinarian

To maintain consistency with the regulations promulgated by the Food and Drug Administration, Department of Health and Human Services with regard to Animal Drugs, Feed and Related Products (21 C.F.R. §530.3) which define Veterinarian and the Veterinarian-Client-Patient Relationship, the AAVSB defines Veterinarian as a Person who is duly licensed under the

Model Law**Comments****Section 107. Cont'd.**

- (y) **Veterinary Facility** means any place or mobile unit from which the Practice of Veterinary Medicine is conducted.

Section 107 (w). Veterinarian. Cont'd.

provisions of the Act. The AAVSB also strongly believes that limiting the use of the title Veterinarian to individuals able to perform veterinary services better protects the public. Not only is this position consistent with many Jurisdictions which also limit the use of the title Veterinarian to Licensees, such is also consistent with most professions. Currently, at least thirteen states have a similar definition of Veterinarian. It must be emphasized that the title restriction does not prevent anyone from referencing a valid educational degree (i.e. DVM) or other recognized credential (i.e. VMD). See also the comment to section 301(b) of the Act. Several comments addressed this issue, saying the term Veterinarian belonged to individuals by virtue of the receipt of a degree. While this is understandable from an academic perspective, the AAVSB reasoned that the Code of Federal regulations and the potential for confusion to the public, mandate limitation of use of the term “Veterinarian” to Licensees. In that case, there would be no violation and enforcement would be left up to criminal prosecution through the state’s attorney or through civil litigation, involving deceptive trades practices or other applicable remedies. The AAVSB determined this approach does not adequately protect the public as the state lacks the resources or incentives to criminally prosecute such offenses or, alternatively, injured parties must pursue matters through an expensive civil process. The AAVSB has chosen to affirmatively address the issue, rather than pass the enforcement to other entities.

Section 107(y). Veterinary Facility

“Veterinary Facility” is defined with the intention that Jurisdictions license or otherwise register facilities or issue facility permits as a mechanism for protecting the public, especially when such facilities are owned by non-veterinarians, see Section 311. Regulatory Boards can thereafter establish standards and monitor qualifications of such facilities. Indeed, at least thirty-one Jurisdictions in veterinary medicine already provide for such regulation. It is the intention of the AAVSB to continue to develop this important area of regulation by formulating the model standards by which such facilities will be recognized.

Model Law**Comments****Section 107. Cont'd.****Section 107(y). Veterinary Facility, Cont'd.**

The AAVSB recommends that regulatory Boards consider delineating the various specific Veterinary Facilities within its *rules*. Differing facilities can be defined within the rules which can identify minimum standards and the allowable practices in an effort to insure public protection. The AAVSB initially identified the following categories of Veterinary Facilities:

- (1) Veterinary or Animal hospital or clinic means a facility that meets or exceeds all physical requirements and minimum standards as established by Board rule for Veterinary Facilities; provides examination, diagnostic and health maintenance services for medical and surgical treatment of Animals and is equipped to provide housing and nursing care for Animals during illness or convalescence.
- (2) Specialty practice or clinic means a facility that provides complete specialty service by a Veterinarian who has advanced training in a specialty and is a diplomate of an approved specialty board. A specialty practice or clinic shall meet all minimum standards which are applicable to a specialty as established by Board rule.
- (3) Central hospital means a facility that meets all requirements of a veterinary or Animal hospital or clinic as defined in paragraph (1) of this subdivision and other requirements as established by Board rule, and which provides specialized care, including but not limited to the availability of nursing care during specified hours and specialty Consultation on a permanent or on-call basis. A central hospital shall be utilized primarily on referral from area veterinary hospitals or clinics.

The AAVSB recognizes the different references to emergency facilities/central hospitals and offers the above definition as a starting point, understanding the numerous variations of requirements within these specific facilities including hours of operation, emergency services provided, on-call basis and referrals.

Model Law**Comments****Section 107. Cont'd.**

- (z) **Veterinarian-Client-Patient Relationship (VCPR)** exists when the Veterinarian has assumed responsibility for making medical judgements regarding the health of the Animal(s) and the need for medical treatment.

Section 107(y). Veterinary Facility, Cont'd.

- (4) Satellite, outpatient, ambulatory clinic means a supportive facility, including but not limited to humane societies, vaccine clinics and limited service clinics, owned by or associated with and having ready access to a full-service veterinary hospital or clinic or a central hospital, providing all mandatory services, including Examination, diagnostic, preventative medicine, and minor surgical services for Animals not requiring confinement or hospitalization, and meeting all physical requirements and minimum standards as established by statute or rule.

Section 107(z). Veterinarian-Client-Patient Relationship (VCPR)

After much consideration, the AAVSB determined that the establishment of the VCPR must be specified through general statutory language. Under certain circumstances, the failure to establish the VCPR may severely hinder the Boards' ability to prosecute or pursue administrative disciplinary actions against Licensees.

Certain comments suggested referencing the definition of VCPR set forth in the Code of Federal Regulations (CFR) within the statute. The AAVSB carefully reviewed the CFR and determined that the above definition was broad enough to encompass the more specific references in the CFR. Furthermore and respecting the rights of states to regulate within the police powers set forth in the 10th Amendment of the United States Constitution, the AAVSB did not want to bind the states to a federal definition, should the state wish to be more stringent than the federal government. Also, the AAVSB did not want to bind the states to a federal definition which, if changed, would necessitate subjecting the practice act to modifications and additional scrutiny by the legislature. Finally, the AAVSB determined that the specifics of the VCPR should be contained in the standards of practice/codes of conduct and promulgated through the rule/regulations, a process which is easier to modify, if necessary. Below are comments to the act which provide suggested language to be in-

Model Law**Comments****Section 107. Cont'd.****Section 107(z). Veterinarian-Client-Patient Relationship (VCPR), Cont'd.**

incorporated in the regulations. This suggested language incorporates the requirements of the CFR.

Due to the importance of the recognition of the establishment of the VCPR, the AAVSB strongly recommends that at least the following attributes of this relationship be recognized in the standards of practice/codes of conduct adopted in the Board rules/regulation, rather than in the definition of the VCPR. When promulgating such rules/regulations at least the following attributes should be incorporated:

- (1) The Veterinarian must have sufficient knowledge of the Animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the Animal(s). This means that the Veterinarian has seen the Animal(s) within the last year and is personally acquainted with the care of the Animal(s) by virtue of a physical examination of the Animal or by medically appropriate and timely visits to the premises where the Animal is kept;

In cases involving operations with several Animals, such as encountered at farms, laboratories or in shelters, the sufficient knowledge component of the VCPR can be met by:

- (a) examination of health, laboratory or production records;
 - (b) consultations with owners, managers, directors, caretakers or other supervisory staff who oversee the health care management program; or
 - (c) information regarding the local epidemiology of diseases for the appropriate species;
- (2) The Veterinarian has obtained Informed Consent and the Client has agreed to follow the instructions; and

Model Law**Comments****Section 107. Cont'd.****Section 107(z). Veterinarian-Client-Patient Relationship (VCPR), Cont'd.**

- (3) The Veterinarian is readily available or has arranged for emergency coverage or follow-up evaluation in the event of adverse reaction or the failure of the treatment regiment.

It is essential for the VCPR to be easily established in order to require the Veterinarian to assume accountability for the veterinary medical services rendered. Furthermore, as standards of practice and codes of conduct change over time, it is easier to promulgate new rules incorporating such changes rather than adopting legislative modifications.

Section 107. Con't.

(aa) **Veterinary Technician** means an individual who is duly licensed to practice veterinary technology under the provisions of this Act.

Section 107(aa). Veterinary Technician

The AAVSB believes that the title “Veterinary Technician” and the practice of veterinary technology should be protected as a licensed profession, and this is reflected in the Act. However, the Practice Act Model Task Force recognizes that states have chosen various methods of regulating veterinary technicians. Some states have created other titles such as veterinary assistant or veterinary employee to define the roles of staff who may perform tasks not relegated to Veterinary Technicians.

Other states have chosen to either not regulate technicians or to use alternative titles such as registered or certified technicians. In all cases, states are strongly encouraged to specify the roles of each designated title (in the rules), recognizing that all veterinary employees must be supervised by a licensed Veterinarian.

Article II

Board of Veterinary Medicine

Model Law**Comments****Article II. Board of Veterinary Medicine****Introductory Comment to Article II****Section 201. Designation**

The responsibility for enforcement of the provisions of this act is hereby vested in the Board of Veterinary Medicine (Board). The Board shall have all of the duties, powers, and authority specifically granted by or necessary for the enforcement of this Act, as well as such other duties, powers, and authority as it may be granted from time to time by applicable law.

Before it can regulate the practice of veterinary medicine or veterinary technology, the state must first establish and empower the Board. Accordingly, Article II of the Act defines and creates the Board by specifying elements necessary to its formation, organization, and operation. Each of the sections contained in this article covers elements which the AAVSB felt necessary to the proper formation and efficient operation of the Board. Several of these sections, especially those which contain innovative or infrequently utilized provisions, are supplemented by individual explanatory comments.

Among the sections of Article II that may be of particular interest to users of the Act are the following: Section 202 and 203(c), pertaining to the inclusion of public members as Board members; Section 207, which provides grounds and procedures for removal of Board members, and Section 213(b)(2), which enables Boards to avail themselves of research and study grants and other non-state monies without having to deposit such funds in state general revenue accounts (thereby losing control over the expenditure of such funds).

It is also important to note that Section 212 specifically empowers the Board to make such rules as are necessary to fully administer and implement the Act. This is a most significant feature of the Act. The underlying philosophy of this approach is that the statute should create goals, guidelines, and policies in general areas, and permit the Board to provide the specifics in its rules. This approach recognizes that it is impossible for state legislatures to enact comprehensive provisions regarding all of the matters with which a Board may be confronted or to anticipate the rapidly changing conditions of the professions and the delivery of veterinary medical services. Consequently, the AAVSB recommends that Boards have adequate power to adopt and amend rules with the greatest possible flexibility and autonomy. Section 212 of this Act is designed to accomplish this objective.

Model Law**Comments****Section 202. Membership**

The Board shall consist of _____ members, [at least one (1) of whom shall be a representative of the public, and the remainder] [each] of whom shall be Veterinarians or Veterinary Technicians, who possess the qualifications specified in Section 203. At all times, at least fifty percent (50%) of the members of the Board shall be Veterinarians who are actively engaged in the practice of veterinary medicine in this state.

Section 203. Qualifications

- (a) Board members shall at all times maintain eligibility to serve on the Board by avoiding relationships which would interfere with the Board mission of public protection. Board members must be especially cognizant of issues of conflict of interest.
- (b) Each Veterinarian or Veterinary Technician member of the Board shall at all times as a Board member:
- (1) Be a resident of this state for not less than two years;
 - (2) Be currently licensed and in good standing to engage in the practice of veterinary medicine or veterinary technology in this state; and

Section 202. Membership

The number of Board members should be determined by each individual state according to its particular requirements. Individual states may wish to consider Board composition which represents the diversity of practice types and interests within a state. Variable factors, such as state population, number of Veterinarians, and other local considerations, may all be relevant in determining the number of Board members needed to most effectively enforce the Act. Since the mission of the Board is public protection, the AAVSB strongly recommends that the Board have at least one public member. In the event a state prefers to limit the Board membership to Veterinarians and Veterinary Technicians, the bracketed language pertaining to a public member should be deleted, as should Section 203(c) and the alternative “each” should be selected.

Section 203. Qualifications

Conflict of interest issues provide a legal basis for challenging the actions of a regulatory Board. As has been determined by the United States Supreme Court, a conflict need not be actual, but merely the appearance of an impropriety can create the basis for legal challenges. The AAVSB strongly suggests regulatory Board members not participate as an officer or in a policy-making position of a local, state or national professional association.

Section 203(b). Qualifications

Section 203(b) of the Act requires that Veterinarians and Veterinary Technicians be licensed to practice at all times while serving as Board members and have at least five (5) years of experience in the practice of veterinary medicine or veterinary technology prior to appointment. Since the practice of veterinary medicine is defined in Section 104 in broad terms, it renders a Veterinarian actively engaged in almost any phase of practice eligible for appointment. This provides for

Model Law**Comments****Section 203(b). Qualifications, Cont'd.**

- (3) Have had at least five (5) years of experience in the practice of veterinary medicine or veterinary technology.
- (c) The public member(s) of the Board shall be a resident of this state who has attained twenty-one (21) years of age and shall not be, nor shall ever have been, a Veterinarian, Veterinary Technician or the immediate family member of a Veterinarian or Veterinary Technician, or a Person who has ever had any material financial interest in the provision of veterinary services or who has engaged in any activity directly related to the veterinary profession.

Section 204. Appointment

The Governor shall appoint the members of the Board in accordance with the provisions of this Article and the state constitution.

Section 205. Terms of Office

- (a) Members of the Board shall be appointed for a term of ___ years, except as provided in subsection (b) and except that members of the Board who are appointed to fill vacancies which occur prior to the expiration of a former member's full term shall serve the unexpired portion of such term.
- (b) The terms of the members of the Board shall be staggered, so that the terms of no more than three (3) members shall expire in any year. Each member shall serve until a qualified successor is appointed.
- (1) The present members of the Board shall serve the balance of their terms.

Section 203(b). Qualifications, Cont'd.

the eligibility of candidates who have divergent backgrounds and experiences and who are knowledgeable in the affairs of the profession and who represent different geographic areas of the state.

Section 203(c). Qualifications

Specific qualifying criteria for the public member have been deliberately omitted from this section. Reliance has been placed in the Governor to determine what attributes a Person should possess in order to meaningfully serve on a Board. In order to help assure that such a member would be truly independent in judgments, those Persons who have a possible substantial relationship with the profession are rendered ineligible by this section.

Section 204. Appointment

The AAVSB recognizes that there may be other appointing authorities in some Jurisdictions. Accordingly, Jurisdictions with an appointing authority other than the Governor should insert the appropriate reference to such authority within this section of the Act.

Model Law**Comments****Section 205. Terms of Office, Cont'd.**

- (2) Any present Board members appointed initially for a term of less than ____ years shall be eligible to serve for two (2) additional full terms.
- (c) No member of the Board shall serve more than two (2) consecutive full terms. The completion of the unexpired portion of a full term shall not constitute a full term for purposes of this section.

Section 206. Vacancies

Any vacancy which occurs in the membership of the Board for any reason, including expiration of term, removal, resignation, death, disability, or disqualification, shall be filled within six (6) months as prescribed by Section 204. Failure to fill a vacancy within the six (6) month period shall divest the Governor of the appointment authority for such vacancy and vest such authority in the state senate.

Section 207. Removal

- (a) A Board member may be removed pursuant to the procedures set forth in subsection (b) herein, upon one or more of the following grounds:
- (1) The refusal or inability for any reason of a Board member to perform the duties as a member of the Board in an efficient, responsible, and professional manner;
- (2) The misuse of office by a member of the Board to obtain financial or material gain or advantage personally or for another through such office;

Section 205. Terms of Office, Cont'd.

(2) Any present Board members appointed initially for a term of less than ____ years shall be eligible to serve for two (2) additional full terms.

(c) No member of the Board shall serve more than two (2) consecutive full terms. The completion of the unexpired portion of a full term shall not constitute a full term for purposes of this section.

Section 206. Vacancies

Based upon several experiences within veterinary medicine and other professions whereby vacancies on regulatory Boards have not been timely appointed, the AAVSB provided for a time period whereby the governor (or other appointing authority) can fill such vacancies. Failure to make such appointments within the six-month period divests the governor of the appointment authority and empowers the Senate in this regard. It is hoped that this time period will provide incentives to the governor to make such appointments in a timely fashion.

Section 207. Removal

In certain Jurisdictions, there may be general statutory provisions that establish the procedures and grounds for the removal of appointed public officials. In these Jurisdictions, disregard Section 207. Specific grounds may be addressed in the regulations, to include failure to attend meetings and any other parameters established by the Board.

Model Law**Comments****Section 207. Removal, Cont'd.**

- (3) A final adjudication by a recognized body including the courts that there has been a violation of the laws governing the practice of veterinary medicine or veterinary technology; or
 - (4) Other just and reasonable causes as determined solely by the Board pursuant to applicable law.
- (b) Removal of a member of the Board shall be in accordance with the Administrative Procedures Act of this state, or other applicable laws.

Section 208. Organization

- (a) The Board shall elect from its members a Chairperson and such other officers as it deems appropriate and necessary to conduct its business. The Chairperson shall preside at all meetings of the Board, shall be responsible for the performance of all of the duties and functions of the Board and shall perform those duties customarily associated with the position and such other duties assigned from time to time by the Board.
- (b) Officers elected by the Board shall serve terms of one (1) year commencing with the day of their election and ending upon election of their successors and shall serve no more than three (3) consecutive full terms in each office to which they are elected.
- (c) The Board shall employ an Executive Director who shall be responsible for the performance of the administrative functions of the Board and such other duties as the Board may direct.

Section 207. Removal, Cont'd.**Section 208(c). Organization**

The AAVSB urges that every Board have a permanent administrative official (Executive Director) to perform and supervise the administrative duties and functions for which the Board is responsible on a day-to-day basis. The responsibilities of the Executive Director should include the hiring of necessary staff to assist in fulfilling the responsibilities of the Board. The position title may vary from Jurisdiction to Jurisdiction.

Model Law**Comments****Section 209. Compensation of Board Members**

Each member of the Board shall receive as compensation the sum of \$_____ per day for each day on which the member is engaged in performance of the official duties of the Board, and shall be reimbursed for all reasonable and necessary expenses incurred in connection with the discharge of such official duties.

Section 210. Meetings

- (a) The Board shall meet at least once every _____ month(s) to transact its business. The Board shall meet at such additional times as it may determine. Such additional meetings may be called by the Chairperson of the Board or by two-thirds (2/3) of the members of the Board.
- (b) The Board shall meet at such place as it may from time to time determine. The place for each meeting shall be determined prior to giving notice of such meeting and shall not be changed after such notice is given without adequate prior notice.
- (c) Notice of all meetings of the Board shall be given in the manner and pursuant to requirements prescribed by the Administrative Procedures Act.
- (d) A majority of the members of the Board shall constitute a quorum for the conduct of a Board meeting and, except where a greater number is required by the Act or by any rule of the Board, all actions of the Board shall be by a majority of a quorum.
- (e) All Board meetings and hearings shall be open to the public. The Board may, in its discretion and according to law, conduct any portion of its meeting in executive session, closed to the public.

Section 209. Compensation of Board Members**Section 210(a). Meetings**

The AAVSB strongly recommends that Boards of veterinary medicine meet at least four times per year. This is a minimum standard that would help Boards maintain an adequate level of efficiency and responsiveness.

Section 210(e). Meetings

Many states have adopted “sunshine” laws which provide for open meetings. Section 210(e) may not be necessary or may need revision to eliminate or to curtail the use of executive sessions.

Model Law**Comments****Section 211. Employees**

The Board may, in its discretion, employ Persons in addition to the Executive Director in such other positions or capacities as it deems necessary to the proper conduct of Board business and to the fulfillment of the Board's responsibilities as defined by the Act.

Section 212. Rules

The Board shall make, adopt, amend, and repeal such rules as may be deemed necessary by the Board for the proper administration and enforcement of this Act. Such rules shall be promulgated in accordance with the procedures specified in the Administrative Procedures Act.

Section 213. Powers and Responsibilities

- (a) The Board shall be responsible for the control and regulation of the practices of veterinary medicine and veterinary technology in this state including, but not limited to, the following:
- (1) Licensure by Examination, by Licensure Transfer, by temporary or provisional recognition, by issuance of a faculty license, or the renewal of licenses of individuals who are qualified to engage in the practice of veterinary medicine or veterinary technology

Section 211. Employees

Inspectors employed by the Board may be Veterinarians or Veterinary Technicians. Boards may wish to consider whether or not investigators must be Veterinarians.

Section 212. Rules

The legislative authority granted to a Board to adopt, amend and repeal rules is an extremely important power. Boards are encouraged to fully exercise this authority by adopting rules, where necessary, to more specifically address regulatory issues. This rule-making authority is not only beneficial for the protection of the public, but also benefits the Board when it is necessary to interpret the Act. As membership on the Board changes, these rules become increasingly more important in an effort to maintain consistency in the application of the Act. Generally, the rule-making process is governed by an Administrative Procedures Act (APA) or other applicable law which provides for public disclosure and comments prior to promulgation. These processes are designed to provide for public input and the necessary checks and balances upon the regulatory Board. Of course, any action undertaken by the Board must be to enhance the Board authority and public protection.

Section 213(a)(1). Powers and Responsibilities

See Section 107(r) and Section 306 and the corresponding comments for a definition and explanation of "Licensure Transfer."

Model Law**Comments****Section 213. Powers and Responsibilities, Cont'd.**

- under the provisions of this Act;
- (2) Licensure and renewal of licensure or registration of facilities under provisions of this Act;
 - (3) The establishment and enforcement of standards or criteria of programs or other mechanisms to insure the continuing competence of Licensees;
 - (4) The establishment and enforcement of compliance with minimum standards for the registration of Veterinary Facilities, and minimum standards and codes of conduct for Licensees engaged in the practice of veterinary medicine or veterinary technology. A *Bill of Rights* may be included concerning the disclosures a Client may expect in regard to the qualifications of the Licensee, Informed Consent, and the provision of veterinary medical services;
 - (5) The determination and issuance of standards for recognition and approval of degree programs of schools and colleges of veterinary medicine and veterinary technology whose graduates shall be eligible for licensure in this state;

Section 213(a)(3)(4) and (5). Powers and Responsibilities

Great care should be exercised by the Boards with respect to these Sections. Many states have statutes or rules which provide, for example, that approved degree programs of schools or colleges of veterinary medicine are those accredited by the Council on Education (COE) of the AVMA. Similarly, with regard to accredited Veterinary Technician programs, many states have statutes or rules which provide that approved programs are those accredited by the Committee on Veterinary Technician Education and Activities (CVTEA) of the AVMA. Furthermore, some Boards through their regulation/rules, rely upon the standards of practice or codes of ethics of private outside entities like the professional associations. As is emphasized by this Practice Act Model and Comments and for reasons stated below, the legislatures and/or regulatory Boards are encouraged to adopt, by statute or through the rule making process, the actual standards or criteria of the private outside entity in an attempt to avoid allegations of improper delegation.

It is a well-established rule of administrative law that any delegation of governmental power (through statute or by rule) must carry with it appropriate limitations and procedural safeguards for affected individuals. For example, a direct, unequivocal grant of the accreditation function to a private organization, such as AVMA COE, by the legislature through a practice act or by the Board through the rule making process, might be deemed an unauthorized, improper, and invalid delegation of legislative or Board authority. Similarly, a direct reliance upon standards of practice or a code of conduct of a private outside body over which the legislature or Board has no control may constitute an unconstitutional delegation of authority. This doctrine is based upon the simple premise that regulatory decisions impacting an individual's property right (i.e. a license) must be made by Boards that have been created and empowered to protect the public and are answerable to the general public. Further, regulatory Boards in veterinary medicine have no control over AVMA activities. A review of this legal doctrine reveals case law invalidating legislation and rules that, without

Model Law**Comments****Section 213. Powers and Responsibilities, Cont'd.****Section 213. Powers and Responsibilities, Cont'd.**

limitation, rely upon these outside entities without public accountability. See Garces v. Department of Registration and Education, 254 N.E.2d 622 (Ill.App., 1969); Gumbhir v. Kansas State Board of Pharmacy, 618 P. 2d 837 (Ks 1980); Coffman v. State Board of Examiners in Optometry, 50 N.W. 2d 322 (MI 1951); FM Properties Operating Co. v. City of Austin, 22 S.W. 3d 868 (TX 2000), Balian v. Board of Licensure in Medicine, 722 A. 2d 364 (ME 1999).

The AAVSB recommends that the statutory language grant the Board the authority to approve veterinary medical programs and veterinary technology programs. Boards thereafter may adopt in their rules the standards, criteria and policies of accreditation established from time to time by the COE or the CVTEA, the nationally recognized accrediting agencies for veterinary medical degree programs and veterinary technology programs. Thereafter, the regulatory Boards can annually adopt in their minutes the list of accredited veterinary medicine programs using the AVMA COE list. A similar process can take place by the Board should it wish to rely upon others in determining the standards of practice or codes of conduct. This will allow the legislatures and Boards to utilize the expertise of such private outside entities without improperly delegating such authority to an organization over whom the Boards have no control and which is not accountable to the public.

Section 213(a)(4). Powers and Responsibilities

To avoid improper delegation allegations as referenced above, the standards of practice and codes of conduct should be a product of the Board. Again, the Board may rely upon the expertise of outside private entities by adopting those standards which the Board deems acceptable. The “Bill of Rights” is intended to provide legislative or regulatory guidance to practitioners regarding the information to be made available to Clients/patients during the establishment of the professional relationship. Included would be information regarding the qualifications of Licensees (licensure status, specialty certification), the regulatory Board

Model Law**Comments****Section 213. Powers and Responsibilities, Cont'd.**

- (6) The enforcement of those provisions of the Act relating to the conduct or competence of Licensees practicing in this state, registration of Veterinary Facilities and the suspension, revocation, or restriction of licenses to engage in the practice of veterinary medicine or veterinary technology;
- (7) The Board shall maintain jurisdiction over individuals, irrespective of their licensure status, (i.e., active, inactive, expired, lapsed, surrendered or disciplined) relative to acts, omissions, complaints and investigations which occurred during the licensure period. The Board shall also maintain jurisdiction over registered facilities, irrespective of their registration status, relative to acts, omissions, complaints and investigations which occurred during the registration period. Such jurisdiction shall be for purposes of enforcement of all the provisions of this Act and any regulations duly promulgated hereunder, including the assessment and collection of fines, costs, and attorneys fees. Jurisdiction of the Board shall also extend to individuals engaging in the unauthorized practice of veterinary medicine or veterinary technology. It is the intent of this subsection that Licensees cannot divest the Board of jurisdiction by changing or relinquishing licensure or registration status.

Section 213. Powers and Responsibilities, Cont'd.

and contact information in the event of a complaint, billing policies, Informed Consent and the like. The “Bill of Rights” should be consistent with standards of practice, codes of ethics and regulations that the Board has adopted under the Act to avoid inadvertently expanding the role and the responsibilities of the Licensee through the establishment of such a “Bill of Rights”.

Model Law**Comments****Section 213. Powers and Responsibilities, Cont'd.**

- (8) The Board may issue an order directing an applicant or Licensee to undergo a mental or physical examination or chemical dependency evaluation, with probable cause that the applicant or Licensee has engaged in conduct prohibited by this Act or a statute or rule enforced by the Board. For the purpose of this Section, every applicant or Licensee is considered to have consented to undergo a mental and/or physical examination or chemical dependency evaluation when ordered to do so, in writing, by the Board and to have waived all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that the testimony or reports constitute a privileged communication;
- (9) The collection of data necessary to carry out the provisions of this Act;
- (ii) Such funds are expended for the pursuit of the objective for which they are awarded;
- (iii) Activities connected with or occasioned by the expenditures of such funds do not interfere with the performance of the Board's duties and responsibilities and do not conflict with the exercise of the Board's powers as specified by this Act;
- (iv) Such funds are kept in a separate account; and
- (v) Periodic reports are made concerning the Board's receipt and expenditure of such funds.

Section 213(a)(8). Powers and Responsibilities

This section allows a Board to order mental or physical examinations or chemical dependence evaluations upon a showing of probable cause. This power should be used judiciously, only when the Board has reason to believe that there may be a connection between a mental and/or physical condition and the alleged conduct. This power is necessary to ensure to the public that an applicant or Licensee's ability to practice veterinary medicine or veterinary technology safely and competently is not impaired.

Model Law**Comments****Section 213. Powers and Responsibilities, Cont'd.**

- (10) The investigation of any Person or facility, including facility inspection, during customary business hours for the purpose of determining if any provisions of the Act governing the practice of veterinary medicine or veterinary technology are being violated. The Board, its officers, inspectors, and representatives shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to the practice of veterinary medicine or veterinary technology.
- (b) The Board shall have such other duties, powers, and authority as may be necessary to the enforcement of this Act and to the enforcement of duly adopted Board rules which shall include, but are not limited to, the following:
- (1) The Board may join such professional organizations and associations organized exclusively to promote the improvement of the standards of the practices of veterinary medicine and veterinary technology for the protection of the health and welfare of the public and/or whose activities assist and facilitate the work of the Board.
- (2) The Board may receive and expend funds, in addition to its [annual/biennial] appropriation, from parties other than the state, provided:
- (i) Such funds are awarded for the pursuit of a specific objective which the Board is authorized to accomplish by this Act, or which the Board is qualified to accomplish by reason of its jurisdiction or professional expertise;

Section 213. Powers and Responsibilities, Cont'd.

Model Law**Comments****Section 213. Powers and Responsibilities, Cont'd.**

- (3) Any investigation, inquiry, or hearing which the Board is empowered to hold in accordance with applicable law may be held by or before any member(s) of the Board and the order of such member(s) shall be deemed to be the order of said Board when approved and confirmed as noted in Section 210(d).
- (4) The Board shall report any violation of this Act which also is deemed as violative of applicable criminal statutes to the Attorney General [State's Attorney] to cause appropriate proceedings to be instituted in the proper court without delay and to be prosecuted in the manner required by law. It is the duty of the Attorney General [State's Attorney] to prosecute such violations. Nothing in this paragraph shall be construed to require the Board to report violations whenever the Board believes that the public's interest will be adequately served in the circumstances by a suitable written notice or warning.
- (5) The Board shall have the power to subpoena Persons and documents for purposes of depositions and testimony, or both, in the same manner as prescribed in civil cases in the courts of this State. Any member of the Board, hearing officer, or administrative law judge shall have power to administer oaths to witnesses at any hearing which the Board is authorized to conduct, and any other oaths authorized in any Act administered by the Board

Section 213. Powers and Responsibilities.

The legislative process provides a system of checks and balances to ensure that the Board acts within the scope of its authority and in accordance with all other applicable laws, such as the Administrative Procedures Act.

Model Law**Comments****Section 213. Powers and Responsibilities, Cont'd.**

(6) In addition to the fees specifically provided for herein, the Board may assess additional reasonable fees for services rendered to carry out its duties and responsibilities as required or authorized by this Act or duly adopted rules. Such services shall include but not be limited to the following:

(i) Issuance of duplicate certificates or identification cards;

(ii) Mailing lists, or reports of data maintained by the Board;

(iii) Copies of any documents;

(iv) Certification of documents;

(v) Notices of meetings;

(vi) Licensure Transfer;

(vii) Examination administration to a licensure applicant; and

(viii) Examination materials.

(7) Cost Recovery.

(i) In any order issued in resolution of a disciplinary proceeding before the Board, the Board may request the Administrative Law Judge/Hearing Officer (ALJ/HO) to direct any Person or Veterinary Facility found guilty of a charge involving a violation of any laws or rules, to pay to the Board a sum not to exceed the reasonable costs, including attorneys' fees, of the investigation and prosecution of the case.

Section 213. Powers and Responsibilities, Cont'd.**Section 213(b)(7). Cost Recovery**

The ALJ/HO interspersed throughout this section refer to the terms: "administrative law judge," or "hearing officer" as determined by individual states.

Model Law**Comments****Section 213. Powers and Responsibilities, Cont'd.**

(ii) In the case of a Person or Veterinary Facility, the order permissible under (i) above may be made as to the corporate owner, if any, and as to any Veterinarian, manager, officer, owner, or partner of the practice or facility who is found to have had knowledge of or have knowingly participated in one or more of the violations set forth in this section.

(iii) The costs to be assessed shall be fixed by the ALJ/HO and shall not be increased by the Board; where the Board does not adopt a proposed decision and remands the case to a(n) ALJ/HO, the ALJ/HO shall not increase any assessed costs.

(iv) Where an order for recovery of costs is made and timely payment is not made as directed in the Board's decision, the Board may enforce the order for payment in the _____ Court in the county where the administrative hearing was held. This right of enforcement shall be in addition to any other rights the Board may have as to any Person directed to pay costs.

(v) In any action for recovery of costs, the Board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

- (8) Except as otherwise provided to the contrary, the Board shall exercise its duties, powers, and authority in accordance with the Administrative Procedures Act.

Section 213. Powers and Responsibilities, Cont'd.

Article III

Licensing

Article III. Licensing.**Introductory Comment to Article III.**

Article III of this Act sets out the requirements for initial licensure of Veterinarians and Veterinary Technicians, and registration of veterinarian facilities, as well as Licensure Transfer, renewal, and provisional, temporary or faculty licensure. As in other parts of the Act, this Article establishes basic criteria and delegates the authority for implementing those criteria to the Board. The Board exercises this authority by promulgating specific rules and utilizing appropriate enforcement mechanisms. For example, in the area of initial licensure, the Act would be implemented by the Board's approval of Veterinarian or Veterinary Technician degree programs specifications of the Examinations to be used, and establishment of all other prerequisites that must be met by each applicant to whom it issues a license.

This article, as well as the entire Act, also reflects the AAVSB's efforts to develop and continue uniform standards for the transfer of licensure. The veterinary medical profession has become increasingly mobile, and Boards need to examine the ways in which differing standards between states may be affecting the public's access to qualified Licensees.

Section 301. Unlawful Practice.

- (a) Except as otherwise provided in this Act, it shall be unlawful for any Person to engage in the Practice of Veterinary Medicine or Veterinary Technology, unless duly licensed under the applicable provisions of this Act.

Section 301. Unlawful Practice.

Section 301 establishes the basis for this Article by making it unlawful for any unlicensed Person to engage in the practice of veterinary medicine or veterinary technology, and by enabling the Board to impose penalties for unlawful practice. See Sections 104 and 105 for the definitions of the Practice of Veterinary Medicine and Veterinary Technology.

Boards are often confronted with the issue of preventing unlicensed Persons from engaging in practice. Most practice acts do not give the Board jurisdiction and authority to take action against individuals other than those who are licensed or seeking licensure. Thus, Boards must rely on the difficult task of persuading local prosecutors to take criminal action against Persons not licensed to practice. This gap in jurisdictional

Model Law**Comments****Section 301. Cont'd.**

- (b) (1) No Person shall use the designation Veterinarian, Licensed Veterinarian or any other designation indicating licensure status, including abbreviations, or hold themselves out as a Veterinarian unless duly licensed as such.
- (2) No Person shall use the designation Veterinary Technician, Licensed Veterinary Technician or any other designation indicating licensure status, including abbreviations, or hold themselves out as a Veterinary Technician unless duly licensed as such.

Section 301. Cont'd.

authority makes it difficult to effectively prevent unlawful practice.

This section is intended to empower the Board with jurisdiction over Persons engaged in unlicensed practice. The regulation of the practices of veterinary medicine and veterinary technology, including jurisdiction over unlicensed practice in the professions, has a reasonable and rational relation to public health, safety, and welfare. See, e.g., State v. Wakeen, 57N.W.2d 364 (Wis., 1953). cf. State v. VanKeegan, 113 A.2d141 (Conn., 1955), and Williamson v. Lee Optical of Oklahoma, 348 U.S. 483 (1955). For this reason, vesting power in the Board to regulate illegal practice would not appear to violate constitutional due process requirements. Because monetary fines are not generally considered criminal sanctions, it can be strongly argued that there are no constitutional barriers that would restrict the imposition of fines by a Board. See, e.g., Helvering v. Mitchell, 303 U.S. 376 (1938); City of Waukegan v. Pollution Control Boards, 311 N.E.2d 146 (Ill., 1974); County Council for Montgomery County v. Investors Funding Corp., 312 A.2d 225 (Md., 1973); and Roday v. Hollis, 500 P.2d 97 (Wash., 1972).

Section 301(b). Unlawful Practice.

This provision is intended to restrict the use of the terms Veterinarian and Veterinary Technician to those who are duly licensed under the provisions of this Act and is not intended to prevent accurate use of initials or abbreviations, such as DVM, VMD or any corresponding degree initials for Veterinary Technicians, indicating academic achievement. This Act is also not intended to prevent other licensed professionals from practicing within other “allied scopes.” However, it is important to recognize the Veterinarian and Veterinary Technician titles, and link this name recognition to licensure. This link protects the public through an assurance that there is regulatory consistency associated with the veterinary medicine and veterinary technology identity. See also the Comments to Section 107(w), defining the term Veterinarian.

Model Law**Comments****Section 301. Cont'd.**

- (c) It shall be unlawful for any Person who is not licensed in this state to provide veterinary medical services from any state to a Client or patient in this state through telephonic, electronic or other means.

Section 301(c). Unlawful Practice.

A license shall be required for any Veterinarian who provides veterinary medical services to a patient or Client in this state through telephonic, electronic or other means. Many factors, including technological advancements, increase the likelihood of the practice of veterinary medicine via electronic means and without physical presence, both intrastate and interstate. While the judiciary may have the final word on regulating professions across state lines, this section is designed to specifically address the issue of where practice takes place. The AAVSB believes veterinary medicine practice takes place where the Client/patient is located when receiving services. Because the Board's central mission is to protect the public in its state, it must make every effort to regulate the practice of veterinary medicine being received in that state, regardless of the location of the Veterinarian providing the services. Arguments can also be made which identify the location of the practice under these circumstances as occurring in both Jurisdictions; that is where the Client/patient is located and where the Veterinarian is located.

Veterinarians in this state may wish to utilize the services of other veterinarians not licensed to practice in this state or other Persons. Consultations are defined in Section 107j, and there are special provisions in section 106, numbers 4 and 5 for Consultations with other veterinarians and Persons. The responsibility for the welfare of the animal remains with the Veterinarian in this state.

Model Law**Comments****Section 301. Cont'd.**

- (d) Any Person who, after a hearing, shall be found by the Board to have unlawfully engaged in the Practice of Veterinary Medicine or Veterinary Technology shall be subject to a fine to be imposed by the Board, not to exceed \$ _____ for each offense, and cost recovery as set forth in this Act. The Board may also seek to issue an order, obtain an injunction or take other administrative, civil or criminal court action against any Licensee or Person to restrain said Persons from violating the provisions of this Veterinary Practice Act. Each such violation of this Act or the rules promulgated hereunder pertaining to unlawfully engaging in the Practice of Veterinary Medicine or Veterinary Technology shall also constitute a _____ (misdemeanor/Felony) punishable upon Conviction as provided in the criminal code of this state.
- (e) Nothing in this Act shall be construed to prevent members of other professions from performing functions for which they are duly licensed. However, such other professionals must not hold themselves out or refer to themselves by any title or description stating or implying that they are licensed or otherwise entitled to engage in the practice of veterinary medicine or veterinary technology.

Section 302. Qualifications for Licensure by Examination.

- (a) To obtain a license to engage in the practice of veterinary medicine, an applicant for licensure by Examination shall bear the burden of substantiating to the Board that the following criteria have been met:
- (1) Submission of a written application in the form determined by the Board;
 - (2) Attainment of twenty-one (21) years of age;

Section 301(d). Unlawful Practice

It is a common belief that the veterinary practice act allows Boards to take action against Licensees only. However, a survey of the state Boards revealed that about 60% of the Boards are empowered to take action against unlicensed practice. In states without this authorization, whenever non-veterinarians are illegally engaged in veterinary activities, the Board must rely upon the Attorney General or other legal authorities to take action against these individuals. Sadly, in many cases, illegal veterinary practice is seen as a low-level criminal activity that seldom gets a response from law enforcement agencies. Unfortunately, the undertaking of criminal proceedings against unlicensed practice may be beyond the ability of many Boards with limited resources, and if undertaken, caution is advised because the criminal code will come into play and the due process rights granted the accused increase significantly based upon the rights at stake. The Oklahoma Practice Act has language that allows the Board to take more direct action against unlicensed practice. Some Boards may want to adopt this language. The ability to take action against unlicensed practice should be delineated in the actual Practice Act, whereas the administrative process and specific actions to be taken should be outlined in the administrative code.

Model Law**Comments****Section 302. Cont'd.**

- (3) Possession of good moral character;

Section 302(a)(3). Qualifications for Licensure by Examination.

Legislatures have generally agreed that “good moral character” is a proper requirement for licensure of Veterinarians and Veterinary Technicians. Defining precisely what constitutes good or bad character has caused regulatory Boards and courts considerable difficulty, and a review of applicable case law reveals a considerable variance in the judicial opinions concerning the interpretation of good character requirements. Nevertheless, the courts have uniformly enforced such requirements, reasoning that because regulatory Boards are composed primarily of members of the profession being regulated, they are capable of applying character standards to their professions with relevance and specificity.

While specific character requirements may vary from state to state, and may even appear to vary from case to case, the purpose of these requirements remains constant. The public has the right to expect the highest degree of integrity from members of the veterinary medical profession. Boards have a duty to ensure that these expectations are realized. From this perspective, requirements of good moral character for licensure can be expected to be sustained by the courts so long as their enforcement is reasonably related to protection of the public health, safety, and welfare.

When grounded in public protection, issues involving moral character may lead to concerns about the potential for this qualification to be misused by Boards. Although there are many legal ways to ensure that the good moral character issue is not misapplied, including state and federal civil rights legislation, when making character judgments Boards need to be extremely sensitive. Practice act provisions that bear a reasonable relationship to the purpose of protecting the public welfare will generally be regarded as constitutionally acceptable by most courts, so long as the enforcement by Boards is reasonably related to the protection of the public.

Model Law**Comments****Section 302. Cont'd.**

- (4) Graduation and receipt of a doctorate degree in veterinary medicine from an Approved Veterinary Medical Program;
- (5) Within the five (5) years preceding application, successful completion of an Examination(s) approved by the Board; and
- (6) Payment of all applicable fees specified by the Board relative to the licensure process.

(b) To obtain a license to engage in the practice of veterinary technology, an applicant for licensure by Examination shall bear the burden of substantiating to the Board that the following criteria have been met:

- (1) Submission of a written application in the form determined by the Board;
- (2) Attainment of eighteen (18) years of age;
- (3) Possession of good moral character;
- (4) Graduation and receipt of a degree in Veterinary Technology from an Approved Veterinary Technology Program;
- (5) Within the five (5) years preceding application, successful completion of an Examination(s) approved by the Board; and
- (6) Payment of all applicable fees specified by the Board relative to the licensure process.

Section 302(a)(4). Qualifications for Licensure by Examination.

The AAVSB anticipates that Boards will approve those programs whose standards are at least equivalent to the minimum standards required by the AVMA's Council on Education. See Comment to Section 213(a) for a discussion of the Board's role in the approval process.

Section 302(b) Qualifications for Licensure by Examination

Recognizing that different Jurisdictions have varying requirements for Veterinary Technicians, this section provides the basis for standardized requirements that Boards may wish to work toward.

Section 302(b)(4). Qualifications for Licensure by Examination.

The AAVSB anticipates that Boards will approve those programs whose standards are at least equivalent to the minimum standards required by the AVMA's Committee on Veterinary Technician Education and Activities. See Comment to Section 213(a) for a discussion of the Board's role in the approval process.

Model Law**Comments****Section 303. Educational Equivalence.**

By rule, the Board may set forth a procedure for applicants who have graduated from a veterinary medical program/school which is not approved by the Board to petition the Board for an equivalency determination. At a minimum, the criteria shall include:

- (a) A certified transcript from such program/school;
- (b) Successful completion of an equivalency Examination(s) and/or assessment mechanism designed to evaluate educational equivalence, including clinical competencies;
- (c) Successful completion of a communication ability Examination(s) designed to assess communication skills, including a command of the English language; and
- (d) Any other reasonable assessment mechanism designed to ensure an applicant possesses the educational background necessary to protect the public health and safety.

Successful completion of the criteria set forth herein and by the Board under this section shall establish educational equivalence as one of the criteria for licensure set forth in this Act. Candidates under this Section must also meet all other statutory criteria for licensure prior to the issuance of any such license.

Section 303. Educational Equivalence.

One of the most difficult tasks for regulatory Boards is to assess the educational equivalence of graduates of veterinary programs outside the United States and Canada that have not been evaluated by a recognized accrediting body under specific standards and criteria. There are currently 2 programs designed to measure educational equivalence, the AAVSB Program for the Assessment of Veterinary Education (PAVE) and the AVMA Educational Commission for Foreign Veterinary Graduates (ECFVG) program. As an entity with public protection as its primary mission and whose membership consists of veterinary Boards who share in this mission, the PAVE program was designed by the AAVSB in response to a request from its member Boards to assist them in the accurate and timely assessment of educational equivalence of foreign graduates. Boards are encouraged to adopt the standards and criteria of PAVE through their rule making process rather than through the statutes or regulations to reduce the likelihood of allegations of improper delegation. The adoption of PAVE is also recommended to avoid concerns about a conflict of interest associated with the professional association controlling entry into the profession through the ECFVG program. Details of the PAVE program can be found on the AAVSB website.

Model Law**Comments****Section 304. Examinations.**

- (a) Any Examination for licensure required under this Act, shall be given by the Board at least two (2) times during each year. The Board shall approve the content and subject matter of each Examination, the place, time, and dates of administration of the Examination.
- (b) The Examinations shall be prepared to measure the competence of the applicant to engage in the practice of veterinary medicine or veterinary technology. The Board may employ, cooperate, and contract with any organization or consultant in the preparation, administration and grading of an Examination, but shall retain the sole discretion and responsibility for determining which applicants have successfully passed such an Examination.

Section 305. Qualifications for a Provisional License or Temporary Practice.

- (a) The Board may issue a provisional license to practice veterinary medicine or veterinary technology only under the Direct Supervision of a Veterinarian to a nonlicensed Person who meets all statutory criteria for licensure under this Act with the exception of an applicable jurisprudence Examination. The provisional license shall be issued under procedures set forth by the Board but under no circumstances shall such provisional license be granted for a period exceeding one (1) year from date of issuance. Such a provisional license may also contain restrictions as to time, place, or supervision, which the Board deems appropriate and may be summarily revoked by a majority vote of the Board without a hearing.

Section 304. Examinations.

As has been emphasized throughout this document and comments, the AAVSB recommends that the authority to make decisions directly impacting the licensure process be specifically vested in the Board. On a similar note, the discretion to determine the content and subject matter of each Examination and the passing score necessary to indicate minimum competence for purposes of licensure belongs solely to the Board. The Board, of course, may rely upon the expertise of the Examination entity in determining the content areas and “cut” scores, however, the Board must be the ultimate decision-maker. That is, statutes and/or rules cannot blindly, and without limitations, delegate the decision to the outside entity. See the Comments to Section 213(a) for a more complete explanation.

Section 305(a). Qualifications for a Provisional License.

The procedures established by the Board should include an application form and requirements to register and take the jurisprudence Examination within a certain period of time.

Model Law**Comments****Section 305. Cont'd.**

- (b) Any Person licensed to practice veterinary medicine or veterinary technology in another Jurisdiction may, upon prior written application to the Board, practice in this Jurisdiction within the scope of practice designated by such license for no more than _____ days per year without applying for a license. Practice privileges under this paragraph shall apply only if the requirements for licensure in such other Jurisdiction are substantially similar to the requirements for licensure in this Jurisdiction. Such Person shall not be eligible to practice under this provisional license until the date the Board receives the written application and shall be deemed to have submitted to the Jurisdiction of the applicable Board and be bound by the laws of this state.

Section 305(b). Qualifications for Temporary Practice.

With the advent of technological advancements leading to increased mobility of Veterinarians, Veterinary Technicians and practice itself, it may be prudent to anticipate and address practice by Persons not physically located within the state. Rather than attempting to define “telepractice” or create a limited license to address sporadic practice, it is recommended that legislatures address these technologically driven practice issues through a temporary practice approach. This temporary practice language is intended to address sporadic practice within the state irrespective of whether it is electronically rendered or rendered in Person. The privilege of practicing temporarily is only granted to individuals duly licensed to practice veterinary medicine or veterinary technology in another Jurisdiction. Based upon the uniformity in accredited educational programs and the uniform national Examination(s), it is perceived that minimum competence in one Jurisdiction is reasonably equated to minimum competence in another Jurisdiction. Furthermore, practice privileges apply to such individuals only if the requirements for licensure in the state of licensure are substantially similar to the requirements for licensure in this state.

By design, the language of the temporary practice references a “written application” to be submitted to the Board prior to engaging in practice under this section. It is up to each individual Board to determine the extent of the application and whether the Board will actually “approve” the ability to practice or merely maintain a file on the Person for future reference.

The unspecified time period is also, by design, left to the interpretation of a Board whether such period is consecutive or how the period is to be determined.

Finally, Veterinarians and Veterinary Technicians providing services under this temporary practice privilege are deemed to have submitted to the jurisdiction of the applicable Board and agree to be bound by the laws thereof. It is recommended that the written application as determined by the Board contain various language which verifies the submission of the Person to

Model Law**Comments****Section 305. Cont'd.**

- (c) Any Person licensed to practice veterinary medicine or veterinary technology in another Jurisdiction who is providing services within the scope of practice designated by such license and in response to a disaster declared by the appropriate authority or governor of the state may, upon prior written notice to the Board, provide such services in this Jurisdiction for a period of time not to exceed ___ consecutive days per year without applying for a license. Such Person shall be deemed to have submitted to the Jurisdiction of the applicable Board and be bound by the laws of this state.

Section 305. Cont'd.

the jurisdiction and the applicability of the laws of the state. It is believed that this process provides solutions to legal issues confronting alternatives which attempt to address telepractice. It provides the Boards with important information as to who is practicing (through the written application). It also provides the Board with appropriate waivers relative to Jurisdiction and the applicability of the laws of the state. Finally, it provides a privilege which can be removed by the Board through the disciplinary process, reported to the databank, and, if state laws allow, have an eventual impact upon the actual license in the state of licensure.

Section 305(c). Qualifications for Temporary Practice.

See comments to 305(b) relative to the overall rationale for temporary practice and the applicability of Jurisdictional and other legal issues. Similar rationale applies to this particular section as well. In addition, temporary practice in the case of a declared disaster is left to the Board to determine.

Again, this provides the Board with valuable information as to who is practicing within the Jurisdiction in the event of a reported complaint or wrongdoing. Written notice can be determined by the Board, but it is suggested it be limited to a simple statement as to the fact that a disaster has been declared, the Person is practicing relative to the disaster, submits him/herself to the jurisdiction of the Board and will abide by the applicable laws of the state. It is not anticipated any such notice will be subject to approval by the Board, thus eliminating the time-consuming Board approval process due to the emergency nature of the situation.

Alternatively, rather than issue a temporary license, Boards may choose to use the special provisions approach for veterinarians providing services during disasters and other large scale events found in Section 106.13

Model Law**Comments****Section 306. Faculty Licensure.**

The Board may issue a faculty license to an applicant who is a member of the faculty at an Approved Veterinary Medical Program in this state, is involved in the instruction of veterinary medicine students and is engaged in the practice of veterinary medicine. Holders of a faculty license are permitted to practice veterinary medicine while engaged in the performance of his or her official duties as a faculty member only.

- (a) Applicants for a faculty license shall perform all of the following:
- (1) Complete the application form provided by the Board. If the applicant is licensed in another Jurisdiction or country, he or she shall disclose if they have been convicted of a Felony or been the recipient of a disciplinary action by a veterinary Board within the last 5 years;
 - (2) Provide proof of graduation from an Approved Veterinary Medical Program;
 - (3) Provide proof of an appointment to the faculty of an Approved Veterinary Medical Program teaching veterinary students, including a description of their faculty responsibilities; and
 - (4) Take and pass any Examinations as directed by the Board.
- (b) The license issued pursuant to this subsection authorizes the Licensee to practice veterinary medicine only while engaged in the performance of his or her official duties as a faculty member and is confined to clinical and hospital units or field services units, or both, of the Approved Veterinary Medical Program where employed. A faculty Licensee may not use a faculty license to practice veterinary medicine outside of his or her faculty responsibilities.

Section 306. Faculty Licensure

All members of faculty at a college or school of veterinary medicine should have a license if they practice on Client-owned Animals in direct association with their employment at the Approved Veterinary Medical Program. Veterinary colleges have indicated that flexibility in licensure is needed in employing eminent scholars from around the world, especially those who practice a sub specialty and may not want to or be able to pass the comprehensive American national licensing exam that cover all species and topics. Yet if faculty are practicing veterinary medicine, a mechanism must be in place to assure public protection if a complaint arises regarding veterinary incompetence or a violation of the Practice Act. The school or college does not have a mission of public protection and it is not their responsibility nor can responsibility be delegated to them to investigate or take appropriate action regarding a complaint. The primary purpose of the faculty license is to allow Approved Veterinary Medical Programs a procedure to bring much desired talent to the faculty while the state can still ensure public protection subject to this article.

Model Law**Comments****Section 306. Faculty Licensure. Cont'd.**

- (c) Faculty Licensees must abide by all the laws governing the practice of veterinary medicine in the state and are subject to the same disciplinary action as any other Veterinarian licensed in the state. The faculty license issued pursuant to this subsection may be disciplined, suspended or revoked in accordance with this Act.
- (d) The faculty license must be renewed at an interval to be determined by the Board.
- (e) The license issued pursuant to this subsection shall be revoked by the Board upon receipt of information that the holder of the license is no longer employed as faculty of an Approved Veterinary Medical Program. Faculty Licensees must notify the Board of termination of employment within _____ days of termination

Section 307. Qualifications for License Transfer.

- (a) In order for a veterinarian or veterinary technician currently licensed in another Jurisdiction to obtain a license as a Veterinarian or Veterinary Technician by license transfer in this state, an applicant shall bear the burden of substantiating to the Board that the following criteria have been met:

Section 306. Cont'd.**Section 307. Qualifications for License Transfer.**

The AAVSB recommends regulatory Boards adopt uniform language which references eligibility through Licensure Transfer because the terms “endorsement” or “reciprocity” may be confusing. Should the state wish to create a reciprocity statute whereby Veterinarians or Veterinary Technicians can transfer licensure into one state only if reciprocal Licensure Transfer is allowed, it may adopt language such as:

No applicant shall be eligible for license transfer unless the state in which the applicant was initially licensed as a Veterinarian or Veterinary Technician also grants Licensure Transfer to Veterinarians and Veterinary Technicians duly licensed by Examination in this state, under like circumstances and conditions.

Additionally, Boards are encouraged to develop extensive applications designed to elicit the information

Model Law**Comments****Section 307. Cont'd.**

- (1) Submission of a written application in the form prescribed by the Board;
- (2) Possession of good moral character;
- (3) Possession at the time of initial licensure of all qualifications necessary to have been eligible for licensure at that time in this state;
- (4) Active engagement in the practice of veterinary medicine or veterinary technology for at least _____ hours during the three (3) years prior to application;
- (5) Presentation to the Board of proof of initial licensure by Examination and proof that such license is in good standing;
- (6) Presentation to the Board of proof that any other veterinary medical or veterinary technology license granted to the applicant by any other state has not been suspended, revoked, or otherwise restricted for any reason (except nonrenewal or failure to obtain the required Continuing Education credits in any state where the applicant is currently licensed but not engaged in practice), nor subject to any discipline, however the Board shall have the discretion to assess the magnitude of any such disciplinary action and determine the licensure eligibility of such applicant;

Section 307. Cont'd.

necessary to assess the eligibility of license transferring candidates. Applications should include not only inquiries regarding adverse actions against the Licensee, but also pending investigations, pending disciplinary proceedings, or other matters that may not have been completed. In this regard, Boards may wish to refer to the Model Licensure/Renewal/Reinstatement Application developed by the Federation of Associations of Regulatory Boards (FARB).

Section 307(a)(4). Qualifications for License Transfer.

The AAVSB recommends applicants for Licensure Transfer under this section have engaged in at least 3000 hours of veterinary medical practice during the three (3) years prior to application. The 3000-hour figure represents approximately half-time employment. The AAVSB feels strongly that active engagement in practice is an important criterion in determining eligibility for licensure under this section. The model law does not contain a specific numeric requirement leaving such determination to each Jurisdiction.

Section 307(a)(6). Qualifications for License Transfer.

The AAVSB maintains its Veterinary Information Verification Agency (VIVA) which is a databank of primary source verified information on Veterinarians accessible only to the AAVSB Member Boards. Included within VIVA is the AAVSB Practitioner Databank which includes final adverse actions reported by Member Boards. VIVA and its Practitioner Databank lessen burdens on regulatory Boards and Veterinarians by providing a single source of information that can be confidentially disseminated to regulatory Boards in veterinary medicine upon request by the Veterinarian. VIVA relieves the Veterinarian who wishes to become licensed in an additional Jurisdiction(s) from the responsibility of personally obtaining primary source verified documentation from multiple sources (such as transcripts, licensure status, etc.) in support of such application(s) for licensure. VIVA details can be found on www.aavsb.org.

Model Law**Comments****Section 307. Cont'd.**

- (7) Successful completion of the state Examination, if applicable; and
- (8) Payment of the fees specified by the Board.

Section 308. Continuing Competence.

The Board shall, by rule, establish requirements for Continuing Education in veterinary medicine and veterinary technology, including the determination of acceptable program content. The Board shall adopt rules necessary to carry out the stated objectives and purposes and to enforce the provisions of this Section and the continuing competence of Licensees.

Section 307(a)(7). Qualifications for License Transfer.

Section 307(a)(7) is applicable to those Jurisdictions that utilize a state specific Examination as part of the licensure process.

Section 308. Continuing Competence.

The issue of how best to ensure and assess continuing competence is an on-going concern. Numerous options are being considered by a number of national organizations, including self-assessment tools, continuing competence Examinations, Continuing Education, and others, but no single model has emerged as the single most effective way to ensure continuing competence.

The AAVSB considered a number of alternatives to mandated Continuing Education, the method currently used by most states. These alternatives ranged from simply stating that Licensees will maintain continuing competence as a standard of practice, to requiring retesting at periodic intervals. The AAVSB recognized that while some of these alternatives might better evaluate the continuing competence of Licensees, it might be premature to recommend an alternative to mandated Continuing Education.

Continuing Education has been widely used as an acceptable method for ensuring the continued competence of Licensees. Many Boards mandate that Licensees obtain a specified number of hours of Continuing Education within a licensure renewal period. Some Boards specify that Licensees must obtain Continuing Education in certain practice areas. However, most Boards require that Continuing Education consist of more general content areas in veterinary medicine or veterinary technology. The AAVSB recommends that Boards require Licensees to complete a specified number of Continuing Education hours in each licensure renewal period.

Lending credibility to Continuing Education hours is imperative to the Board's mission of assessing the continuing competence of Licensees.

Model Law**Comments****Section 308. Cont'd.****Section 308. Cont'd.**

Rather than rely upon the expectation that Continuing Education programs chosen by the Licensee will meet the criteria of the Board, it is recommended that an assessment mechanism of programs or providers of CE be examined. Evaluation of programs or providers of CE by experts can assist veterinary Boards by relieving them of time-consuming administrative responsibilities while providing content expertise and uniformity.

To this end, the AAVSB has instituted the Registry of Approved Continuing Education (RACE) program whereby the Association, on behalf of its Member Boards, approves providers and programs of Continuing Education. As set forth in the Definitions, an “Approved Program of Continuing Education” means an educational program approved by the Board or offered by an “Approved Provider of Continuing Education.” The AAVSB has adopted stringent criteria utilized in its RACE program in determining Approved Providers and Approved Programs. This criteria was developed based upon an analysis of requirements currently used by the AAVSB Member Boards, along with a review of other organizations which also approve Continuing Education (CE) providers or programs.

At their option, the AAVSB Member Boards may wish to recognize the AAVSB RACE approved providers or programs as “approved” within their Jurisdictions for purposes of accepting CE for licensure renewal.

Such a process will save the administrative burdens placed upon the Board in assessing CE providers or programs while at the same time promoting the mission of the AAVSB to bring uniformity to the licensure and renewal processes. To avoid allegations of improper delegation of authority (see Comments, Section 213(a)), Boards are encouraged to adopt such criteria as established from time to time by the AAVSB RACE Program as the criteria of such Board. This “two-step” process will insure that the Board maintains the ultimate decision making authority and avoids the legal pitfalls of improper delegation. Details about RACE can be found at www.aavsb.org.

Model Law**Comments****Section 309. Licensure Renewal Requirements.**

- (a) Licensees shall be required to renew their license at the time and in the manner established by the Board. Under no circumstances, however, shall the renewal period exceed ____ years;
- (b) As a requirement for licensure renewal, each Licensee shall provide evidence satisfactory to the Board that such Licensee has completed at least ____ Continuing Education hours of an Approved Program of Continuing Education during the renewal period; and
- (c) Veterinary Facilities shall be required to renew their registrations, permits or licenses at the time and in the manner established by the Board. Under no circumstances, however, shall the renewal period exceed ____ years.

Section 310. Requirements for Reinstatement of an Expired License.

- (a) A Licensee who allows a license to expire due to non-renewal or for failure to submit the required Continuing Education hours or pay the applicable renewal fees shall be treated as having an expired license and shall be ineligible to practice. An expired license may be reinstated, at the discretion of the Board, as follows:
 - (1) Reinstatement petitions submitted within 120 days of the expiration date may be reinstated upon substantiation by the applicant of all renewal requirements set forth within this Act, along with the payment of any applicable fees, including a late fee to be determined by the Board;

Section 309. Licensure Renewal Requirements.

The AAVSB determined that inactive status was not necessary, however, the following language regarding inactive status is provided for reference:

- (a) Any Licensee who is in good standing with the Board and who has ceased the practice of veterinary medicine or veterinary technology may apply for inactive status. The Board, in its discretion, may place the Licensee on an inactive list and thereafter the inactive Licensee shall not practice veterinary medicine or veterinary technology, nor be required to pay the annual license renewal fee or required to earn Continuing Education credits.
- (b) Any inactive Licensee who desires to be reinstated or to resume the practice of veterinary medicine or veterinary technology may be reinstated within the discretion of the Board upon written application and the determination that the inactive Licensee has paid the required license renewal fee for the current year in which the application is filed; and that the Licensee earned the required Continuing Education credits in an appropriate timeframe as determined by the Board.

Section 310(a). Requirements for Reinstatement of an Expired License.

The term “expire” is used in this model. Some Jurisdictions use the term “lapse”. In the interest of furthering greater understanding of terms, the AAVSB recommends the use of expire when referring to the status of a license that is not renewed by the required date.

Model Law**Comments****Section 310. Requirements for Reinstatement of an Expired License. Cont'd.**

- (2) Reinstatement petitions submitted after 120 days after the expiration date but within two (2) years of such expiration date may be reinstated upon substantiation by the applicant of all renewal requirements set forth within this Act, including completion of all Continuing Education credits required to have been completed during the inactive status period, along with a renewal fee to be determined by the Board;
- (3) Reinstatement petitions submitted two years or more after the expiration date may be reinstated upon substantiation by the applicant of all eligibility requirements set forth in either Article III Section 302 or Section 307;
- (4) Under any circumstances, the Board may impose additional reasonable requirements deemed necessary to fulfill its public protection mission;
- (5) Furthermore, the Board may also consider extenuating circumstances of petitioners who can demonstrate hardship, so long as the Board maintains its public protection mission in considering such petitions.

Section 311. Registration of Veterinary Facilities

- (a) All facilities where veterinary medicine is being practiced shall be registered with the Board.
- (b) Facilities for the purpose of this section shall include a building or mobile unit. Mobile units shall be exempted from independent registration with the Board when they are operated from a building or facility that is registered with the Board, and the registration identifies and declares the use of the mobile unit.

Section 310. Requirements for Reinstatement of an Expired License. Cont'd.**Section 311. Registration of Veterinary Facilities**

Many states choose to regulate the practice of veterinary medicine by registering facilities with the Board. This is also known in some states as a facility or premise permit. A Veterinarian who registers to be responsible for the operation and management of the facility is known as the Veterinarian or Veterinarian Manager. Minimum standards of practice, recordkeeping, and sanitation, etc., are some of the guidelines defined by the Board, usually through rules, as well as a time for inspections and renewal of the

Model Law**Comments****Section 311. Registration of Veterinary Facilities. Cont'd.**

- (c) Each application to register a facility must identify the Veterinarian Manager who is responsible for the operation and management of the facility. The applicant must not have been convicted of a Felony, must not be currently on probation or the subject of any active professional disciplinary action taken by any public agency, and must not have violated any of the provisions of this Act.
- (d) The Board shall promulgate rules that determine the minimum standards for the facility, including guidelines for applicants, inspection, sanitation, etc.
- (e) The Board may cause the closure of a facility and impose a penalty against any Veterinarian Manager operating a facility in violation of this section or in violation of any of the rules of the Board.
- (f) An application for renewal of that registration shall be made_____. The Board may, as part of the renewal process, make necessary inquiries of the applicant, conduct an investigation or inspect the facility in order to determine if cause for disciplinary action exists.
- (g) Suspension or revocation of facility registration
 - (1) The Board may withhold, suspend or revoke the registration of a veterinary facility or assess a fine
 - (i) when it has been determined by the Board that the Veterinarian Manager has failed to meet all the minimum facility standards as provided for in the rules of this Act;

Section 311. Registration of Veterinary Facilities. Cont'd.

registration. The Veterinarian Manager is responsible for ensuring that all veterinary standards of care are met by the facility; failure to do so can result in the loss of registration, closure of the facility or other penalties. In some Jurisdictions, inspection is required before a new facility opens or if an application for a new Veterinarian Manager is received. Facility registration is particularly useful in states that permit corporate or non-veterinarian ownership of practices; some of these states permit the manager of the practice to be a non-veterinarian to allow for discipline or corrective action to be taken against a non-Licensee.

Boards may want to consider whether or not to place a limit on the number of facilities a Veterinarian can register to manage, or whether or not to require their physical presence for a designated period of time at the facility. In addition, the Board may use its discretion to waive the restrictions for an applicant to be a Veterinarian Manager upon receipt of a detailed description of any probationary or disciplinary actions against their license or any other violations of the Act.

Some states include standards of practice in the rules for registering a facility. California is an example of a state that has extensive minimum standards of practice in the regulations pertaining to veterinary premise inspection.

Model Law**Comments****Section 311. Registration of Veterinary Facilities.
Cont'd.**

- (ii) when the Veterinarian Manager set forth in the application ceases to be responsible for management of the registered facility and no substitution of the responsible Veterinarian Manager has been made by application
- (iii) when the Veterinarian Manager is currently on probation or the license to practice veterinary medicine has been revoked or suspended by the Board.

**Section 311. Registration of Veterinary Facilities.
Cont'd.**

Article IV

Discipline

Model Law**Comments****Article IV. Discipline.****Introductory Comment to Article IV.**

The enforcement power of the Boards is at the very heart of any practice act. In order to fulfill its responsibilities, the Board must have authority to discipline Persons or Licensees who violate the act or its rules, including the ability to prohibit these Persons from continuing to harm the public. The Board must be able to stop wrongdoers, discipline them, and where appropriate, guide and assist them in continued competence and/or re-education and rehabilitation.

This Act's disciplinary provisions were drafted with the purpose of granting the Board the widest possible scope within which to perform its disciplinary functions. The grounds for disciplinary actions were developed to ensure protection of the public while giving Boards the power to expand or adapt them to changing conditions. The penalties outlined under the Act give the Board the flexibility to tailor disciplinary actions to individual offenses.

Section 401. Grounds, Penalties, and Reinstatement.**Introductory Comment to Section 401. Grounds, Penalties, and Reinstatement.**

Under this section, Boards are granted authority over both Licensees and applicants. General powers are phrased in such a way as to allow the Board a wide range of actions, including the refusal to issue or renew a license, and the use of license restrictions or limitations. Similarly, the penalties outlined in this section give the Board wide latitude to make the disciplinary action fit the offense. Please refer to the Board powers of Section 213 for additional authority. Any "reasonable intervals," such as in 401(c), would be determined by the Board.

The AAVSB recommends that Boards develop clear policies regarding the reporting of disciplinary actions taken against Licensees, subject to confidentiality and to the applicable laws of the state. It is strongly recommended that Boards make public as much disciplinary action information as state law allows, and that all Boards participate in the AAVSB Veterinarian Information Verification Agency (VIVA), a national databank that allows Boards to review veterinary

Model Law**Comments****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**

- (a) The Board may refuse to issue or renew, or may suspend, revoke, censure, reprimand, restrict or limit the license or registration of or fine any Person or facility, whether or not licensed, pursuant to the Administrative Procedures Act or the procedures set forth in Section 402 herein below, upon one or more of the following grounds as determined by the Board:

- (1) Unprofessional conduct as determined by the Board;

Section 401. Grounds, Penalties, and Reinstatement. Cont'd.

licensure candidates for past disciplinary actions from other Jurisdictions.

Section 401(a).

This section must be examined in light of other applicable laws. Some Jurisdictions, for example, restrict the circumstances under which a license may be denied to an individual who has committed a Felony. Additionally, an individual who has been convicted of a Felony or an act of gross immorality and who has paid the debt to society has restored constitutional protections. These protections may curtail a strict application of Section 401(a) to this individual.

These potential issues make it essential for Boards to promulgate rules that make the grounds for disciplinary action specific, understandable, and reasonable. Boards must ensure that these rules are published for the benefit of all Licensees. Taking these steps will assure the Board of the authority to make effective and meaningful disciplinary actions that will not be overturned by the courts.

Section 401(a)(1).

Boards must be specific when defining the grounds for revoking or suspending a license. The term “unprofessional conduct” is particularly susceptible to judicial challenge for being unconstitutionally vague. Each offense included in this term must be capable of being understood with reasonable precision by the Persons regulated. If this standard is met, the Licensees will be able to conform their professional conduct accordingly, and Boards will be able to readily enforce this provision, and rely upon it during disciplinary proceedings. Other terms sometimes used in statutes include unethical, immoral, improper or dishonorable conduct. Generally, courts have recognized as appropriate the use of unprofessional conduct when challenged legally. See *Chastev v. Anderson*, 416 N.E.2d 247 (Il.1981); *Stephens v. Penn. State Bd. of Nursing*, 657 A.2d 71 (Pa. 1995).

Model Law**Comments****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**

- (2) Practicing outside the scope of practice authorized by this Act;
- (3) Conduct violative of any of the provisions of this Act or rules adopted pursuant to this Act, including the failure to cooperate with the Board in the inspection or investigative process within a reasonable time period;
- (4) Incapacity or impairment, for whatever reason, that prevents a Licensee from engaging in practice with reasonable skill, competence, and safety to the public;
- (5) Conviction of a Felony (as defined under state or federal law);
- (6) Any act involving moral turpitude or immorality;

Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**Section 401(a)(3). Grounds, Penalties and Reinstatement.**

This subsection allows the Board to take disciplinary action against a violation of any portion of this Act. While not specifically enumerated in this subsection, many activities, such as failure to report under the mandatory reporting provisions in Article VI constitutes actionable conduct.

Section 401(a)(4). Grounds, Penalties and Reinstatement.

[See also Comment to Section 401(b) regarding participation in an impairment program.] This section does not identify specific impairments in order to allow for broad application and the potential for expansion. It is intended to cover incapacity and impairments due to drug and alcohol abuse, mental and physical health conditions, and others.

It is important to note that the authority of the Board to refuse to issue or renew a Licensee, as well as its ability to discipline a Licensee for various incapacities or impairments should not be limited by the ADA Amendments Act of 2008 (ADAAA). Board action must be based on the protection of the public—the ultimate goal of the practice act. The ADAAA is designed to provide opportunities to otherwise qualified individuals with disabilities. It does not mandate licensure where public protection might be compromised.

Section 401(a)(5). Grounds, Penalties and Reinstatement.

Boards must also be aware of how the definition of “Felony” may impact its actions. See Rothstein v. Dept. of Professional and Occupational Regulation, 397 So.2d 305 (App. Ct. Fla. 1981), where the Florida Felony definition differed from the federal definition.

Model Law**Comments****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**

- (7) Violations of the laws, rules and regulations of this state, any other state, or the federal government, pertaining to any aspect of the practice of veterinary medicine or veterinary technology;
- (8) Being found by the Board or any court of competent jurisdiction to have engaged in acts constituting cruelty or abuse of Animals;
- (9) Misrepresentation of a fact by an applicant or Licensee;
 - (i) In securing or attempting to secure the issuance or renewal of a license;
 - (ii) In statements regarding the Licensee's skills or value of any treatment provided or to be provided or using any false, fraudulent, or deceptive statement connected with the practice of veterinary medicine or veterinary technology including, but not limited to, false or misleading advertising;
- (10) Fraud by a Licensee in connection with the practice of veterinary medicine or veterinary technology including engaging in improper or fraudulent billing practices;
- (11) Engaging in, or aiding and abetting any Person engaging in practice without a license, or falsely using the title of Veterinarian, or Veterinary Technician or a derivative thereof;

Section 401. Grounds, Penalties, and Reinstatement. Cont'd.

Model Law**Comments****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**

- (12) Failing to conform to accepted minimum standards of practice or failing to maintain a Veterinary Facility at accepted minimum standards for facilities;
- (13) Failing to pay the costs assessed in a disciplinary matter or failing to comply with any stipulation or agreement involving probation or settlement of any disciplinary matter with the Board or with any order entered by the Board;
- (14) (i) Conduct which violates the security of any examination materials, including, but not limited to:
- (a) removing from the examination room any Examination materials without authorization;
 - (b) the unauthorized reproduction by any means of any portion of the actual Examination;
 - (c) aiding by any means the unauthorized reproduction of any portion of the actual Examination;
 - (d) paying or using professional or paid examination-takers for the purpose of taking or reconstructing any portion of the Examination;
 - (e) obtaining examination questions or other examination material, except by specific authorization either before, during or after an Examination;
 - (f) using any examination questions or materials which were improperly removed or taken from any Examination; or

Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**Section 401(a)(12).**

Veterinary Boards are encouraged to adopt specific standards of practice and codes of conduct into the rules/regulations to provide Licensees with reasonable guidance as to acceptable practice activities. Failure to adopt such standards may impede the Board from enforcement should a Licensee be accused of sub-standard practice. Reliance on standards adopted by an outside entity such as the professional association without formal adoption by the Board may encourage improper delegation arguments as well as a failure to provide Licensees with the appropriate parameters of acceptable practice. This, of course, does not preclude the Board from formally adopting the standards that may already be in existence within these other associations.

Model Law**Comments****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**

(g) selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered Examination;

(ii) Communicating with any other examinee during the administration of an Examination;

(iii) Copying answers from another examinee or permitting one's answers to be copied by another examinee;

(iv) Having in one's possession during the administration of the Examination any books, equipment, notes, written or printed materials, or data of any kind, other than the Examination materials distributed, or otherwise authorized to be in one's possession during the Examination; or

(v) Impersonating any examinee or having an impersonator take the Examination on one's behalf;

(15) Failure of a Licensee or applicant to report to the Board any information as required under Article VI of this Act; and

(16) Being the subject of a disciplinary sanction, adverse action, revocation, suspension, or surrender of a veterinary or veterinary technology license, facility registration or premise permit in another Jurisdiction or country, including the failure to report such adverse action to the Board.

Section 401. Grounds, Penalties, and Reinstatement. Cont'd.

Model Law**Comments****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**

- (b) The Board may defer action with regard to an impaired Licensee who voluntarily signs an agreement, in a form satisfactory to the Board, agreeing not to practice veterinary medicine or veterinary technology and to enter an approved treatment and monitoring program in accordance with rules duly promulgated by the Board, provided that this Section shall not apply to a Licensee who has been convicted of, pleads guilty to, or enters a plea of nolo contendere to a Felony or a Conviction relating to a controlled substance in a court of law of the United States or any other state, territory, or country or a Conviction related to sexual misconduct.

Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**Introductory Comment to Section 401(b). Grounds, Penalties and Reinstatement.**

This section addresses the impaired professional and outlines the Board's flexibility when dealing with such professional through investigations and disciplinary actions.

Section 401(b). Grounds, Penalties and Reinstatement.

Veterinary Boards may wish to consider the following for rules/regulations relative to the impaired Licensee to specify the contractual expectations of individuals requesting participation in the program:

- (1) A Licensee who is physically or mentally impaired due to addiction to drugs or alcohol may qualify as impaired and have disciplinary action deferred and ultimately waived only if the Board is satisfied that such action will not endanger the public and the Licensee enters into an agreement with the Board for a treatment and monitoring plan approved by the Board, progresses satisfactorily in such treatment and monitoring program, complies with all terms of the agreement and all other applicable terms of subsection (b)(2). Failure to enter such agreement or to comply with the terms and make satisfactory progress in the treatment and monitoring program shall disqualify the Licensee from the provisions of this Section and the Board may activate an immediate investigation and disciplinary proceedings. Upon completion of the rehabilitation program in accordance with the agreement signed by the Board, the Licensee may apply for permission to resume practice upon such conditions as the Board determines necessary.

The AAVSB encourages Boards to explore options for the effective monitoring of impaired Licensees. Once the Board has identified an impaired Licensee, there

Model Law**Comments****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**

are many resources available to Boards that can assist in the monitoring and rehabilitation process.

- (2) The Board may require a Licensee to enter into an agreement which includes, but is not limited to, the following provisions:
- (i) Licensee agrees that the license shall be suspended or revoked indefinitely under Section (1);
 - (ii) Licensee will enroll in a treatment and monitoring program approved by the Board;
 - (iii) Licensee agrees that failure to satisfactorily progress in such treatment and monitoring program shall be reported to the Board by the treating professional who shall be immune from any liability for such reporting made in good faith; and
 - (iv) Licensee consents to the release of treatment and monitoring reports to the Board. The Board shall determine the format and intervals of such reports. Any personnel reporting to the Board under this section shall be immune from liability when such reports are made in good faith.

It is the intention of the AAVSB that the regulatory language of “treating professional” under section (2)(iii) above shall include supervisors and others involved in the treatment and monitoring program. Readers may also refer to Section 608, Immunity, within the Act.

- (3) The ability of an impaired Licensee to practice may be restored and charges dismissed when the Board is satisfied by the reports it

Model Law**Comments****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**

has received from the approved treatment program that the Licensee can resume practice without danger to the public.

- (4) The impaired Licensee who has enrolled in an approved treatment and monitoring program and entered into an agreement with the Board in accordance with the _____ Veterinary Medicine and Veterinary Technology Practice Act shall have the license suspended or revoked but enforcement of this suspension or revocation shall be stayed by the length of time the Licensee remains in the program and makes satisfactory progress, complies with the terms of the agreement, and adheres to any limitations on the practice imposed by the Board to protect the public. Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment and monitoring program shall disqualify the Licensee from the provisions of this Section and the Board shall activate an immediate investigation and disciplinary proceedings.

- (5) Any Licensee who has substantial evidence that another Licensee has an active addictive disease for which the other Licensee is not receiving treatment under a program approved by the Board pursuant to an agreement entered into under this Section, is diverting a controlled substance, or is mentally or physically incompetent to carry out the duties of the license, shall make or cause to be made a report to the Board. Any Person who reports pursuant to this Section in good faith and without malice shall be immune from any liability arising from such reports. Failure to provide such a report within a reasonable time from receipt of knowledge may be considered grounds for disciplinary action against the Licensee so failing to report.

Model Law**Comments****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**

- (c) Subject to an order duly entered by the Board, any individual whose license to practice veterinary medicine or veterinary technology in this state has been suspended or restricted pursuant to this Act, whether voluntarily or by action of the Board, shall have the right, at reasonable intervals, to petition the Board for reinstatement of such license. Such petition shall be made in writing and in the form prescribed by the Board. Upon investigation and hearing, the Board may, in its discretion, grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications. The Board, also in its discretion, may require such individual to pass an Examination(s), complete Board imposed Continuing Education requirements, or any other sanctions deemed appropriate by the Board for reentry into the practice of veterinary medicine or veterinary technology.
- (d) The Board may issue a cease and desist order to stop any Person from engaging in unauthorized practice or violating or threatening to violate a statute, rule, or order which the Board has issued or is empowered to enforce. The cease and desist order must state the reason for its issuance and give notice of the Person's right to request a hearing under applicable procedures as set forth in the Administrative Procedures Act. Nothing herein shall be construed as barring criminal prosecutions for violations of this Act.
- (e) All final decisions by the Board shall be subject to judicial review pursuant to the Administrative Procedures Act.
- (f) Any Veterinarian or Veterinary Technician whose license is revoked, suspended, or not renewed shall return such license to the offices of the Board within ten (10) days after notice of such action.

Section 401(c). Grounds, Penalties and Reinstatement.

A Licensee who is under investigation, or who has been charged with a violation of the _____ Veterinary Medicine and Veterinary Technology Practice Act may agree to voluntarily surrender his or her license. When this occurs, the Board should formally enter stipulated findings and an order describing the terms and conditions of the surrender, including any agreed-upon time limits. This important step establishes statutory grounds that will support any disciplinary action, and prevents a Licensee who has surrendered a license from applying for (or receiving) reinstatement within a time frame unacceptable to the Board. In the case of a Veterinarian, final adverse action by the Board also triggers a report to the AAVSB Veterinary Information Verification Agency (VIVA) to inform other Jurisdictions of the sanction. The AAVSB encourages Boards to review local law regarding disciplinary sanctions, and distinguish between revocation, suspension, and rights and conditions of reinstatement. See Flanzer v. Board of Dental Examiners, 271 Cal.Rptr. 583 (1990) (Board empowered to impose conditions of reinstatement); Jones v. Alabama State Board of Pharmacy, 624 So.2nd 613 (Ala. App.Ct. 1993) (revoked license carries no right of reinstatement); and Roy v. Medical Board of Ohio, 655 N.E.2d (Ohio App.Ct.1995) (authority to revoke a license to practice includes the authority to revoke permanently).

The AAVSB also recognizes the importance of appropriately drafted Board orders which include at least the following: findings of fact, conclusions of law, sanctions, reinstatement rights (if any) and notice of publication (newsletter, website, etc). It is imperative that Board orders contain such specificity in order to provide enough information to the disciplined Licensee, current Board, as well as future Board members, as to the licensure status and/or eligibility for re-licensure of the individual.

Model Law**Comments****Section 401. Grounds, Penalties, and Reinstatement. Cont'd.**

- (g) The Board is authorized to make public as much disciplinary information about Licensees as the law allows.

Section 402. Summary Suspension.

Notwithstanding any provisions of the state Administrative Procedures Act, the Board may, without a hearing, temporarily suspend a license or facility registration for not more than sixty (60) days if the Board finds that a Licensee is in violation of a law or rule that the Board is empowered to enforce, and if continued practice by the Licensee would create an imminent risk of harm to the public. The suspension shall take effect upon written notice to the Licensee specifying the statute or rule violated. At the time it issues the suspension notice, the Board shall schedule a disciplinary hearing to be held under the Administrative Procedures Act within ___ days thereafter. The Licensee shall be provided with at least ___ days notice effective from the date of issuance of any hearing held under this subsection.

Section 401(g). Grounds, Penalties and Reinstatement.

See the Introductory comment in Section 401 regarding the disclosure of disciplinary actions to the public.

Section 402. Summary Suspension.

In many states, an Administrative Procedures Act determines the procedures that must be followed before disciplinary action can be taken. The Practice Act Model was drafted on the assumption that an Administrative Procedures Act is in effect.

Summary suspension as defined in this section describes an action that can be taken against a Licensee. Jurisdictions that permit the ownership or registration of veterinary practices by non-veterinarians are advised to develop separate language that enables them to enact the summary suspension of a veterinary facility registration, permit or license.

Article V

Confidentiality

Model Law**Comments****Article V. Confidentiality.****Introductory Comment to Article V.**

This section is intended to establish the confidentiality requirements for Licensees, based on the professional relationship between practitioner and Client. Although “confidentiality” and “privileged communication” are related terms, there are important differences between the two concepts. “Confidentiality” is a broad term, and describes the intention that information exchanged between a Licensee and a Client is to be maintained in secrecy, and not disclosed to outside parties. “Privileged communication” is a more narrow term that describes the legal relationship between Licensee and Client when a law mandates confidentiality.

This article is titled “Confidentiality” rather than “Privileged Communication” or “Confidentiality/Privileged Communication” because confidentiality provisions include privileged communications, and it is intended to give Boards the widest possible latitude.

Section 501. Confidential Communications and Exceptions.

- (a) No Licensee shall disclose any information acquired from persons consulting the Licensee in a professional capacity, except that which may be voluntarily disclosed under the following circumstances:
- (1) In the course of formally reporting, conferring or consulting with colleagues or consultants, in which instance all recipients of such information are similarly bound to regard the communication as privileged;
 - (2) With the consent of the Client;
 - (3) In case of death or disability of the Client, with the consent of a personal representative or other authorized Person;
 - (4) When a communication reveals the commission of, or intended commission of, a crime or harmful act or Animal abuse and such disclosure is

Section 501 (a)(2).

The AAVSB considered requiring “written” consent of the Client as a prerequisite to disclosure of information. After discussion, the written requirement was removed. However, the AAVSB encourages written consent where available and deemed appropriate by the Veterinarian.

Model Law**Comments****Section 501. Confidential Communications and Exceptions. Cont'd.**

judged necessary by the Licensee to protect any Person or Animal from a clear, imminent risk of serious mental or physical harm or injury, or to forestall a serious threat to the public safety;

- (5) When the Person waives the privilege by bringing any public charges against the Licensee;
 - (6) When, in the Licensee's professional judgment, there is reasonable cause to suspect that a Person or Animal has been or is being abused; or
 - (7) When the Person is a minor under the laws of this State and the information acquired by the Licensee provides a reason to suspect or indicates that such minor was the victim or subject of a crime, the Licensee may be required to testify in any judicial proceedings in which the commission of that crime is the subject of inquiry and when, after an in camera review of the information that the licensee acquired, the court determines that the interests of the minor in having the information held privileged are outweighed by the requirements of justice, the need to protect the public safety or the need to protect the minor.
- (b) Any Person having access to records or anyone who participates in providing veterinary medical services or who is supervised by a Veterinarian is similarly bound to regard all information and communications as confidential in accordance with the section.

Section 501. Confidential Communications and Exceptions. Cont'd.

Article VI

Mandatory Reporting

Model Law**Comments****Article VI. Mandatory Reporting.****Section 601. Responsibility to Report.**

A Licensee who has knowledge of any conduct by an applicant or a Licensee which may constitute grounds for disciplinary action under this Act or the rules of the Board or of any unlicensed practice under this Act, shall report the violation to the Board.

Section 602. Professional Societies or Associations.

A national, state or local professional society or association for Licensees shall forward to the Board any complaint received concerning the ethics or conduct of the practice which the Board regulates. The society or association shall forward a complaint to the Board upon receipt of the complaint. The society or association shall also report to the Board any disciplinary action taken against a member.

Introductory Comments to Article VI.

Licensees are in a unique position to know of and evaluate the conduct of other Licensees. This section establishes a Licensee's legal responsibility to report activities that may be harmful to Clients, including incompetence, negligence and unethical practice.

Recently, consumer groups and others have voiced concerns that health care professionals often protect each other – either through remaining silent when made aware of substandard practice, or through outright denial of this substandard practice – to the detriment of the public. This perception undermines the public's confidence in professional regulation. The inclusion of mandatory reporting provisions provides assurance that professional "protection" that puts the public at risk is itself a violation of the practice act.

While not specifically delineated in this article, it is expected that institutions will report relevant disciplinary actions to the Board. Mandatory reporting requirements placed upon institutions are necessary to protect the public. However, it is likely that the Board does not maintain jurisdiction over such institutions, and, thus could not legally enforce any such requirements on these institutions.

Section 602. Professional Societies or Associations.

The intent of this section is to address conduct that constitutes grounds for discipline under the Act. This section is not intended to cover other conduct issues that may be addressed in the Code of Ethics of such a professional society or association.

Model Law**Comments****Section 603. Licensees and Applicants.**

- (a) Licensees and applicants shall report to the Board information related to the following conduct by an applicant or a Licensee:
- (1) Failure to make reports as required by this law;
 - (2) Impairment in the ability to practice by reason of illness, use of alcohol, drugs, or other chemicals, or as a result of any mental or physical condition;
 - (3) Fraudulent billing practices;
 - (4) Fraud in the licensure application process, examination process, or any other false statements made to the Board;
 - (5) Conviction of any Felony or any crime reasonably related to the practice of veterinary medicine or veterinary technology; and
 - (6) A violation of any Board order.
- (b) Licensees and applicants shall also report to the Board information on any other conduct by an applicant or a Licensee that constitutes grounds for disciplinary action under this Act or the rules of the Board.
- (c) Failure of a Licensee or applicant to report to the Board any information as required in subsection (a) or (b) above shall constitute grounds for discipline by the Board.

Section 603. Licensees and Applicants. Cont'd.

Model Law**Comments****Section 604. Reporting Other Licensed Professionals.**

A Licensee or applicant shall report to the applicable Board conduct by a licensed health professional which would, in the Licensee's or applicant's best judgment, constitute grounds for disciplinary action under the chapter governing the practice of the other licensed health professional and which is required by law to be reported to the applicable Board.

Section 605. Courts.

The court administrator of the district court or any other court of competent jurisdiction shall report to the Board any judgment or other determination of the court that adjudges or finds that an applicant or a Licensee is mentally ill, mentally incompetent, guilty of a Felony, guilty of a violation of federal or state narcotics laws or controlled substances act, or guilty of any crime reasonably related to the practice of veterinary medicine or veterinary technology, or that appoints a guardian of the applicant or Licensee or commits an applicant or Licensee pursuant to applicable law.

Section 606. Self-Reporting.

An applicant or Licensee shall report to the Board any personal action that would require that a report be filed pursuant to this Act.

Section 607. Deadlines, Forms.

Reports required by this Act must be submitted not later than 30 days after the occurrence of the reportable event or transaction. The Board may provide forms for the submission of reports required by this section, may require that reports be submitted on the forms provided, and may adopt rules necessary to assure prompt and accurate reporting.

Section 604. Reporting Other Licensed Professionals.

The AAVSB has determined that Licensees under this Act should report indiscretions to other Boards. Accordingly, the legislature mandates that other licensees shall report conduct which violates the provisions of another Practice Act. For instance, information of wrongful dispensing of a controlled substance by a pharmacist shall be reported to the Pharmacy Board. Similarly, the AAVSB feels strongly that other disciplines should have similar provisions in their Practice Act so that communication among regulatory Boards enhances the Board's ability to protect the public.

Model Law**Comments****Section 608. Immunity.**

Any person is immune from liability or prosecution for submitting in good faith a report under Article VI or for otherwise reporting, providing information, or testifying about violations or alleged violations of this Act. The identity of any Person that submits a report shall be confidential.

Article VII

Other

Model Law**Comments****Article VII. Other.****Section 701. Severability.**

If any provision of this Act is declared unconstitutional or illegal, or the applicability of this Act to any Person or circumstance is held invalid by a court of competent jurisdiction, the constitutionality or legality of the remaining provisions of this Act and the application of this Act to other Persons and circumstances shall not be affected and shall remain in full force and effect without the invalid provision or application.

Section 702. Effective Date.

This Act shall be in full force and effect on _____ (insert date).

Chapter VE 1

AUTHORITY AND DEFINITIONS

VE 1.01 Authority.

VE 1.02 Definitions.

VE 1.01 Authority. Rules in chs. [VE 1](#) to [9](#) are adopted under authority of ss. [15.08 \(5\) \(b\)](#), [227.11 \(2\) \(a\)](#), and [453.03](#), Stats.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

VE 1.02 Definitions. As used in chs. [VE 1](#) to [10](#):

(1) “Accredited college or university” means an educational institution that is accredited by a regional or national accrediting agency recognized by the U.S. Department of Education.

(1e) “Approved veterinary college” means a veterinary college which is AVMA accredited or approved and which is approved by the board at its annual review of veterinary colleges.

(1m) “AVMA” means the American veterinary medical association.

(2) “Board” means the veterinary examining board.

Note: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(3) “Client” means the person who owns or who has primary responsibility for the care of a patient.

(3m) “Complementary, alternative, and integrative therapies” includes a heterogeneous group of preventive, diagnostic, and therapeutic philosophies and practices. These therapies include:

(a) Veterinary acupuncture, acutheraPy, and acupressure.

(b) Veterinary homeopathy.

(c) Veterinary manual or manipulative therapy, i.e., therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy.

(d) Veterinary nutraceutical therapy.

(e) Veterinary phytotherapy.

(4) “Department” means the department of safety and professional services.

(5) “Direct supervision” means immediate availability to continually coordinate, direct and inspect personally the practice of another.

(6) “License” means a document issued to a person by the board, after the person has met the requirements of ss. [453.06 \(1\)](#), [453.06 \(2m\) \(a\)](#) or [453.072](#), Stats., signifying that the person has met the statutory requirements to practice veterinary medicine in this state.

(7) “Patient” means an animal that is examined or treated by a veterinarian.

(9) “Surgery” means any procedure in which the skin or tissue of the patient is penetrated, pierced or severed for therapeutic purposes, except for activities identified in s. [453.05 \(2\)](#). Surgery does not include giving injections or simple dental extractions that require minor manipulation and minimal elevation.

(10) “Unlicensed assistant” means a person not holding a license, permit or certificate issued by the board.

(11) “Veterinarian–client–patient relationship” has the meaning set forth at s. [453.02 \(8\)](#), Stats.

(12) “Veterinary prescription drug” has the meaning set forth at s. [453.02 \(11\)](#), Stats.

(13) “Veterinary student” means a person enrolled in an approved veterinary college in a curriculum leading to a doctor of veterinary medicine degree.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. (6), cr. (10m), Register, May, 1994, No. 461, eff. 6-1-94; cr. (1m) and (11m), am. (2), r. and recr. (11), Register, December, 1998, No. 516, eff. 1-1-99; CR 04-125: am. (intro.) Register August 2005 No. 596, eff. 9-1-05; CR 07-051: renum. (1) to be (1e), cr. (1) Register October 2008 No. 634, eff. 11-1-08; correction in (4) made under s. [13.92 \(4\) \(b\) 6.](#), Stats., Register February 2012 No. 674; CR 12-051: am. (7), r. (8) Register September 2013 No. 693, eff. 10-1-13; CR 13-031: am. (3), cr. (3m), r. (9), renum. (10) to (9) and am., renum. (10m), (11m), (12) to (10), (12), (13) Register April 2014 No. 700, eff. 5-1-14; correction in numbering in (3m) made under s. [13.92 \(4\) \(b\) 1.](#), Stats., Register April 2014 No. 700.

Chapter VE 2

EXAMINATIONS

VE 2.01 Administration.
VE 2.02 Competency tested.

VE 2.03 Passing scores.
VE 2.05 Claim of examination error.

Note: Chapter VE 2 as it existed on September 30, 1989 was repealed and a new chapter VE 2 was created effective October 1, 1989.

VE 2.01 Administration. (1) The board or its designee shall administer the examinations required of applicants for licensure as a veterinarian by s. VE 3.02 and of applicants for certification as a veterinary technician by s. VE 8.02 at least once each year.

(1m) Prior to November 1, 2000, the board shall accept as its licensure examinations the national board examination and the clinical competency test. On and after November 1, 2000, the board shall accept as its licensure examination the north American veterinary licensing examination.

(2) To be qualified to sit for the North American Veterinary Licensing Examination, an applicant must either have graduated from or have an expected graduation date no later than 10 months after the last date of the applicable testing period at a school of veterinary medicine approved by the board or a foreign school of veterinary medicine listed by the AVMA. To be qualified to sit for the examination on state laws and rules, an applicant must meet the requirements of s. VE 3.03.

(3) The department shall mail an admission card to the applicant at the address on file with the board. The applicant shall present the card at the door of the examination room with the identification specified on the admission card.

(4) The board or its designee shall provide rules of conduct at the beginning of the examination. Time limits may be placed on each portion of the examination.

(5) The board may deny release of grades or issuance of a license or certificate if the board determines that the applicant violated rules of conduct or otherwise acted dishonestly.

Note: Qualified applicants with disabilities shall be provided with reasonable accommodations.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. (1) and (2), Register, September, 1990, No. 417, eff. 10-1-90; am. (1) and (2), Register, December, 1998, No. 516, eff. 1-1-99; am. (2), Register, March, 2000, No. 531, eff. 4-1-00; cr. (1m), Register, May, 2001, No. 545, eff. 6-1-01; CR 04-018; am. (2) Register January 2005 No. 589, eff. 2-1-05; EmR1103: emerg. am. (2), eff. 11-1-11; CR 11-025: am. (2) Register October 2011 No. 670, eff. 11-1-11; CR 13-032: am. (2) Register April 2014 No. 700, eff. 5-1-14.

VE 2.02 Competency tested. (1) Examinations administered under this chapter test entry level competency and seek to determine that an applicant's knowledge of animals and their treatment is sufficient to protect public health and safety.

(2) The board shall furnish to individuals, upon request, general information describing the competencies upon which the examination is based.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

VE 2.03 Passing scores. (1) Passing scores for veterinary applicants for the national board examination and the clinical competency test, and for the north American veterinary licensing examination, shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession. The board shall make the deter-

mination after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing score for the examination at that point that represents minimum acceptable competence in the profession. The board may accept the recommendation of the national examination provider.

(2) The passing score for veterinary technician applicants on the written national examination shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession. The board shall make the determination after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing score for the examination at that point that represents minimum acceptable competence in the profession. The board may accept the recommendation of the national examination provider.

(3) The passing score for an examination on state laws and rules related to the practice of veterinary medicine or veterinary technology shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession. The board shall make the determination after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing score for the examination at that point that represents minimum acceptable competence in the profession.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. Register, December, 1998, No. 516, eff. 1-1-99; am. (1), Register, May, 2001, No. 545, eff. 6-1-01.

VE 2.05 Claim of examination error. (1) An applicant wishing to claim examination error shall file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include all of the following:

- The applicant's name and address.
- The type of license for which the applicant applied.
- A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specific questions or procedures claimed to be in error.
- The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim, make a determination of the validity of the objections and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the board confirms the failing status following its review, the application shall be deemed incomplete, and the applicant may be reexamined under s. VE 2.01.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. (1) (intro.), (a), (b), (c) and (3), Register, December, 1998, No. 516, eff. 1-1-99.

Chapter VE 3

LICENSURE BY EXAMINATION FOR VETERINARIANS

VE 3.01	Definitions.
VE 3.02	Qualifications for licensure.
VE 3.03	Application procedures for veterinary applicants to take board examinations.

VE 3.05	Temporary permits.
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Note: Chapter VE 3 as it existed on September 30, 1989 was repealed and a new Chapter VE 3 was created effective October 1, 1989.

VE 3.01 Definitions. As used in this chapter:

(1) “Preceptor” means a veterinarian who agrees to supervise a holder of a temporary permit.

(2) “Temporary permit” means a document issued to a person who has qualified to take the North American Veterinary Licensing Examination, is enrolled to take the next examination, and who shall be employed to practice veterinary medicine under the supervision of a preceptor.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; CR 13-032: am. (2) Register April 2014 No. 700, eff. 5-1-14.

VE 3.02 Qualifications for licensure. The board may issue a license to practice veterinary medicine to an applicant who satisfies all of the following:

(1) Has met the requirements of s. 453.06 (1), Stats.

(2) Prior to November 1, 2000, has passed the national board examination and clinical competency test. On or after November 1, 2000, has passed the north American veterinary licensing examination.

(4) Has successfully completed an examination on state laws and rules related to the practice of veterinary medicine.

(5) Does not have a conviction record or pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of veterinary medicine. An applicant who has a conviction record or pending criminal charge shall request appropriate authorities to provide information about the record or charge directly to the board in sufficient specificity to enable the board to make a determination whether the record or charge substantially relates to the practice of veterinary medicine.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. (3), Register, September, 1990, No. 417, eff. 10-1-90; am. (intro.), (1), (2) and (4), r. (3), Register, December, 1998, No. 516, eff. 1-1-99; am. (2), Register, May, 2001, No. 545, eff. 6-1-01.

VE 3.03 Application procedures for veterinary applicants to take board examinations. An applicant shall file a completed application with the board at least 140 days prior to the first day of the scheduled examination period. All supporting documents shall be provided in English. An application is not complete until the board receives all of the following:

(1) An application form provided by the board and completed by the applicant which includes the applicant’s notarized signature.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(3) The fees required under s. 440.05 (1), Stats.

Note: A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708.

(4) Verification of licensure records and status which has been sent directly to the board by every state or country in which the applicant has ever held a license or certificate to practice veterinary medicine.

(5) A certificate of graduation from a board approved veterinary college which shall be signed and sealed by the dean of the school and submitted directly to the board by the school. Appli-

cants who graduated from a veterinary college which is not a board approved veterinary college shall provide a certificate of graduation which is signed and sealed by the dean of the school and submitted directly to the board by the school, and evidence of successful completion of either the educational commission for foreign veterinary graduates certification program or the Program for the Assessment of Veterinary Education Equivalence offered by the American Association of Veterinary State Boards (AAVSB) which shall be submitted directly to the board by the AVMA or the AAVSB. If the applicant has not yet graduated from veterinary college, a letter signed by the dean of the school and submitted directly to the board by the school providing evidence that the applicant has an expected graduation date no later than 8 months after the last date of the applicable testing period.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. Register, June, 1994, No. 462, eff. 7-1-94; am. (intro.), (1), (3), (4) and (5), r. (2), Register, December, 1998, No. 516, eff. 1-1-99; am. (intro.), Register, March, 2000, No. 531, eff. 4-1-00; am. (intro.), Register, May, 2001, No. 545, eff. 6-1-01; EmR1103: emerg. am. (intro.) and (5), eff. 11-1-11; CR 11-025: am. (intro.) and (5) Register October 2011 No. 670, eff. 11-1-11.

VE 3.05 Temporary permits. (1) An applicant may be granted a temporary permit before the board receives notice of successful completion of the North American Veterinary Licensing Examination, if the applicant provides evidence that the applicant is either scheduled to take the North American Veterinary Licensing Examination for the first time, or is awaiting results of the North American Veterinary Licensing Examination.

(2) An applicant shall complete an application for temporary permit and submit the fee required under s. 440.05 (6), Stats.

(3) The board shall receive written verification of employment signed and sent directly to the board by the preceptor.

(4) The application and verification required by subs. (2) and (3) shall be received by the board office at least 2 weeks prior to the date the applicant intends to begin work.

(5) In order to provide supervision for a holder of a temporary permit, a preceptor shall do all of the following:

(a) Delegate only those tasks commensurate with demonstrated abilities of the temporary permit holder.

(b) Be available for direct communication with the temporary permit holder when the temporary permit holder is providing veterinary services. Direct communication shall be in person, by telephone, video conference, or electronic communication device.

(6) A temporary permit shall expire upon any of the following:

- Notification of failure of any examination.
- Failure to take the next scheduled examination.
- Issuance of a license.

(7) An applicant may be granted a temporary permit only once.

(8) Any change or addition of preceptor shall be reported to the board by filing a new verification as specified in sub. (3).

(9) Two board members shall review board records to determine eligibility of an applicant. If the designated members disagree, eligibility shall be determined by the entire board. Within 30 business days of determining an applicant is eligible for a tem-

porary permit, the board shall issue a permit to the applicant. Notification of issuance shall also be sent to the preceptor.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; r. (intro.), renum. (1) (a), (b) (c), (d), (2) to (6) to be (1) to (9) and am. (1) to (6) and (8), Register, Decem-

ber, 1998, No. 516, eff. 1-1-99; renum. (1) to be (1) (a) and am., cr. (1) (b), Register, May, 2001, No. 545, eff. 6-1-01; CR 13-032: r. (1) (a), renum. (1) (b) to (1) and am., am. (5) (b) Register April 2014 No. 700, eff. 5-1-14.

Chapter VE 4

LICENSURE BY ENDORSEMENT FOR VETERINARIANS

VE 4.01 Qualification for veterinary license by endorsement.
VE 4.02 Application procedure.

VE 4.03 Examination on state laws.
VE 4.04 Licensure.

Note: Chapter VE 4 as it existed on September 30, 1989 was repealed and a new Chapter VE 4 was created effective October 1, 1989.

VE 4.01 Qualification for veterinary license by endorsement. (1) Any applicant who has previously failed and has not subsequently passed the examinations required under s. VE 3.02 (2) shall not be issued a license by endorsement.

(2) A person holding a current license to practice veterinary medicine in another state or U.S. territory or province of Canada may become licensed in Wisconsin without examination, except an examination on state laws and rules related to the practice of veterinary medicine, if the applicant meets all of the following:

(a) Has satisfied the qualifications for licensure in s. VE 3.02 within the last 5 years or has actively practiced for 4000 hours during the 5 years preceding application.

(b) Has never been disciplined by the veterinary licensing authority in any other state, territory or country.

(c) Does not have a conviction record or pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of veterinary medicine. An applicant who has a conviction record or pending criminal charge shall request appropriate authorities to provide information about the record or charge directly to the board in sufficient specificity to enable the board to make a determination whether the record or charge substantially relates to the practice of veterinary medicine.

(d) Is not a party in pending litigation in which it is alleged that the applicant is liable for acts committed in the course of practice which evidence a lack of ability or fitness to practice, as determined by the board.

(e) Is not currently under investigation by another veterinary licensing authority related to the license to practice veterinary medicine for acts which would provide a basis for disciplinary action in this state, as determined by the board.

(f) Has never been found liable for damages for acts committed in the course of practice of veterinary medicine which evidenced a lack of ability or fitness to practice, as determined by the board.

(g) Has never had United States drug enforcement administration privileges restricted or revoked.

(h) Has no physical or mental impairment, including impairment related to drugs or alcohol, which is reasonably related to the applicant's ability to adequately undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public.

(3) A person holding a current unrestricted license to practice veterinary medicine in a country other than the United States or Canada, who is not a graduate of an approved veterinary college, in addition to the requirements of sub. (2), shall submit evidence that the applicant has successfully completed either the certification program of the educational commission for foreign veterinary graduates of the AVMA or the program for the assessment of

veterinary education equivalence offered by the American Association of Veterinary State Boards.

(4) A person holding a current unrestricted license to practice veterinary medicine in a country other than the United States or Canada, who is a graduate of a school of veterinary medicine approved by the board, in addition to the requirements of sub. (2), shall submit the following:

(a) Evidence satisfactory to the board that the requirements for initial licensure in the country where the applicant was originally licensed, including examination requirements, are substantially equivalent to the requirements for graduates of schools of veterinary medicine approved by the board who are seeking initial licensure in this state; or

(b) Before November 1, 2000, evidence that the applicant has successfully completed the national board examination and the clinical competency test. On or after November 1, 2000, evidence that the applicant has successfully completed the north American veterinary licensing examination.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; r. and rec. (3), Register, June, 1997, No. 498, eff. 7-1-97; am. (1), (2) (intro.), (a) to (g) and (3), r. (5), Register, December, 1998, No. 516, eff. 1-1-99; am. (4) (b), Register, May, 2001, No. 545, eff. 6-1-01; CR 13-032: am. (2) (a), (3) Register April 2014 No. 700, eff. 5-1-14.

VE 4.02 Application procedure. An applicant for licensure by endorsement shall file a completed application with the board. All supporting documents shall be submitted in English. An application is not complete until the board receives:

(1) An application form provided by the board and completed by the applicant which includes the applicant's notarized signature.

(3) The fee required under s. 440.05 (2), Stats.

(4) Verification of licensure records and status which has been sent directly to the board by every state or country in which the applicant has ever held a license or certificate to practice veterinary medicine.

(5) A certificate of graduation from veterinary college which shall be signed and sealed by the dean of the school and submitted directly to the board by the school.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; r. (2), am. (3), Register, December, 1998, No. 516, eff. 1-1-99.

VE 4.03 Examination on state laws. An applicant for licensure by endorsement shall successfully complete an examination on state laws and rules related to the practice of veterinary medicine before a license can be issued.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

VE 4.04 Licensure. The board shall review its records to determine eligibility of the applicant for licensure. Within 30 business days of determining an applicant is eligible for licensure, the board shall issue a license to the applicant.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

Chapter VE 5

PRACTICE RELATED TO VETERINARY SCHOOLS

VE 5.01 Definitions.
VE 5.02 Application procedure faculty license.

VE 5.03 Post graduate training permit.
VE 5.04 Veterinary students.

VE 5.01 Definitions. As used in this chapter:

(1) “Faculty license” means a document issued to a person by the board after the person has met the requirements of s. 453.06 (2m) (a), Stats., signifying that the person may practice veterinary medicine on privately owned animals only within the scope of the person’s employment at a school of veterinary medicine in this state.

(2) “Post graduate training permit” means a document issued to a person by the board which allows the permit holder to practice veterinary medicine on privately owned animals only within the scope of the permittee’s internship or residency program at a school of veterinary medicine in this state.

History: Cr. Register, September, 1989, No. 405, eff. 10–1–89.

VE 5.02 Application procedure faculty license.

(1) APPLICATION. An applicant for a faculty license shall file a completed application with the board. All supporting documents shall be submitted in English. An application is not complete until the board receives all of the following:

(a) An application form provided by the board and completed by the applicant, which includes the applicant’s notarized signature.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(c) The fee required under s. 440.05 (6), Stats.

(d) Verification of employment by a school of veterinary medicine in this state which has been submitted directly to the board by the dean of the school.

(e) A certificate of graduation from an approved veterinary college signed and sealed by the dean of the school submitted directly to the board by the school, or evidence of substantially equivalent qualifications.

(f) Successful completion of an examination on state laws and rules related to the practice of veterinary medicine.

(2) DISCIPLINARY ACTION. A faculty license may be denied, suspended, limited or revoked, or the licensee may be reprimanded, for the following reasons:

(a) Violation of any law or regulation substantially related to the practice of veterinary medicine; or

(b) Engaging in the practice of veterinary medicine in this state outside the scope of employment unless licensed to do so.

(3) EXPIRATION. The faculty license expires upon termination of the faculty employee’s employment with the school of veterinary medicine, as reported by the dean of the school of veterinary medicine.

History: Cr. Register, September, 1989, No. 405, eff. 10–1–89; am. (1) (intro.), (a), (c), (d) and (e), r. (1) (b), Register, December, 1998, No. 516, eff. 1–1–99.

VE 5.03 Post graduate training permit. (1) An applicant for a post graduate training permit under s. 453.06 (2m) (b), Stats., shall file a completed application with the board. All supporting documents shall be provided in English. An application shall not be considered complete until the board receives all of the following:

(a) An application form provided by the board and completed by the applicant, including the applicant’s notarized signature.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) Evidence that the applicant has received a degree from a school of veterinary medicine or an equivalent degree.

(c) The fee required under s. 440.05 (6), Stats.

(d) Verification that the applicant is undertaking intern or resident training at a school of veterinary medicine in this state. Verification shall consist of certification signed and sealed by the dean of the school and submitted directly to the board by the school.

(2) An applicant for a post graduate training permit shall successfully complete an examination on state laws and rules related to the practice of veterinary medicine before a permit may be issued.

(3) A post graduate training permit may be denied, suspended, limited or revoked, or the licensee may be reprimanded, for the following reasons:

(a) Violation of any law or regulation substantially related to the practice of veterinary medicine; or

(b) Engaging in the practice of veterinary medicine in the State of Wisconsin outside the scope of the training program unless licensed to do so.

(4) The post graduate training permit expires upon termination of the permittee’s internship or residency program, as reported by the dean of the school of veterinary medicine.

History: Cr. Register, September, 1989, No. 405, eff. 10–1–89; am. (1) (intro.), (a), (c) and (d), r. (1) (b), Register, December, 1998, No. 516, eff. 1–1–99; am. (1) (d), Register, May, 2001, No. 545, eff. 6–1–01; CR 04–018; r. (1) (d) Register January 2005 No. 589, eff. 2–1–05; CR 13–032; cr. (1) (b), renum. (1) (e) to (1) (d) Register April 2014 No. 700, eff. 5–1–14.

VE 5.04 Veterinary students. (1) A veterinary student may practice veterinary medicine within the school of veterinary medicine pursuant to standards and supervisory protocols established by the school.

(2) A veterinary student may perform delegated veterinary acts outside of the school setting as set forth under s. VE 7.02 (2), (7) and (8).

History: Cr. Register, September, 1989, No. 405, eff. 10–1–89; am. (1) and (2), Register, May, 1994, No. 461, eff. 6–1–94.

Chapter VE 6

TEMPORARY CONSULTING PERMITS

VE 6.01 Definitions.
VE 6.02 Eligibility for a temporary consulting permit.

VE 6.03 Application procedure.
VE 6.04 Expiration and disciplinary action.

Note: Chapter VE 6 as it existed on September 30, 1989 was repealed and a new Chapter VE 6 was created effective October 1, 1989.

VE 6.01 Definitions. As used in this chapter:

(1) "Attending veterinarian" means the veterinarian who has undertaken and is responsible for the medical care and treatment of the animal.

(2) "Temporary consulting permit" means a document issued by the board to a person licensed to practice veterinary medicine in another jurisdiction which allows the person to practice veterinary medicine in a consulting capacity in Wisconsin for up to 60 days in a calendar year.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

VE 6.02 Eligibility for a temporary consulting permit. (1) The board may issue a temporary consulting permit to practice veterinary medicine in this state to a person holding a license to practice veterinary medicine in another state or territory of the U.S. or in another country, provided the license is in good standing in the other jurisdiction, and a veterinarian has requested a consultation.

(2) A temporary consulting permit may be used up to 60 total days per calendar year.

(3) The temporary consulting permit shall expire on December 31 of each year or on the 60th day of use in a calendar year. The holder of a consulting permit may apply for a new permit for a subsequent year by completing the application procedure specified in s. VE 6.03.

(4) Two board members shall review board records to determine eligibility of the applicant. If the designated members disagree, eligibility shall be determined by the entire board.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. (2), Register, December, 1998, No. 516, eff. 1-1-99.

VE 6.03 Application procedure. (1) An applicant for a temporary consulting permit shall file a completed application with the board. All supporting documents shall be provided in English. An application is not complete until the board receives all of the following:

(a) An application form provided by the board and completed by the applicant which includes the applicant's notarized signature.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(c) The fee required under s. 440.05 (6), Stats.

(d) Verification of licensure records and status which has been sent directly to the board by every state or country in which the applicant has ever held a license or certificate to practice veterinary medicine.

(e) Written verification from a veterinarian that a consultation is being sought.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. (1) (intro.), (a), (c) and (d), r. (1) (b), Register, December, 1998, No. 516, eff. 1-1-99.

VE 6.04 Expiration and disciplinary action. (1) A temporary consulting permit shall automatically expire upon notice to the board that the consultation has been completed.

(2) After hearing, a temporary consulting permit may be denied, suspended, limited or revoked, or the permittee may be reprimanded, for any of the following reasons:

(a) Revisiting the patient or client or communicating directly with the client without the knowledge of the attending veterinarian.

(b) Taking charge of a case or problem without the consent of the attending veterinarian and the client.

(c) Violating any law or rule related to the practice of veterinary medicine.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; r. and recr., Register, December, 1998, No. 516, eff. 1-1-99.

Chapter VE 7

STANDARDS OF PRACTICE AND UNPROFESSIONAL CONDUCT FOR VETERINARIANS

VE 7.01	Definitions.
VE 7.02	Delegation of veterinary medical acts.
VE 7.03	Records.
VE 7.04	Change of name and address.

VE 7.05	Display of license.
VE 7.055	Renewal of license.
VE 7.06	Unprofessional conduct.
VE 7.07	Board action.

Note: Chapter VE 7 as it existed on September 30, 1989, was repealed and a new chapter VE 7 was created effective October 1, 1989.

VE 7.01 Definitions. As used in this chapter:

(1) “Advertising” means to give notice by any means, including but not limited to any circular, card, notice, telephone book listing, magazine, newspaper or other printed material or any electronic medium.

(2) “Deception” means:

(a) Claiming to have performed an act or given a treatment which has not in fact been performed or given.

(b) Giving needless treatment.

(c) Using a different treatment than stated.

(3) “Fraud” means:

(a) The making of false claims regarding knowledge, ability, skills or facilities for use in treatment or diagnosis of a disease.

(b) The making of false claims regarding testing, inspecting, reporting or issuing of inter–state, intra–state or export health certificates.

(4) “Gross negligence” means a gross, serious or grave degree of negligence as compared to less serious or more ordinary acts of negligence.

(5) “Standard of care” means diagnostic procedures and modes of treatment considered by the veterinary profession to be within the scope of current, acceptable veterinary medical practice.

History: Cr. Register, September, 1989, No. 405, eff. 10–1–89; CR 07–051: cr. (5) Register October 2008 No. 634, eff. 11–1–08; CR 13–031: am. (1) Register April 2014 No. 700, eff. 5–1–14.

VE 7.02 Delegation of veterinary medical acts.

(1) The following acts are limited to those holding a license under s. 453.06 (1), 453.06 (2m) (a), or 453.072, Stats.; a permit under s. VE 3.05, 5.03 or 6.02; or active status as a student at a college of veterinary medicine approved by the board, and may not be delegated to or performed by veterinary technicians or other persons not holding such license or permit:

(a) Diagnosis and prognosis of animal diseases and conditions.

(b) Prescribing of drugs, medicines, treatments and appliances.

(c) Performing surgery.

(2) Except as provided under s. 95.21 (2), Stats., veterinarians may delegate to veterinary students the provision of veterinary medical services under the direct supervision of the veterinarian when the veterinarian is personally present on the premises where the services are provided.

(3) Except as provided under s. 95.21 (2), Stats., veterinarians may delegate to certified veterinary technicians the provision of the following veterinary medical services under the direct supervision of the veterinarian:

(a) Nonsurgical veterinary treatment of animal diseases and conditions, including administration of vaccines, including rabies vaccines.

(b) Observations and findings related to animal diseases and conditions to be utilized by a veterinarian in establishing a diagnosis or prognosis, including routine radiographs, nonsurgical speci-

men collection, drawing of blood for diagnostic purposes, and laboratory testing procedures.

(c) Administration of sedatives and presurgical medications.

(e) Nutritional evaluation and counseling.

(4) Veterinarians may delegate to certified veterinary technicians the provision of the following veterinary medical services under the direct supervision of the veterinarian when the veterinarian is personally present on the premises where the services are provided:

(a) Administration of local or general anesthesia, including induction and monitoring.

(b) Performing diagnostic radiographic contrast studies.

(c) Dental prophylaxis and simple extractions that require minor manipulation and minimal elevation.

(5) Veterinarians may delegate to unlicensed assistants the provision of the following veterinary medical services under the direct supervision of the veterinarian:

(a) Basic diagnostic studies, including routine radiographs, nonsurgical specimen collection, and laboratory testing procedures.

(b) Monitoring and reporting to the veterinarian changes in the condition of a hospitalized animal patient.

(c) Dispensing prescription drugs pursuant to the written order of the veterinarian.

(6) Except as provided under s. 95.21, Stats., veterinarians may delegate to unlicensed assistants the provision of the following veterinary medical services under the direct supervision of the veterinarian when the veterinarian is personally present on the premises where the services are provided:

(a) Nonsurgical veterinary treatment of animal diseases and conditions, including administration of vaccines, and administration of sedatives and presurgical medications.

(b) Observations and findings related to animal diseases and conditions to be utilized by a veterinarian in establishing a diagnosis or prognosis, including the drawing of blood for diagnostic purposes.

(c) Dental prophylaxis.

(d) Nutritional evaluation and counseling.

(7) Notwithstanding subs. (1) to (6), a veterinary student, certified veterinary technician or unlicensed assistant employed by a veterinarian may, under the direct supervision of the veterinarian and pursuant to mutually acceptable written protocols, perform evaluative and treatment procedures necessary to provide an appropriate response to life–threatening emergency situations for the purpose of stabilizing the patient pending further treatment.

(8) In delegating the provision of veterinary medical acts to veterinary students, certified veterinary technicians and others, the veterinarian shall do all of the following:

(a) Delegate only those tasks commensurate with the education, training, experience and demonstrated abilities of the person supervised.

(b) Provide the supervision required under subs. (2) to (7).

(c) Where the veterinarian is not required to be personally present on the premises where the delegated services are pro-

vided, be available at all times for consultation either in person or within 15 minutes of contact by telephone, by video conference or by electronic communication device.

(d) Observe and monitor the activities of those supervised on a daily basis.

(e) Evaluate the effectiveness of delegated acts performed under supervision on a daily basis.

(f) Establish and maintain a daily log of each delegated patient service which has been provided off the premises of the supervising veterinarian.

(g) Notify the client that some services may be provided by a veterinary student, certified veterinary technician or an unlicensed assistant.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; r. and recr., Register, May, 1994, No. 461, eff. 6-1-94; am. (1) (intro.), (3) (intro.), (a) to (c), (4) (intro.), (a) and (b), (5) (a) and (b), (6) (a) to (c), (7) and (8), Register, December, 1998, No. 516, eff. 1-1-99; CR 13-031: am. (3) (a), r. (3) (d), am. (4) (c), (8) (c) Register April 2014 No. 700, eff. 5-1-14.

VE 7.03 Records. (1) A veterinarian shall maintain individual patient records on every patient administered to by the veterinarian other than food and fiber patients and equine patients for a period of not less than 3 years after the date of the last entry. The veterinarian shall keep individual client records for equine and food and fiber patients for 3 years after the date of the last entry. A computerized system may be used for maintaining a record, as required under this section, if the system is capable of producing a printout of records contained in such system within 48 hours of a request.

(2) The individual patient record shall contain clinical information pertaining to patients other than food and fiber patients and equine patients with sufficient information to justify the diagnosis and warrant treatment, including information regarding each of the following matters which apply:

- (a) Date.
- (b) Client name.
- (c) Patient identification.
- (d) History.
- (e) Physical examination findings.
- (f) Treatment — medical, surgical.
- (g) Drugs prescribed, dispensed or administered, including strength or concentration, route of administration, dosing schedule, number dispensed and number of refills allowed.
- (h) Provisional diagnosis.
- (i) Final diagnosis.
- (j) Consultation, if any.
- (k) Clinical laboratory reports.
- (L) Radiographic reports.
- (M) Necropsy findings.
- (n) Identification of the veterinarian providing the care.
- (o) Complaint.
- (p) Present illness.
- (q) Vaccinations administered.

(3) The client record for food and fiber patients shall contain at least the following information which apply:

- (a) Date.
- (b) Client name.
- (c) Type of call.
- (d) Treatment and drugs used including amounts of drugs administered and method of administration.
- (e) Drugs dispensed including dosing schedule and number dispensed.
- (f) Meat or milk withholdings.
- (g) Individual or herd diagnosis.
- (h) Clinical laboratory reports.
- (i) Identification of the veterinarian providing the care.

(4) The client record for equine patients shall contain at least the following information which applies:

- (a) Date.
- (b) Client name.
- (c) Patient identification.
- (d) History.
- (e) Physical examination findings.
- (f) Treatment—medical, surgical.
- (g) Treatment and drugs used including amount of drugs administered and method of administration.
- (h) Drugs dispensed including dosing schedule and number dispensed.
- (i) Diagnosis.
- (j) Clinical laboratory reports.
- (k) Radiographic reports.
- (L) Necropsy findings.
- (m) Identification of the veterinarian providing the care.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. (1), (2) (intro.), Register, September, 1994, No. 465, eff. 10-1-94; am. (2) (a) to (o) and (3) (a) to (i); Register, December, 1998, No. 516, eff. 1-1-99; CR 13-031: am. (1), r. and recr. (2) (a) to (p), cr. (2) (q), r. and recr. (3) (a) to (i), r. (3) (j), cr. (4) Register April 2014 No. 700, eff. 5-1-14.

VE 7.04 Change of name and address. Every veterinarian shall notify the board of a change of name or address within 30 days. Failure of notification may result in the loss of license and may result in a forfeiture under s. 440.11 (3), Stats.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

VE 7.05 Display of license. 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.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

VE 7.055 Renewal of license. A license expires if not renewed by January 1 of even-numbered years. A licensee who allows the license to expire may apply to the board for renewal of the license as follows:

(1) If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and fulfillment of the 30 hours of continuing education required under ch. VE 10.

(2) If the licensee applies for renewal of the license 5 or more years after its expiration, in addition to requiring the licensee to pay the renewal fees required under s. 440.08, Stats., and to fulfill the continuing education hours required under ch. VE 10, the board shall inquire as to whether the applicant is competent to practice as a veterinarian in this state and shall impose any reasonable conditions on reinstatement of the license, including reexamination, as the board deems appropriate. An applicant under this subsection is presumed to be competent to practice as a veterinarian in this state if at the time of application for renewal the applicant holds a full unexpired license issued by a similar licensing board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than the requirements for licensure in this state. Notwithstanding any presumption of competency under this subsection, the board shall require each applicant under this subsection to pass the examination specified under s. VE 3.02 (4).

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94; CR 04-125: am. Register August 2005 No. 596, eff. 9-1-05.

VE 7.06 Unprofessional conduct. Unprofessional conduct by a veterinarian is prohibited. Unprofessional conduct includes:

(1) Conduct in the practice of veterinary medicine which evidences a lack of knowledge or ability to apply professional principles or skills.

(2) Fraud, gross negligence or deception in the practice of veterinary medicine.

(3) Being convicted of a crime the circumstances of which substantially relate to the practice of veterinary medicine.

(4) Violating or aiding and abetting the violation of any law or administrative rule or regulation substantially related to the practice of veterinary medicine.

(5) Advertising in a manner which is false, fraudulent, misleading or deceptive, or knowingly maintaining a professional association with another veterinarian or veterinary firm that advertises in a manner which is false, fraudulent, misleading or deceptive.

(6) Having a veterinary license or federal veterinary accreditation limited, suspended or revoked, or having been subject to any other discipline or restriction.

(7) Practicing or attempting to practice, while the veterinarian has a physical or mental impairment, including impairment related to drugs or alcohol which is reasonably related to the applicant's ability to adequately undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public.

(8) The personal use, misuse, or sale, other than for medical treatment of patients, of the drugs listed in the U.S. Controlled Substances Act of 1979, as amended, or ch. 961, Stats., except personal use of drugs prescribed by a physician for individual use by the veterinarian.

(9) Prescribing, ordering, dispensing, administering, supplying, selling or giving of any amphetamine, its salts, isomers and salts of its isomers or related sympathomimetic amine drug designated as a Schedule II drug in ch. 961, Stats., except for the treatment of narcolepsy or hyperkinesis in animals who do not respond to other methods of treatment, or for clinical research of these compounds as approved by the board. A written description of the intended research project proposed shall be filed with the board prior to conducting the research.

(10) Selling veterinary prescription drugs without establishing and maintaining a veterinary-patient-client relationship.

(11) Failure to include on the label of a prescription drug the generic or brand name of the drug dispensed, the name and address of the clinic or veterinarian dispensing the drug, the directions for use and caution statements required by law. In case of companion animals, the prescription shall bear the name or identification of the patient.

(12) Prescribing, ordering, dispensing, administering, supplying, selling or giving any controlled substance solely for training or racing purposes and not for a medically sound reason.

(13) Allowing a veterinary student to treat a patient without the veterinarian giving direct supervision.

(14) Failure of the veterinarian to advise the client that the person assisting is a veterinary student or unlicensed assistant.

(15) Failure to maintain records as required by s. VE 7.03.

(16) Refusal, upon request, to cooperate in a timely manner with the board's investigation of complaints lodged against the veterinarian. Persons taking longer than 30 days to provide requested information shall have the burden of demonstrating that they have acted in a "timely manner."

(17) Failure to keep the veterinary facility and all equipment, including mobile units, in a clean and sanitary condition while practicing as a veterinarian.

(18) Failure of a veterinarian to permit the board or its agents to enter and inspect the veterinarian's practice facilities, vehicle, equipment and records during office hours and other reasonable hours.

(19) Engaging in unsolicited communications to members of the board regarding a matter under investigation by the board other than to the investigative member of the board.

(20) Practicing under an expired license.

(21) Exceeding the scope of veterinary practice, as defined in s. 453.02 (6), Stats., by providing medical treatment to humans or distributing, prescribing or dispensing for human use prescription drugs, as defined in s. 450.01 (20), Stats., or any drug labelled for veterinary or animal use only.

(22) Falsely certifying to the board under s. VE 10.02 (6) that the veterinarian:

(a) Has completed the 30 hours of continuing education required under s. VE 10.02 (1).

(b) Is exempt under s. VE 10.02 (3) from having to complete the 30 hours of continuing education required under s. VE 10.02 (1).

(23) Failure to inform a client prior to treatment of the diagnostic and treatment options consistent with the veterinary profession's standard of care and the associated benefits and risks of those options.

(24) Failure to release a patient's medical records as required by s. 453.075, Stats.

(25) Advertising a specialty or claiming to be a specialist when not a diplomate of a veterinary specialty organization recognized by the American Veterinary Medical Association American Board of Veterinary Specialties (AVMA ABVS) or by a foreign veterinary specialty organization which, in the opinion of the board, is equivalent to an AVMA ABVS recognized veterinary specialty organization.

(26) Failure to provide copies of or information from veterinary records, with or without the client's consent, to the board or to public health, animal health, animal welfare, wildlife or agriculture authorities, employed by federal, state, or local governmental agencies who have a legal or regulatory interest in the contents of said records for the protection of animal or public health.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; cr. (21), Register, September, 1990, No. 417, eff. 10-1-90; cr. (22), Register, February, 1992, No. 434, eff. 3-1-92; am. (6), Register, October, 1993, No. 454, eff. 11-1-93; am. (10), Register, December, 1998, No. 516, eff. 1-1-99; correction in (8) and (9) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1998, No. 516; CR 01-061: am. (14), Register November 2001 No. 551, eff. 12-1-01; CR 04-125: renum. (22) to be (22) (intro.) and am., cr. (22) (a) to (e) Register August 2005 No. 596, eff. 9-1-05; CR 07-051: cr. (23) Register October 2008 No. 634, eff. 11-1-08; CR 12-052: am. (22) (intro.), r. (22) (c) to (e) Register September 2013 No. 693, eff. 10-1-13; CR 13-031: cr. (24) to (26) Register April 2014 No. 700, eff. 5-1-14.

VE 7.07 Board action. The board may reprimand the licensee or deny, suspend, limit or revoke the veterinary license of any person to practice veterinary medicine who engages in any of the acts prohibited by s. VE 7.06.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

Chapter VE 8

CERTIFICATION FOR VETERINARY TECHNICIANS

VE 8.01	Definitions.	VE 8.03	Application procedures for veterinary technician applicants.
VE 8.02	Qualification for certification.	VE 8.04	Certification.

VE 8.01 Definitions. As used in this chapter:

(1) “Board approved technical school or college” means a technical school or college which the board approves at its annual review of technical schools or colleges.

Note: The board shall consider for approval all schools which are accredited or approved by the American veterinary medical association.

(2) “Certificate” means a document issued to a person by the board, after the person has met the requirements of s. 453.06 (3), Stats., signifying that the person has met the statutory requirements to practice veterinary technology in Wisconsin.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. (2), Register, December, 1998, No. 516, eff. 1-1-99.

VE 8.02 Qualification for certification. The board may issue a certificate to practice as a veterinary technician to an applicant who does all of the following:

(1) Meets the age and training requirements of s. 453.06 (3), Stats..

(2) Has passed an examination consisting of a national written examination and an examination on state laws and rules under ch. VE 2. Proof that an applicant has passed the national written examination and the examination on state laws and rules shall be submitted directly to the board by the department’s office of examinations or the interstate reporting service.

(3) Has successfully completed an examination on state laws and rules related to the practice of veterinary technology.

(4) Does not have a conviction record or pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of veterinary technology. An applicant who has a conviction record or pending criminal charge shall request appropriate authorities to provide information directly to the board to enable the board to make its determination.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. Register, December, 1998, No. 516, eff. 1-1-99.

VE 8.03 Application procedures for veterinary technician applicants. (1) An applicant for a veterinary technician certificate shall file a completed application with the board at least 30 days prior to the date of the scheduled examination. All supporting documents shall be in English. An application is not complete until the board receives all of the following:

(a) An application form provided by the board and completed by the applicant which includes the applicant’s notarized signature.

(b) An application fee as determined by the board.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(c) The fees required under s. 440.05 (1), Stats.

Note: A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708.

(d) Verification of licensure records and status which has been sent directly to the board by every state or country in which the applicant has ever held a license or certificate to practice veterinary technology.

(e) A certificate of completion of the 4 semester program in veterinary technology at a board approved technical school or college shall be provided by presentation of certification signed and sealed by the dean of the school submitted directly to the board by the school, or the applicant shall provide evidence of meeting the employment requirement under s. 453.06 (3) (b), Stats.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. (1) (c), Register, June, 1994, No. 462, eff. 7-1-94; am. (1) (intro.), (a), (c), (d) and (e), r. (1) (b), Register, December, 1998, No. 516, eff. 1-1-99.

VE 8.04 Certification. The board shall review its records to determine eligibility of the applicant. Within 30 business days of determining an applicant is eligible for certification, the board shall issue a certificate to the applicant.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

Chapter VE 9

STANDARDS OF PRACTICE AND UNPROFESSIONAL CONDUCT FOR VETERINARY TECHNICIANS

VE 9.01	Prohibited acts.
VE 9.02	Standards of practice.
VE 9.03	Change of name and address.
VE 9.035	Renewal of certification.

VE 9.04	Display of certificate.
VE 9.05	Unprofessional conduct.
VE 9.06	Board action.

VE 9.01 Prohibited acts. The following acts are limited to veterinarians and therefore prohibited for veterinary technicians:

- (1) Diagnosis and prognosis of animal diseases and conditions.
- (2) Prescribing of drugs, medicines, treatments and appliances.
- (3) Performing surgery.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. (intro.), Register, December, 1998, No. 516, eff. 1-1-99.

VE 9.02 Standards of practice. (1) Veterinary technicians may perform delegated veterinary acts as set forth under s. VE 7.02 (3), (4) and (7).

(2) In the performance of delegated veterinary acts a veterinary technician shall:

- (a) Accept only those delegated veterinary acts for which there are mutually approved protocols, written standing orders or verbal directions.
- (b) Accept only those delegated veterinary acts for which the veterinary technician is competent to perform based on education, training or experience.
- (c) Consult with a veterinarian in cases where the veterinary technician knows or should know a delegated veterinary act may harm a patient.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; r. and recr. (1), r. (2) (d), Register, May, 1994, No. 461, eff. 6-1-94; am. (1), Register, December, 1998, No. 516, eff. 1-1-99.

VE 9.03 Change of name and address. Every veterinary technician shall notify the board of a change of name or address within 30 days. Failure of notification may result in the loss of certificate and may result in a fine under s. 440.11 (3), Stats.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am. Register, December, 1998, No. 516, eff. 1-1-99.

VE 9.035 Renewal of certification. A certificate expires if not renewed by January 1 of even-numbered years. A certificate holder who allows the certificate to expire may apply to the board for renewal of the certificate as follows:

- (1) If the certificate holder applies for renewal of the certificate less than 5 years after its expiration, the certificate shall be renewed upon payment of the renewal fee and fulfillment of the 15 hours of continuing education required under ch. VE 10.
- (2) If the certificate holder applies for renewal of the certificate 5 or more years after its expiration, in addition to requiring the certificate holder to pay the renewal fees required under s. 440.08, Stats., and to fulfill the continuing education hours required under ch. VE 10, the board shall inquire as to whether the applicant is competent to practice as a veterinary technician in this state and shall impose any reasonable conditions on renewal of the certificate including reexamination, as the board deems appropriate. An applicant under this subsection is presumed to be competent to practice as a veterinary technician in this state if at the time of application for renewal the applicant

holds a full unexpired certificate issued by a similar licensing board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than the requirements for certification in this state. Notwithstanding any presumptions of competency under this subsection, the board shall require each applicant under this subsection to pass the examination specified under s. VE 8.02 (2) and (3).

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94; am. (2), Register, December, 1998, No. 516, eff. 1-1-99; CR 04-125: am. Register August 2005 No. 596, eff. 9-1-05.

VE 9.04 Display of certificate. Each veterinary technician shall display a current certificate in a manner conspicuous to the public view.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am., Register, December, 1998, No. 516, eff. 1-1-99.

VE 9.05 Unprofessional conduct. The following acts constitute unprofessional conduct by a veterinary technician and are prohibited:

- (1) Performing as a veterinary technician unless supervised as specified under s. VE 7.02 (3), (4) and (7).
- (2) Misrepresentation in obtaining a veterinary technician certificate or in performing as a veterinary technician.
- (3) Conduct in the practice of veterinary technology which evidences a lack of knowledge or ability to apply professional principles or skills.
- (4) Gross negligence while performing as a veterinary technician. Gross negligence shall have the meaning specified in s. VE 7.01 (4).
- (5) The personal use, misuse or sale other than for medical treatment of patients, of drugs listed in the U.S. controlled substances act of 1970, as amended, or ch. 961, Stats., other than drugs prescribed by a physician for use by the veterinary technician.
- (6) Practicing or attempting to practice while the veterinary technician has a physical or mental impairment, including impairment related to drugs or alcohol, which is reasonably related to the applicant's ability to adequately undertake the practice of veterinary technology in a manner consistent with the safety of a patient or the public.
- (7) Being convicted of a crime the circumstances of which substantially relate to the practice of veterinary technology.
- (8) Violating or aiding and abetting the violation of any law or administrative rule substantially related to the practice of veterinary technology.
- (9) Having a veterinary technician certificate limited, suspended or revoked or subject to any other disciplinary action in another state or U.S. jurisdiction.
- (10) Accepting fees for animal health care services from a client.
- (11) Practicing under an expired certificate.
- (12) Falsely certifying to the board under s. VE 10.02 (6) that the veterinary technician:

(a) Has completed the 15 hours of continuing education required under s. VE 10.02 (2).

(b) Is exempt under s. VE 10.02 (3) from having to complete the 15 hours of continuing education required under s. VE 10.02 (2).

(13) Advertising a specialty or claiming to be a specialist when not recognized as such by a veterinary technician specialty academy recognized by the National Association of Veterinary Technicians in America (NAVTA) or by a foreign veterinary technician specialty academy which, in the opinion of the board, is equivalent to a NAVTA recognized veterinary technician specialty academy.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; cr. (12), Regis-

ter, February, 1992, No. 434, eff. 3-1-92; am. (1), Register, May, 1994, No. 461, eff. 6-1-94; am. (intro), (1) to (9) and (12), Register, December, 1998, No. 516, eff. 1-1-99; correction in (5) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 2001, No. 545; CR 04-125: renum. (12) to be (12) (intro.) and am., cr. (12) (a) to (e) Register August 2005 No. 596, eff. 9-1-05; CR 12-052: am. (12) (intro.), r. (12) (c) to (e) Register September 2013 No. 693, eff. 10-1-13; CR 13-031: cr. (13) Register April 2014 No. 700, eff. 5-1-14.

VE 9.06 Board action. The board may reprimand the certificate holder or deny, suspend, limit or revoke the certificate of any person to practice veterinary technology who engages in any of the acts prohibited by this chapter.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; am., Register, December, 1998, No. 516, eff. 1-1-99.

Chapter VE 10

CONTINUING VETERINARY EDUCATION FOR VETERINARIANS
AND VETERINARY TECHNICIANS

VE 10.01 Authority and purpose.
VE 10.02 Continuing education.

VE 10.03 Continuing education programs and courses.

VE 10.01 Authority and purpose. The rules in this chapter are adopted by the veterinary examining board pursuant to the authority delegated by ss. 15.08 (5), 227.11 (2), 453.03 (1), 453.03 (2) and 453.07 (1) (fm), Stats., and shall govern the biennial continuing education, training and certification requirements for veterinarians and veterinary technicians.

History: Cr. Register, February, 1992, No. 434, eff. 3-1-92; am. Register, December, 1998, No. 516, eff. 1-1-99; CR 04-125: am. Register August 2005 No. 596, eff. 9-1-05.

VE 10.02 Continuing education. (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. The 30 hours of continuing education shall include all of the following:

2. At least 25 hours of continuing education that relates to scientific topics pertinent to veterinary medicine.

(b) All 30 continuing education hours in this subsection shall be documented. A minimum of 25 hours of continuing education shall be documented by an approved continuing education provider.

(c) A continuing education hour shall consist of 50 minutes of contact time.

(2) (a) Except as provided in subs. (3) and (4), a veterinary technician shall complete at least 15 hours of continuing education pertinent to veterinary medicine or veterinary technology in each biennial renewal period. The 15 hours of continuing education shall include all of the following:

2. At least 10 hours of continuing education that relates to scientific topics pertinent to veterinary medicine.

(b) All 15 continuing education hours required in this subsection shall be documented. A minimum of 12 hours of continuing education shall be documented by an approved continuing education provider.

(c) A continuing education hour shall consist of 50 minutes of contact time.

Note: A list of approved program providers is contained in s. VE 10.03 (4).

(3) Subsections (1) and (2) do not apply to an applicant who applies to renew a license or certificate that expires on the first expiration date after initial issuance of the license or certificate.

(4) The board may waive the requirements under subs. (1) and (2) if it finds that exceptional circumstances, such as prolonged illness, disability, or other similar circumstances, have prevented an applicant from meeting the requirements.

(5) Continuing education hours shall be completed during the preceding 2-year licensure or certification period.

(6) To obtain credit for completion of continuing education hours, a licensee or certificate holder shall, at the time of each renewal, sign a statement certifying that he or she has completed, during the preceding 2-year licensure or certification period, the continuing education programs required under sub. (1) or (2), as appropriate.

(7) A veterinarian or veterinary technician who fails to complete the continuing education requirements by the renewal date shall not practice as a veterinarian or veterinary technician, as appropriate, until his or her license or certificate is renewed.

(8) For auditing purposes, every veterinarian and veterinary technician shall maintain records of continuing education hours for at least 5 years from the date the certification statement required under sub. (6) is signed. The board may audit for compliance by requiring a veterinarian or veterinary technician to submit evidence of compliance to the board for the biennium immediately preceding the biennium in which the audit is performed. Documentation of completion of continuing education hours shall include one of the following:

(a) A certificate of attendance from an approved course provider.

(b) Complete references from journal articles read.

(c) A grade report or transcript from an accredited college or university.

(d) A copy of a published work authored or co-authored by the licensee or certificate holder.

(e) A copy of a meeting syllabus, announcement, abstract or proceeding for a presentation.

(f) A signed document from an internship or residency institution certifying enrollment in a program.

History: Cr. Register, February, 1992, No. 434, eff. 3-1-92.; am. Register, December, 1998, No. 516, eff. 1-1-99; CR 04-125: r. and recr. Register August 2005 No. 596, eff. 9-1-05; CR 12-052: r. (1) (a) 1., (2) (a) 1. Register September 2013 No. 693, eff. 10-1-13.

VE 10.03 Continuing education programs and courses. (1) CRITERIA FOR PROGRAM AND COURSE APPROVAL. To be approved, a continuing education program or course shall meet the following criteria:

(a) The subject matter of the program or course shall be pertinent to veterinary medicine or veterinary technology.

(b) The program or course sponsor agrees to record registration and furnish a certificate of attendance to each participant.

(2) UNRELATED SUBJECT MATTER. If a continuing education course includes subject matter that is not pertinent to veterinary medicine or veterinary technology, only those portions of the course that relate to veterinary medicine or veterinary technology will qualify as continuing education under this chapter.

(3) MODALITIES AND METHODS OF DELIVERY. Modalities and methods of delivery of continuing education programs acceptable to the board include one or more of the following:

(a) Attendance at a scientific workshop, seminar, or laboratory demonstration pertinent to veterinary medicine or veterinary technology.

(b) Self-study of veterinary medical or other pertinent scientific journals.

(c) Enrollment in graduate or other college level courses pertinent to veterinary medicine or veterinary technology. Credit for qualified courses will be approved on the basis of multiplying each college credit hour by 10.

(d) Enrollment in an internship, residency or certification program approved by a veterinary specialty organization recognized by the AVMA or in an AVMA accredited veterinary school.

(e) Authorship or co-authorship of a published work, such as review articles, abstracts, presentations, proceedings, book chap-

ters, and web-based continuing education materials shall be approved for 5 hours each.

(f) A peer reviewed publication shall be approved for 5 hours.

(g) Development and presentation of research findings, scientific workshops, seminars or laboratory demonstrations pertinent to veterinary medicine or veterinary technology shall be approved for 5 contact hours each.

(h) Up to 15 hours per biennium for veterinarians and up to 8 hours per biennium for veterinary technicians shall be granted for a combination of continuing education hours completed under pars. (e) to (g), provided the continuing education is published or presented under the auspices of a provider approved under sub. (4).

(i) Preparation and successful completion of the examination required for certification to use, handle, distribute and dispose of pesticides shall be approved for one hour.

(j) On-line, video, audio, correspondence courses, or other interactive distance learning courses pertinent to veterinary medicine or veterinary technology, or to employment as a veterinarian or veterinary technician, as appropriate.

(4) APPROVED PROGRAM PROVIDERS. Subject to compliance with the requirements set forth in subs. (1) to (3), the board shall

approve attendance at and completion of one or more continuing education programs approved by any one of the following approved program providers as fulfilling the continuing education hours required under this chapter:

(a) A national, regional, state, or local veterinary medical or veterinary technician association.

(b) A federal or state agency.

(c) An accredited college or university.

(d) An association listed in the AVMA or the National Association of Veterinary Technicians in America directory.

(e) An AVMA accredited veterinary school or veterinary technician program.

(f) A program approved by the American Association of Veterinary State Boards through its Registry of Approved Continuing Education approval program.

(g) A foreign veterinary medical or veterinary technician association, an accredited college or university, or a governmental agency that is, as determined by the board, comparable to a program provider listed under pars. (a) to (f).

History: Cr. Register, February, 1992, No. 434, eff. 3-1-92; am. Register, December, 1998, No 516, eff. 1-1-99; CR 04-125: r. and recr. Register August 2005 No. 596, eff. 9-1-05; CR 07-051: cr. (4) (g) Register October 2008 No. 634, eff. 11-1-08.

CHAPTER 462

RADIOGRAPHERS AND LIMITED X–RAY MACHINE OPERATORS

462.01	Definitions.
462.02	Practice, use of title restricted.
462.03	Issuance of license, permit.
462.04	Prescription or order required.

462.05	Renewal of license, permit.
462.06	Rule making.
462.07	Discipline.

Cross Reference: See also RAD, Wis. adm. code.

462.01 Definitions. In this chapter:

- (1) “Board” means the radiography examining board.
- (2) “Bone densitometry” means the quantitative assessment of bone mass using single or dual energy X–ray absorptiometry.
- (3) “Department” means the department of safety and professional services.
- (4) “Physician” means a person licensed to practice medicine and surgery under s. 448.04 (1) (a), (b), or (bg).
- (5) “Practice of radiography” means the imaging of anatomical structures, produced by the combined application of X–rays to the human body and the application of knowledge in the fields of anatomy, radiographic positioning, and radiographic technique, and knowledge of principles of radiation protection, for the purpose of medical diagnosis except that “practice of radiography” does not include bone densitometry.

History: 2009 a. 106; 2011 a. 32; 2013 a. 240.

462.02 Practice, use of title restricted. (1) (a) Subject to sub. (2), no person may use the title “radiographer,” represent himself or herself as a radiographer, or engage in the practice of radiography, unless the person is granted a license under s. 462.03 (2).

(b) A person who holds a limited X–ray machine operator permit to perform radiography and who does not hold a license under s. 462.03 (2) may not perform radiography except as authorized under the permit. A limited X–ray machine operator permit shall authorize the holder to perform radiography of one or more of the following:

1. The thorax, lungs, and ribs.
2. The upper and lower extremities, including the pectoral girdle but excluding the hip and pelvis.
3. The foot, ankle, and lower leg below the knee.
4. The cervical, thoracic, and lumbar spine.

(2) Subsection (1) does not apply to any of the following:

- (a) A physician.
- (b) A person enrolled as a student in a radiography program approved by the board, if the person is directly supervised by a physician or a person licensed under s. 462.03 (2).
- (c) A chiropractor licensed under s. 446.02 or a person under the direct supervision of such a chiropractor, if the person has successfully completed a course of instruction comprising at least 48 hours of instruction approved by the chiropractic examining board related to X–ray examinations.
- (d) A dentist licensed under s. 447.04 (1), a dental hygienist licensed under s. 447.04 (2), or a person under the direct supervision of a dentist.
- (e) A physician assistant licensed under s. 448.04 (1) (f).
- (f) A podiatrist licensed under s. 448.63 or a person under the direct supervision of such a podiatrist, if the person has successfully completed a course of instruction approved by the podiatrists

affiliated credentialing board related to X–ray examinations under s. 448.695 (3).

History: 2009 a. 106.

462.03 Issuance of license, permit. (1) **GENERAL REQUIREMENTS.** The board may not grant a license or limited X–ray machine operator permit under this section to a person unless all of the following apply:

- (a) The person is at least 18 years of age.
- (b) The person holds a high school diploma or its equivalent, as determined by the board.
- (c) The person pays the initial credential fee determined by the department under s. 440.03 (9) (a).
- (d) The person submits an application on a form provided by the department.
- (e) Subject to ss. 111.321, 111.322, and 111.335, the person does not have an arrest or conviction record.

(2) **LICENSE.** Subject to sub. (1), the board shall grant a license to practice radiography to a person who passes an examination administered by the board and submits evidence satisfactory to the board that the person has completed a course of study in radiography that has been approved by the board or an equivalent course of study, as determined by the board.

(3) **PERMIT.** Subject to sub. (1), the board shall grant a limited X–ray machine operator permit to perform radiography to a person who passes an examination administered by the board and submits evidence satisfactory to the board that the person has completed an appropriate course of study, as determined by the board.

History: 2009 a. 106.

462.04 Prescription or order required. A person who holds a license or limited X–ray machine operator permit under this chapter may not use diagnostic X–ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), or a physician assistant licensed under s. 448.04 (1) (f).

History: 2009 a. 106.

462.05 Renewal of license, permit. (1) The renewal date for licenses and limited X–ray machine operator permits granted under this chapter is specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

(2) (a) A radiographer or limited X–ray machine operator is not eligible for renewal of a license or permit under sub. (1) unless the radiographer or limited X–ray machine operator has complied with the continuing education requirements established by the board under s. 462.06 (1) (c).

462.05 RADIOGRAPHERS AND LIMITED X-RAY OPERATORS

Updated 13–14 Wis. Stats. 2

(b) Paragraph (a) does not apply to a radiographer or limited X-ray machine operator if the radiographer or limited X-ray machine operator is applying for renewal for the first time.

History: 2009 a. 106.

462.06 Rule making. (1) The board shall promulgate rules that do all of the following:

(a) Establish standards for courses of study in radiography. The standards shall be no less stringent than the standards adopted by the Joint Review Committee on Education in Radiologic Technology or a successor organization.

(b) Establish standards for examinations under s. 462.03 (2) and (3). Notwithstanding s. 462.03 (2) and (3), the rules may permit a person to satisfy the examination requirement by providing the board with evidence satisfactory to the board that the person holds a current registration by the American Registry of Radiologic Technologists or a successor organization or is currently licensed to practice radiography in another state with examination standards at least as stringent as those promulgated by the board under this paragraph. The board may adopt a limited scope radiography examination administered by the American Registry of Radiologic Technologists, a successor organization, or other recognized national voluntary credentialing body, if the examination standards are at least as stringent as those adopted by the board under this paragraph.

(c) Establish continuing education standards for renewal of licenses and limited X-ray machine operator permits issued under this chapter. The standards adopted under this paragraph may recognize current certification by the American Registry of Radiologic Technologists or a successor organization as evidence of compliance with the continuing education standards established under this paragraph, if the continuing education requirements for

such certification are no less stringent than those adopted by the board under this paragraph.

(2) The board may promulgate rules that establish a code of ethics for persons who hold a license or limited X-ray machine operator permit under s. 462.03.

History: 2009 a. 106.

462.07 Discipline. (1) Subject to the rules promulgated under s. 440.03 (1), the board may conduct investigations and hearings to determine whether a person has violated this chapter or a rule promulgated under this chapter.

(2) Subject to the rules promulgated under s. 440.03 (1), if a person who applies for or holds a license or limited X-ray machine operator permit under s. 462.03 does any of the following, the board may reprimand the person or deny, limit, suspend, or revoke the person's license or permit:

(a) Makes a material misstatement in an application for a license or permit under s. 462.03 or an application for renewal of a license or permit.

(b) Violates any law of this state or federal law that substantially relates to the practice of radiography, violates this chapter, or violates a rule promulgated under this chapter, including a provision of a code of ethics promulgated under s. 462.06 (2).

(c) Materially assists a person who does not hold a license or permit under s. 462.03 to engage in the practice of radiography.

(d) Advertises, practices, or attempts to practice under another person's name.

(e) Engages in unprofessional conduct, as defined by the board by rule.

(f) Subject to ss. 111.321, 111.322, and 111.335, is arrested for or convicted of an offense the circumstances of which substantially relate to the practice of radiology.

History: 2009 a. 106.

2015 AAVSB Annual Meeting & Conference Agenda and Pre-Conference Schedule

InterContinental Milwaukee, Milwaukee, Wisconsin

September 16-19, 2015

All sessions will be held in the Grand Salon unless otherwise noted.



Wednesday, September 16: Pre-Conference

Noon – 1:00 pm Registration Open (TBD)

Thursday, September 17: Pre-Conference

10:00 am – 4:30 pm Registration Open (Grand Salon Foyer)

Noon – 1:00 pm First-time Attendees and AAVSB Committee Luncheon

1:00 pm – 5:00 pm **Leadership Training**

OR

1:00 pm – 5:00 pm **Administrator’s Training/Forum**

1:00 – 1:30 pm AAVSB Member Services Overview

1:30 – 2:00 pm AAVSB Programs Overview

2:00 – 2:15 pm BREAK

2:15 – 3:00 pm Evaluating Online Continuing Education

Dr. Jim Wilson

3:00 – 3:45 pm Ethics and Boundaries Assessment Services (EBAS)

Dr. Judi Gerstung

3:45 – 4:00 pm BREAK

4:00 – 5:00 pm Administrator’s Forum

6:00 pm Meet in hotel lobby for transportation to the Networking Event

6:30 pm – 9:30 pm Networking Event – Harley-Davidson Museum®

9:30 pm Last transportation back to hotel

Friday, September 18: Annual Meeting & Conference

- 7:00 am – 8:00 am Registration Open (Grand Salon Foyer)
- 7:00 am – 8:00 am Breakfast
- 8:00 am – 8:30 am Welcome
John Lawrence, DVM, AAVSB President, Burnsville, Minnesota
- Welcome to Wisconsin
- Presidential Address and Introduction of the AAVSB Board of Directors and Special Guests
John Lawrence, DVM, AAVSB President, Burnsville, Minnesota
- 8:30 am – 9:15 am Delegate Assembly and CALL TO ORDER
- AAVSB Business Session
- Roll Call
AAVSB Secretary & Executive Director, Kansas City, Missouri
- Treasurer's Report
Mark Olson, DVM, AAVSB Treasurer, Hoxie, Kansas
- Nominating Committee Report
Nicole Oria, Nominating Committee Chair, Austin, Texas
- Bylaws & Resolution Committee Report
Randall Feld, DVM, Bylaws & Resolution Committee Chair
- 9:15 – 9:45 am BREAK
- 9:45 – 11:30 am AAVSB Program Reports
- 11:30 am – 12:00 pm NAVLE Report
NBVME Representative for the AAVSB
- 12:00 – 1:00 pm Lunch
- 1:00 – 2:00 pm Facility Inspection System
Leslie Knachel, Executive Director of the Virginia Board of Veterinary Medicine
- 2:00 – 2:30 pm BREAK
- 2:30 – 3:30 pm Occupational Licensure
Barbara Safriet, J.D., LL.M., Professor of Law
- 3:30 – 4:00 pm FDA Veterinary Feed Directive Update
Mike Murphy, DVM, JD, PhD, Veterinary Medical Officer, Food and Drug Administration
- 4:00 – 4:30 pm Nominee Introductions
- 4:30 RECESS
- 4:30 – 5:00 pm Informal Meet & Greet with the Nominees

Saturday, September 19: Annual Meeting & Conference

7:00 – 8:00 am	Breakfast
8:00 – 9:15 am	Delegate Assembly and CALL TO ORDER <u>AAVSB Business Session</u> Roll Call <i>AAVSB Secretary & Executive Director</i> Election Proposed Bylaws Amendments Discussion and Vote
9:15 – 9:45 am	BREAK
9:45 – 10:45 am	Background of the Supreme Court Decision on the North Carolina Dental Board Case <i>Jack Nichols, Attorney</i>
10:45 – 11:45 am	Update on Effects of Supreme Court Decision on the North Carolina Dental Board Case <i>Jennifer Semko, Attorney</i>
11:45 – 1:00 pm	Lunch
1:00 – 2:00 pm	Prescription Monitoring Program <i>Barbara Carter, Manager, Minnesota Prescription Monitoring Program</i>
2:00 – 2:15 pm	BREAK
2:15 – 3:45 pm	Top Legal Cases <i>Dale Atkinson, JD, AAVSB Legal Counsel</i>
3:45 – 4:00 pm	Open Forum
4:00 – 4:15 pm	Installation of Officers
4:15 pm	ADJOURNMENT
4:15 – 5:00 pm	Closing Networking Reception