

**RULES  
OF  
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-01  
GENERAL RULES GOVERNING VETERINARIANS**

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**1730-01-.01 DEFINITIONS.** As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

- (1) Acupuncture - The insertion of needles into the body of an animal, which may then be twirled, electrically stimulated, or warmed, in an effort to treat, correct, change, alleviate or prevent animal disease, illness, pain, defect, injury, or other physical or mental condition.
- (2) Advertisement - Information communicated to the public, in any manner, designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
- (3) Advertising - Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individuals, radio, video, television broadcasting, electronic communication, or any other means designed to secure public attention.
- (4) Anesthesiology - The branch of veterinary medicine which involves inducing a state of unconsciousness in an animal for the purpose of treating and/or preventing pain and/or distress in the animal.
- (5) Applicant - Any individual requesting licensure by the board by submitting a completed application and application fee.
- (6) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (7) Behavioral Medicine - The branch of veterinary medicine that involves diagnosing animal behavioral conditions and treating those behavioral conditions by prescribing or administering any drug, medicine, biologic, or other therapeutic or diagnostic substance.

(Rule 1730-01-.01, continued)

- (8) Board - The Tennessee Board of Veterinary Medical Examiners.
- (9) Cardiology - The branch of veterinary medicine that deals with the diagnosis and treatment of diseases or conditions that affect an animal heart and its functions.
- (10) Castration - The removal of the testicles of a male by surgical, chemical, or other means.
- (11) Chiropractic Therapy - The manipulation and treatment of the structures of the animal body, especially those of the spinal column, for the treatment, correction, alleviation or prevention of any animal disease, illness, pain, deformity, defect, injury or other physical condition.
- (12) Client - The patient's owner, owner's agent, or other person responsible for the patient.
- (13) Collection of Blood - The act of removing the fluid that circulates through an animal's heart, arteries, capillaries, and veins for the purpose of analyzing such fluid for diagnostic, therapeutic, or other treatment purposes.
- (14) Consultation - Shall have the meaning as established in T.C.A. § 63-12-103(6).
- (15) Dentistry - The branch of veterinary medicine that deals with an animal's teeth, oral cavity, and associated parts, including the diagnosis and treatment of their diseases and the restoration of defective or missing tissue.
- (16) Department - Tennessee Department of Health.
- (17) Dermatology - The branch of veterinary medicine that deals with the diagnosis and treatment of diseases that affect animal skin.
- (18) Discounted Fee - A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge are not considered to be offered at a "discounted fee."
- (19) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.
- (20) Floating - The rasping or cutting of enamel points from the cheek teeth of an equine.
- (21) House Call - A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client's residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations.
- (22) Infertility - Inability to produce offspring; sterility.
- (23) Laser Therapy - The use of intense beams of light to treat, correct, change, alleviate or prevent animal disease, illness, pain, deformity, defect, injury or other physical, dental, or mental conditions.
- (24) Licensee - Any person that has been lawfully issued a license to practice veterinary medicine or as a veterinary technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced in the State of Tennessee.

(Rule 1730-01-.01, continued)

- (25) **Massage** - The systematic therapeutic friction, stroking, and kneading of the animal body for the treatment, correction, alleviation or prevention of any animal disease, illness, pain, deformity, defect, injury, or other physical or mental conditions.
- (26) **Material Fact** – Any fact which an ordinary, reasonable, and prudent person would rely upon in making an informed decision on which veterinarian or veterinary facility to choose.
- (27) **Neuter** – The removal of an animal's reproductive organs.
- (28) **Obstetrics** – The branch of veterinary medicine that deals with the management of pregnancy and labor in animals as well as the management and treatment of sterility or infertility.
- (29) **Oncology** – The branch of veterinary medicine that deals with the diagnosis and treatment of animal tumors and cancer.
- (30) **Ophthalmology** – The branch of veterinary medicine that deals with the diagnosis and treatment of the animal eye and its diseases.
- (31) **Patient** – An animal that is examined or treated by a veterinarian.
- (32) **Premises** – Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (33) **Premises Owner** – Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, holding title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (34) **Premises Permit** – A permit issued by the Board to operate a veterinary medicine facility when the premises meet minimum standards established by the Board.
- (35) **Public Rabies Vaccination Clinic** – A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, under the local health department's ordinances and regulations.
- (36) **Radiology** – The branch of veterinary medicine that deals with the use of radiant energy in the diagnosis and treatment of disease in animals.
- (37) **Retail Establishment** – Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.
- (38) **Spay** – The surgical removal of the ovaries or ovaries and uterus from a female animal.
- (39) **Sterility** – Inability to produce offspring.
- (40) **Supervising Veterinarian** – A person who is validly and currently licensed to practice veterinary medicine in Tennessee, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and is responsible for the supervision of a temporary licensee, veterinary student intern, employee, or consulting veterinarian.
- (41) **Surgery** – The art, practice, or work of treating disease, injuries, deformities, or conditions by manual or operative procedures. The castrating or dehorning of any wild or domestic animal is not considered veterinary surgery.

(Rule 1730-01-.01, continued)

- (42) Ultrasound – The application of ultrasonic waves for the purpose of diagnosing or treating an animal.
- (43) Veterinarian-client-patient relationship (VCPR) has the same meaning as established by T.C.A. § 63-12-103(17).
- (44) Veterinary Facility has the same meaning as established by T.C.A. § 63-12-103(18).
- (45) Veterinary Practice means:
  - (a) Large Animal Practice – A practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as “large animal” by the Board.
  - (b) Small Animal Practice – A practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as “small animal” by the Board.
  - (c) Mixed Animal Practice – A practice in which both large and small animals are seen or treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.
- (46) Veterinary Rehabilitative Therapy – Therapeutic or rehabilitative interventions that are used to treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical conditions for the purpose of physical rehabilitation.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-102, 63-12-103, 63-12-105, 63-12-106, and 63-12-133.

**Administrative History:** Original rule filed November 22, 1978; effective January 8, 1979. Amendment filed August 21, 1984; effective September 20, 1984. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed October 18, 2004; effective January 1, 2005. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

#### **1730-01-.02 BRANCHES OF VETERINARY MEDICINE AND TREATMENT METHODS.**

- (1) In addition to veterinary surgery, obstetrics, and dentistry, other branches of veterinary medicine include, but are not limited to, the following: anesthesiology, behavioral medicine, cardiology, dermatology, oncology, ophthalmology, and radiology.
- (2) In addition to the specific methods, therapies, and procedures named in T.C.A. § 63-12-103(10) the practice of veterinary medicine includes, but is not limited to, the following: acupuncture, chiropractic therapy, laser therapy, massage therapy, veterinary rehabilitative therapy, and ultrasound.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-102, 63-12-103, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed October 3, 2005; effective December 17, 2005. Amendment filed May 23, 2014; effective August 21, 2014.

**1730-01-.03 ACCEPTED LIVESTOCK MANAGEMENT PRACTICES.** In addition to any specific exemptions listed in T.C.A. § 63-12-103(10) or T.C.A. § 63-12-133, the following does not constitute the practice of veterinary medicine.

- (1) An individual may perform the following services to livestock of the equine species:

(Rule 1730-01-.03, continued)

- (a) Administer any over the counter drug, medicine or biologic.
  - (b) Administer a prescription drug or biologic, including intra-uterine administration, under the direction of a licensed veterinarian in the context of a valid veterinarian-client-patient relationship.
  - (c) Perform any manual or mechanical procedure for artificial insemination.
- (2) An individual may perform the following services to livestock other than the equine species:
- (a) Administer any over-the-counter drug, medicine or biologic.
  - (b) Use any manual or mechanical procedure for artificial insemination.
  - (c) Implant frozen embryos.
  - (d) De-worm.
  - (e) Implant commercially available growth promotants.
  - (f) Clip needle teeth.
  - (g) Feed commercially available medicated feed.
  - (h) Administer prescription drugs, medicine, or biologics, under the direction of a licensed veterinarian in the context of a valid veterinarian-client-patient relationship.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-102, 63-12-103, 63-12-105, 63-12-106, and 63-12-133.

**Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

**1730-01-.04 QUALIFICATIONS FOR LICENSURE.** To be eligible for licensure as a veterinarian, an applicant must meet all of the following qualifications and follow the procedures listed in Rule 1730-01-.05.

- (1) Veterinarian by Examination
  - (a) Submit a written application in the form determined by the Board.
  - (b) Graduate and receive a doctorate degree from a school or college of veterinary medicine approved by the Board.
  - (c) Pass the North American Veterinary Licensing Exam (NAVLE) within the past five (5) years preceding application.
  - (d) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.
  - (e) Pay the required fees set forth in Rule 1730-01-.06.
- (2) Veterinarian by Reciprocity
  - (a) Submit a written application in the form determined by the Board.

(Rule 1730-01-.04, continued)

- (b) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.
  - (c) Provide proof of initial licensure by examination and proof that such license is in good standing.
  - (d) Provide proof that any other veterinary licenses granted by any other states, privileges or certifications have not been disciplined or restricted for any reason. The Board shall have the discretion to assess the magnitude of any disciplinary action to determine the licensure eligibility of the applicant.
  - (e) Provide proof of having engaged in active veterinary practice for three (3) of the five (5) years preceding application. "Active veterinary practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. § 63-12-103(10) for an average of twenty-five (25) hours per week in another state or jurisdiction. The Board may consider a waiver upon request.
    - 1. The Board may grant a waiver pertaining to the number of years and average weekly hours of active practice.
    - 2. Waivers will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
  - (f) Provide proof of completion of a minimum of sixty (60) hours of continuing education in the five (5) years preceding application. Forty-five (45) hours must pertain to the medical and surgical care of animals. Fifteen (15) hours may pertain to a special interest in veterinary medicine in fields other than the medical and surgical care of animals, including but not limited to practice management and state and federal regulatory programs. A maximum of thirty (30) hours may be obtained in a multi-media format as set forth in Rule 1730-01-.12(3)(d)(2).
    - 1. The Board may grant a waiver of the need to attend and complete the required hours of continuing education.
    - 2. Waivers will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
  - (g) Pay the required fees set forth in Rule 1730-01-.06.
- (3) Foreign Graduates. In addition to meeting the prerequisites outlined in Rule 1730-01-.04(1) or (2) graduates from a Foreign Veterinary Medical School must:
- (a) Be certified by
    - 1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or
    - 2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or

(Rule 1730-01-.04, continued)

3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE;  
and
- (b) Be a graduate from a veterinary school approved by the American Veterinary Medical Association or the Board; and
- (c) Provide an official copy of grades and curriculum, translated if not in English. The original document and the translation must be certified as authentic by the issuing source.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed November 2, 2005; effective January 16, 2006. Amendments filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

#### 1730-01-.05 PROCEDURES FOR LICENSURE.

- (1) Veterinarian by Examination
  - (a) An applicant shall obtain an application from the Board's administrative office, and respond truthfully and completely to every question or request for information.
  - (b) Applications for licensure must be submitted to the Board's administrative office in accordance with the National Board of Veterinary Medical Examiners (NBVME) deadline.
  - (c) An applicant shall pay, at the time of application, the non-refundable application fee and the State Regulatory fee as provided in Rule 1730-01-.06.
  - (d) An applicant shall submit with his/her application two recent photographs, one signed and notarized.
  - (e) An applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's administrative office. The transcript must show that the degree has been conferred and carry the official seal of the institution.
  - (f) An applicant shall pass the North American Veterinary Licensing Examination (NAVLE) within the five (5) years preceding licensure application. Official scores shall be submitted to the Board's administrative office directly from American Association of Veterinary State Boards (AAVSB).
  - (g) An applicant shall disclose the circumstances surrounding any of the following:
    1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
    2. Denial of a licensure application or the discipline of a license by any other state.
    3. Loss or restriction of certification, licensure privileges, state or federal accreditation.

(Rule 1730-01-.05, continued)

4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
  - (h) An applicant shall cause to be submitted to the Board's administrative office, directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
  - (i) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
  - (j) Where necessary, all required documents shall be translated in English. The original document and the translation must be certified as authentic by the issuing source.
  - (k) Application review and licensure decisions are governed by Rule 1730-01-.07.
  - (l) If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.
- (2) Veterinarian by Reciprocity. The Board may grant full licensure by reciprocity to veterinarians licensed in another state. The process for obtaining a license by reciprocity is as follows:
  - (a) An applicant shall obtain an application form from the Board's administrative office and respond truthfully and completely to every question or request for information.
  - (b) An applicant shall submit proof of successful completion of the North American Veterinary Licensing Exam (NAVLE) or the National Board Examination and Clinical Competency Test, with official scores submitted to the Board's administrative office directly from American Association of Veterinary State Boards (AAVSB).
  - (c) An applicant shall pay, at the time of application, the non-refundable application, reciprocity, and State Regulatory fees as provided in Rule 1730-01-.06.
  - (d) An applicant shall submit with his or her application two recent photographs, one signed and notarized.
  - (e) An applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's administrative office. The transcript must show that the degree has been conferred and carry the official seal of the institution.
  - (f) An applicant shall disclose the circumstances surrounding any of the following:
    1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
    2. Denial of licensure application or the discipline of a license by any other state.
    3. Loss or restriction of certification or licensure privileges or state or federal accreditation.



(Rule 1730-01-.05, continued)

4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
  - (g) An applicant shall cause to be submitted to the Board's administrative office, directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
  - (h) An applicant shall submit proof of United States or Canadian citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
  - (i) Where necessary, all required documents shall be translated into English. The original document and the translation must be certified as authentic by the issuing source.
  - (j) Application review and licensure decisions are governed by Rule 1730-01-.07.
  - (k) If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.
  - (l) An applicant for licensure by reciprocity shall furnish an affidavit or other proof that he or she has engaged actively in the practice of veterinary medicine for three (3) of the five (5) years preceding licensure application for an average of at least twenty-five (25) hours per week in another state or jurisdiction.
  - (m) An applicant for licensure by reciprocity shall furnish independent documentation of attendance and completion of all continuing education courses as required under Rule 1730-01-.04(2)(f).
- (3) Foreign Graduates. In addition to meeting the prerequisites outlined in Rule 1730-01-.04(1) or (2), graduates from a Foreign Veterinary Medical School must:
  - (a) Be certified by
    1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or
    2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or
    3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE; and
  - (b) Be a graduate from a veterinary school approved by the American Veterinary Medical Association or the Board; and
  - (c) Provide an official copy of grades and curriculum, translated if not in English. The original document and the translation must be certified as authentic by the issuing source.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004.

(Rule 1730-01-.05, continued)

*Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed March 14, 2006; effective May 28, 2006. Amendments filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.*

### **1730-01-.06 FEES.**

- (1) The fees are as follows:
- (a) Application Fee - A non-refundable fee to be paid by all applicants including those seeking licensure by reciprocity. It must be paid each time an application for licensure is filed.
  - (b) Endorsement/Verification - Endorsement of licensure to state licensing boards and government agencies will be provided at no charge on behalf of the licensee. A non-refundable fee is to be paid for each verification of licensure to anyone other than a state licensing board or government agency.
  - (c) Late Renewal Fee - A non-refundable fee to be paid when an individual fails to timely renew a license.
  - (d) License Renewal Fee - A non-refundable fee to be paid by all licensees. This fee also applies to individuals who reactivate a retired or lapsed license.
  - (e) Reciprocity License Fee - A non-refundable fee to be paid at the time of application for licensure.
  - (f) Replacement License or Renewal Certificate Fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" license or renewal certificate.
  - (g) State Regulatory Fee - To be paid by all individuals at the time of application and with all renewal applications.
  - (h) Temporary License Fee - A non-refundable fee to be paid each time an application for a temporary license is filed.
- (2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.
- (3) Fee Schedule:
- |  | Amount    |
|--|-----------|
| (a) Application                                    | \$ 125.00 |
| (b) Endorsement/Verification                       | 20.00     |
| (c) Late Renewal                                   | 80.00     |
| (d) Renewal (biennial)                             | 360.00    |
| (e) Reciprocity License Fee                        | 150.00    |
| (f) Replacement License or Renewal Certificate Fee | 25.00     |
| (g) State Regulatory Fee (biennial)                | 10.00     |
| (h) Temporary License                              | 25.00     |

(Rule 1730-01-.06, continued)

- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 4-32-1011, 63-1-106, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, 63-12-121, and 63-23-123. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed December 18, 1995; effective March 1, 1996. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed March 14, 2006; effective May 28, 2006.

### **1730-01-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS.**

- (1) Applications for licensure are accepted throughout the year.
- (2) Initial review of all applications to determine whether the application file is complete may be delegated by the Board to the Board's Executive Director, provided that final approval of all applications is made and ratified by the Board.
- (3) If an application is incomplete when reviewed by the Board or the Board's Executive Director, a deficiency letter will be sent to notify the applicant of the deficiency.
  - (a) For an applicant who has completed the requirements for licensure, all documentation must be received within sixty (60) days of mailing of the deficiency notification. Otherwise, the application shall be closed and the applicant may reapply.
  - (b) After an application file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.
- (4) For an applicant who has not passed the National Board Examination (NAVLE), the file will remain open until the applicant has had the opportunity to take the NAVLE three (3) times. At that time, the file will be closed and the applicant notified.
- (5) If a complete application has been denied and ratified as such by the Board, the action shall become final and a notification of the denial shall be sent by the Board's administrative office via certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all of the specific statutory or rule authorities for the denial.
  - (a) The denial notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Uniform Administrative Procedures Act (T.C.A. § 4-5-101 to -404) to contest the denial.
  - (b) An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.
  - (c) An applicant will not be granted a contested case hearing if the licensure denial was based on objective, clearly-defined criteria, unless the reasons for continued denial present a genuine issue of material fact or law that is appropriate for appeal. A request for

(Rule 1730-01-.07, continued)

appeal must be made in writing to the Board within 30 days of receipt of the denial notification from the Board.

- (6) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination. If the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.
- (7) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.
- (8) Abandonment of Application
  - (a) The Board's Executive Director will deem an application "abandoned" if:
    1. The application has not been completed by the applicant within 18 months after it was initially reviewed by the Board; or
    2. An applicant fails to sit for a scheduled examination within twelve (12) months after being notified of eligibility.
  - (b) Written notification of abandonment will be mailed to the applicant and the application file will be closed.
  - (c) An application submitted after the abandonment of a prior application shall be treated as a new application.
- (9) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or a Board's designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-142, 63-12-105, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendments filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

#### **1730-01-.08 EXAMINATIONS.**

- (1) An individual seeking licensure shall be required to pass the examination as stated in paragraph (2), or pass the examinations referred to in paragraphs (3) and (4) below.
- (2) North American Veterinary Licensing Examination (NAVLE)
  - (a) The Board adopts the NAVLE as its state and national examinations under T.C.A. § 63-12-115.
  - (b) This examination is developed by and administered under the direction of the National Board of Veterinary Medical Examiners (NBVME).
  - (c) The Board adopts the NBVME's determination of the passing score for the examination.

(Rule 1730-01-.08, continued)

- (d) All examination applications and fees for the NAVLE shall be sent directly to the NBVME.
  - (e) An applicant for licensure by examination must provide proof of passing the NAVLE no more than five (5) years before the date of submission of the application for licensure by examination.
- (3) National Board Examination (NBE)
- (a) This examination was administered under the direction of the National Board Examination Committee.
  - (b) The Board adopts the passing grade established by the National Board Examination Committee.
- (4) Clinical Competency Test (CCT)
- (a) This examination was administered under the direction of the National Board Examination Committee.
  - (b) The Board adopts the passing grade established by the National Board Examination Committee.
- (5) Official scores from the NAVLE, NBE, or CCT must be submitted to the Board's administrative office directly from the American Association of Veterinary State Boards (AAVSB).

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

#### 1730-01-.09 RENEWAL OF LICENSE.

- (1) Renewal Application
- (a) The due date for license renewal is the last day of the month of the license period pursuant to the Division's biennial renewal system.
  - (b) Methods of Renewal
    - 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:  

<https://apps.tn.gov/hlrs/>
    - 2. Paper Renewals - For individuals who have not renewed their license online via the Internet, a renewal application form will be mailed to each individual licensed by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.
  - (c) To be eligible for renewal, an individual must have completed continuing education requirements provided in Rule 1730-01-.12 and submit to the Division of Health Related Boards on or before the expiration date all of the following:

(Rule 1730-01-.09, continued)

1. A completed Board renewal application form; and
  2. The renewal and state regulatory fees as provided in Rule 1730-01-.06.
- (d) Anyone submitting a renewal form or letter which is found to be untrue may be subjecting himself to disciplinary action as provided in Rule 1730-01-.15.
- (e) Licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses processed in accordance with rule 1200-10-01-.10.
- (2) Reinstatement of an Expired License
- (a) Reinstatement of a license that has expired may be accomplished upon meeting the following conditions:
1. Payment of all past due renewal and state regulatory fees,
  2. Payment of the late renewal fee provided in Rule 1730-01-.06; and
  3. Compliance with continuing education requirement pursuant to Rule 1730-01-.12.
- (b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-107, 63-12-105, 63-12-106, 63-12-107, 63-12-119, 63-12-120, 63-12-121, 63-12-122, 63-12-124, and 63-12-128. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 25, 2003; effective September 8, 2003.

#### **1730-01-.10 SUPERVISION.**

- (1) A veterinarian with a temporary license must be under the responsible supervision of a Tennessee-licensed veterinarian.
- (2) No veterinary technician, veterinary student intern, or employee shall provide any professional services as covered by these rules without the responsible supervision of a licensed veterinarian, except that an employee of the veterinarian may be permitted to float teeth using non-motorized equipment without the physical presence of a licensed veterinarian as long as the employee is functioning under the supervision, control, and responsibility of the licensed veterinarian within the context of a valid veterinarian-client-patient relationship.
- (3) A supervising veterinarian must provide responsible supervision to a consulting veterinarian.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-103, 63-12-106, 63-12-113, 63-12-119, 63-12-124, 63-12-128, 63-12-119, 63-12-133, and 63-12-135. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed May 23, 2014; effective August 21, 2014.

#### **1730-01-.11 RETIREMENT AND REACTIVATION OF LICENSE.**

- (1) In order to retire a license, the licensee shall complete an Affidavit of Retirement on the form furnished by the Board's administrative office.
- (2) If a licensee wishes to reactivate a Tennessee license after actively practicing veterinary medicine in another state, then the licensee must show the following:

(Rule 1730-01-.11, continued)

- (a) Evidence of continuous practice in another state or jurisdiction during the period of retirement of the Tennessee license;
  - (b) Evidence of good standing in the other state or jurisdiction; and
  - (c) Evidence of having completed continuing education courses equal to the number of hours required by the Board during the period of retirement, with a maximum requirement of eighty (80) hours.
- (3) Veterinarians who have not engaged in continuous practice during the period of retirement must appear before the Board for an interview and at that time show evidence of having completed continuing education equal to the number of hours required by the Board during the period of retirement, with a maximum requirement of eighty (80) hours.
- (4) Licensure reactivation applications shall be treated as licensure applications. The Board's review and decisions required by this Rule shall be governed by Rule 1730-01-.07.
- (5) If reactivation is requested within one (1) year from the date of retirement, the Board will require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-01-.06.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-120, and 63-12-121. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 2, 2005; effective January 16, 2006. Amendment filed May 23, 2014; effective August 21, 2014.

#### 1730-01-.12 CONTINUING EDUCATION.

- (1) Hours Required
- (a) In order to renew a license, the licensee must obtain twenty (20) hours of continuing education each calendar year. Fifteen (15) hours must pertain to the medical and surgical care of animals. Five (5) hours may pertain to a special interest in veterinary medicine in fields other than the medical and surgical care of animals, including but not limited to practice management and state and federal regulatory programs. A maximum of ten (10) hours may be obtained in a multi-media format as defined in part (3)(d)2 of this rule.
  - (b) For every two-year period, two (2) of the required hours must pertain to regulatory issues, controlled substances, or professional ethics.
  - (c) A licensee is exempt from continuing education requirements during the calendar year of the licensee's graduation from an approved school or college of veterinary medicine.
  - (d) The Board approves courses for only the number of hours contained in the course. A licensee will not receive credit for repeating the same course in a calendar year.
- (2) Proof of Compliance
- (a) The due date for attendance and completion of the required continuing education hours is December 31 of each year. Each veterinarian must attest, on a Board provided form, to attendance and completion of the required continuing education hours and that such hours were obtained during the preceding calendar year.

(Rule 1730-01-.12, continued)

- (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except for multi-media courses, the licensee must be physically present at these continuing education meetings.
  - (c) Each veterinarian must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board during its verification process.
- (3) Course Approval
- (a) Courses to be offered for credit toward the required continuing education hours must receive approval from the Board, except as provided in subparagraph (e) of this rule.
  - (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except as provided in part (3)(d)2, the licensee must be physically present at these continuing education meetings and will be required to attest, at the time of renewal, that the requirement has been met.
  - (c) Approval may be obtained by submitting the following information to the Board's administrative office at least thirty (30) days before the scheduled date of the course.
    - 1. A course description or outline;
    - 2. Names of all speakers and sponsors;
    - 3. Number of hours of educational credit requested; and
    - 4. Date of course.
  - (d) Continuing education courses may be presented in any of the following formats:
    - 1. Lecture.
    - 2. Multi-Media – With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit. Multi-Media courses may include courses using:
      - (i) The Internet
      - (ii) Closed circuit television
      - (iii) Satellite broadcasts
      - (iv) Correspondence courses
      - (v) Videotapes
      - (vi) CD-ROM
      - (vii) DVD
      - (viii) Teleconferencing
      - (ix) Videoconferencing



(Rule 1730-01-.12, continued)

- (x) Distance learning
- (e) The following courses need not receive approval and constitute Board approved continuing education courses:
  - 1. Courses sponsored or approved by any of the following organizations:
    - American Animal Hospital Association
    - American Association for Wildlife Veterinarians
    - American Association for Women Veterinarians
    - American Association of Avian Pathologists
    - American Association of Bovine Practitioners
    - American Association of Equine Practitioners
    - American Association of Sheep and Goat Practitioners
    - American Association of Swine Practitioners
    - American Association of Veterinary Clinicians
    - American Association of Veterinary Parasitologists
    - American College of Veterinary Toxicologists
    - American College of Laboratory Animal Medicine
    - American College of Poultry Veterinarians
    - American College of Theriogenologists
    - American College of Veterinary Internal Medicine
    - American Dairy Science Association
    - American Society of Animal Scientists
    - American Society for Veterinary Clinical Pathology
    - American Society of Veterinary Ophthalmology
    - American Veterinary Epidemiology Society
  - 2. Educational courses sponsored by an accredited school of veterinary medicine or AVMA-recognized veterinary specialty organization. A course taken for or assigned three (3) semester credit hours or equivalent quarter credit hours counts as fifteen (15) continuing education hours. No credits will be counted for courses failed.
  - 3. Courses and programs approved by the Registry of Approved Continuing Education (RACE), which is the American Association of Veterinary State Boards' national clearinghouse for approval of continuing education.
  - 4. Educational programs dealing with the practice of veterinary medicine provided by any local, state, regional, national or international veterinary associations, Board-certified specialties recognized by the American Veterinary Medical Association (AVMA), schools or colleges of veterinary medicine accredited by the AVMA, and the United States Department of Agriculture; and any program approved by another state veterinary board.
- (4) Waiver or Extension of Continuing Education
  - (a) The Board may grant a waiver or extension of the need to attend and complete the required hours of continuing education.
  - (b) Waivers or extensions will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
  - (c) A waiver or extension approved by the Board is effective for only the calendar year for which the waiver is sought unless otherwise specified in writing by the Board.

(Rule 1730-01-.12, continued)

- (5) Continuing Education for Reactivation of a Retired License
  - (a) Any veterinarian who applies for reactivation of a retired license must attest to having completed Board approved continuing education credit equal to that required by this rule, with a maximum requirement of eighty (80) hours.
  - (b) Any continuing education hours obtained as a prerequisite for licensure reactivation shall not count toward the continuing education hours required to be obtained before the end of the calendar year of reactivation.
  - (c) The Board, upon receipt of a written request and explanation, may waive any or all of the continuing education for reactivation of a retired license.
- (6) Violations
  - (a) Any veterinarian who falsely attests to the attendance and completion of the required continuing education hours or fails to obtain the required continuing education hours may be subject to discipline by the Board pursuant to T.C.A. §63-12-124(a)(1), (2), (4), (12), or (14).
  - (b) Education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not count toward the continuing education hours a licensee must obtain each calendar year.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-120, 63-12-121, 63-12-122, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed June 25, 2007; effective September 9, 2007. Amendment filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

**1730-01-.13 UNPROFESSIONAL CONDUCT.** Unprofessional conduct includes but is not limited to the following:

- (1) Failure to maintain a record for each companion animal which accurately reflects the veterinary problems and interventions.
- (2) Being under the influence of alcoholic beverages or illegal drugs while on duty in any animal health care facility, institution or other work place location.
- (3) Impersonating another licensed practitioner.
- (4) Practicing veterinary medicine in this state on an expired, retired, suspended, or revoked license or beyond the period of a valid temporary license.
- (5) Failing to responsibly supervise persons to whom veterinary functions are delegated or assigned.
- (6) Revealing without written permission knowledge obtained in a professional capacity about animals or owners, except:
  - (a) When the information is requested during a formal investigation by representatives of the State of Tennessee or other law enforcement agencies;

(Rule 1730-01-.13, continued)

- (b) When required to do so by a court of law; or
  - (c) When required by law to report to state or federal agencies.
- (7) Failure to cooperate with authorities investigating incompetent, unethical or illegal practices of another individual.
  - (8) Performing veterinary techniques or procedures without proper education.
  - (9) Engaging in acts of dishonesty which relate to the practice of veterinary medicine.
  - (10) Treating, professing to treat, or issuing any pharmaceutical to any human.
  - (11) Practicing in a facility without a premises permit.
  - (12) Practicing veterinary medicine in a setting not specifically authorized or designated by T.C.A. § 63-12-103.
  - (13) Violation of any lawful order of the Board.
  - (14) Violation of the provisions of the Non-Livestock Animal Humane Death Act, codified at T.C.A. §§ 44-17-301 to -304, while performing euthanasia in a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-103, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-129. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed October 18, 2004; effective January 1, 2005. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

#### **1730-01-.14 TEMPORARY LICENSE.**

- (1) Veterinarian by Examination.
  - (a) An applicant who is a graduate of a school or college of veterinary medicine that is approved by the board and who meets all the qualifications and requirements for a Tennessee veterinary license may also file an application for a temporary license.
  - (b) Unless the Board revokes the temporary license, the temporary license shall expire thirty (30) days after the date of the next scheduled examination.
  - (c) If a holder of a temporary license does not report, without prior notice in writing, to take the next scheduled examination, the temporary license expires on the date of the examination.
  - (d) If a holder of a temporary license fails the examination, he may file an application for another temporary license and pay the fee pursuant to Rule 1730-01-.06.
  - (e) No individual shall be issued more than three (3) temporary licenses under this section.
- (2) Veterinarian by Reciprocity.

(Rule 1730-01-.14, continued)

- (a) An applicant who is a licensed veterinarian according to the laws of another state and who meets all other qualifications for licensure may also file an application for a temporary license.
- (b) The temporary license shall expire upon the Board's ruling on the application for licensure.
- (3) Foreign graduates.
  - (a) An applicant who is a graduate of a non-accredited or non-approved college of veterinary medicine and who satisfactorily completed the fourth (4th) year of clinical study at an accredited or approved college of veterinary medicine may also file an application for a temporary license.
  - (b) The veterinarian shall have passed the examinations as provided in Rule 1730-01-.08.
  - (c) The veterinarian shall be currently seeking certification from:
    1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or
    2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or
    3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE.
  - (d) The temporary license is valid until the veterinarian obtains ECFVG certification, PAVE certification, or certification from an agency deemed by the Board to be equivalent to ECFVG or PAVE.
  - (e) A temporary license issued pursuant to this section shall not be valid for more than a maximum of eighteen (18) months from the date the temporary license is issued.
- (4) The application for temporary license must be completed and signed by the supervising veterinarian in the presence of a notary. Information submitted must include the supervising veterinarian's name, Tennessee license number, facility name, address, and telephone number where the temporary license holder will be working.
- (5) The Temporary License fee specified in Rule 1730-01-.06 must accompany the application for temporary license.
- (6) The supervising veterinarian must attest that he will provide direct supervision of the temporary license holder. Direct supervision is defined in Rule 1730-01-.10.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-112, and 63-12-113. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed November 2, 2005; effective January 16, 2006. Amendment filed September 10, 2009; effective December 9, 2009.

#### **1730-01-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SCREENING PANELS.**

- (1) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed.
- (2) Upon a finding by the Board that a veterinarian and/or premises owner has violated any provision of the Tennessee Veterinary Medical Practice Act (T.C.A. §§63-12-101, et seq.) or the

(Rule 1730-01-.15, continued)

rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense:

- (a) Advisory Censure - This is a written action issued to the veterinarian and/or premises owner for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
- (b) Formal censure or reprimand - This is a written action issued to a veterinarian and/or premises owner for one time and less severe violations. It is a formal disciplinary action.
- (c) Probation - This is a formal disciplinary action which places a veterinarian and/or premises owner on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.
- (d) Licensure Suspension - This is a formal disciplinary action which suspends a licensee's right to practice and/or premises owner to operate for a fixed period of time. It contemplates the reentry of the individual into the practice under the licensure previously issued.
- (e) Revocation for Cause. This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification or licensure previously issued. The Board, in its discretion, may allow reinstatement of a revoked certificate or license upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification or licensure from a person whose license was revoked shall be considered prior to the expiration of at least one year unless otherwise stated in the Board's revocation order.
- (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
  - 1. During any period of probation, suspension; or
  - 2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
  - 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
  - 4. As a stand-alone requirement(s) in any disciplinary order.
- (g) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (5) of this rule.
- (h) When the Board suspends a license, the person may not practice veterinary medicine during the period of suspension and is also prohibited from doing the following:
  - 1. Direct assistance to another veterinarian in the veterinary treatment of any animal.
  - 2. Appear before animal owners in a laboratory coat, clinic smock or other garment which is customarily worn by practitioners when treating animal.
  - 3. Consultation with another practitioner concerning the treatment of the person's animal(s) in the presence of or within hearing of any animal owner; provided, however, that he may discuss with a subsequent treating practitioner, out of the

(Rule 1730-01-.15, continued)

presence or hearing of any animal owner, prior diagnosis or pre-existing treatment plan and such subsequent treating practitioner's proposed treatment plan. However, the fact or substance of such discussion shall not be communicated or conveyed to an animal owner personally, or by another treating practitioner who presents it to the owner, as that person's judgment, diagnosis, treatment plan, or other professional determination.

4. Personal acceptance of payment for veterinary services directly from an animal owner in the reception area of the office, clinic, or animal hospital.
  - (i) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee petitions, pursuant to paragraph (3) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.
- (3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.
  - (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:
    1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
    2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
    3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a license previously revoked.
  - (b) Procedures
    1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
      - (i) A copy of the previously issued order; and
      - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
      - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted

(Rule 1730-01-.15, continued)

will be considered in making an initial determination on, or a final order in response to, the petition.

2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
  - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
  - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order of Compliance  
Board of Veterinary Medical Examiners

Petitioner's Name: \_\_\_\_\_  
 Petitioner's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Petitioner's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
 Attorney's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or

(Rule 1730-01-.15, continued)

3. An order issued reflecting that compliance and reinstating a license previously revoked.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Petitioner's Signature

- (4) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unlicensed practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
  - (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
  - (b) Procedures
    1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
      - (i) A copy of the previously issued order; and
      - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
      - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
    2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:



(Rule 1730-01-.15, continued)

- (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
  - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
  4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
  5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order Modification  
Board of Veterinary Medical Examiners

Petitioner's Name: \_\_\_\_\_  
 Petitioner's Mailing Address: \_\_\_\_\_

Petitioner's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
 Attorney's Mailing Address: \_\_\_\_\_

Attorney's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Rule 1730-01-.15, continued)

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Petitioner's Signature

(5) Civil Penalties

(a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to Public Chapter 389, Acts of 1989.

(b) Schedule of Civil Penalties

1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed or certified by the Board is guilty of a willful and knowing violation of the Practice Act, or regulations pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual client or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a veterinarian without a license from the Board.
2. A Type B civil penalty may be imposed whenever the Board finds the person required to be licensed by the Board is guilty of a violation of the Veterinary Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of clients or the public.
3. A Type C civil penalty may be imposed whenever the Board finds the person required to be licensed, permitted, or authorized by the Board is guilty of a violation of the Veterinary Practice Act or regulations promulgated thereto, which are neither directly detrimental to clients or the public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil Penalties

1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the

(Rule 1730-01-.15, continued)

- proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
  3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
    - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
    - (ii) The circumstances leading to the violation;
    - (iii) The severity of the violation and the risk of harm to the public;
    - (iv) The economic benefits gained by the violator as a result of non-compliance; and,
    - (v) The interest of the public.
  4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.
- (e) The Board shall refund all monetary fines and civil penalties imposed and collected in fiscal years 2004-2005 and 2005-2006 for the artificial insemination of livestock without a veterinary medical license, upon receipt by June 30, 2008 of a written request for such refund and provided such funds are specifically appropriated by the General Appropriations Act.
- (6) Informal Settlements - The Board consultant is authorized to enter into informal settlement agreements pursuant to Rule 1045-02-.19 under which a complaint against an individual may be closed without any disciplinary action. Any matter proposed for informal settlement must be subsequently ratified by the full board before it will become effective. Such agreement may include any terms deemed appropriate by the Board consultant including, but not limited to:
- (a) Mandatory education program or course attendance;
  - (b) Submission of reports, records or other appropriate documentation;
  - (c) Conditioning of the individual's activities in any manner which affects his practice in Tennessee.
- (7) It is an offense to knowingly operate a veterinary facility in this state without a premise permit. A violation of this section is a Class B misdemeanor and each violation constitutes a separate offense.
- (8) It is unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person other than a veterinarian duly licensed in this state or a veterinary facility operated at all times under the direct medical supervision of a veterinarian duly licensed in this state.

(Rule 1730-01-.15, continued)

- (a) No person, corporation or other similar organization, public or private, for-profit or not-for-profit, other than a veterinarian duly licensed in this state, shall own or operate a veterinary facility within this state, except as follows:
  - 1. Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, shall apply for and receive a premises permit before the commencement of operations at the veterinary facility; and
  - 2. The owner of the veterinary facility shall not restrict or interfere with medically appropriate veterinary diagnostic or treatment decisions by the licensed veterinarians employed at the veterinary facility.
- (b) The following are exempt from this section:
  - 1. A veterinarian employed by a person, corporation or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal(s);
  - 2. A veterinarian employed by an official agency of the federal or state government, or any subdivision thereof; and
  - 3. A veterinarian employed by any licensed research facility.
- (9) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§ 63-1-144 and 63-12-143.
- (10) Screening Panels - Any screening panel(s) established pursuant to T.C.A. § 63-1-138:
  - (a) Shall have concurrent authority with the Board and any individual appointed by the Board pursuant to Rule 1730-01-.19, to do the acts enumerated in Rule 1730-01-.19 (1)
    - (b) 1. and 2. subject to the conditions contained therein.
      - 1. A Screening panel(s) comprised of two (2) or more persons shall elect a chairperson prior to convening to conduct business.
      - 2. A screening panel(s) comprised of two (2) or more persons is required to conduct the informal hearings authorized in subparagraph (b) immediately below.
  - (b) After completion of an investigation by the Division, may upon request of either the state, or the licensee who is the subject of an investigation with the agreement of the state, or upon request of both the licensee and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
    - 1. Neither the Rules of Civil Procedure, the Rules of Mediation and Arbitration, the Rules of Evidence, or Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.
      - (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
      - (ii) Prior to convening the panel and in the absence of an agreement of the parties, the screening panel chairperson shall determine the manner and order of presentation of evidence.

(Rule 1730-01-.15, continued)

2. Neither the state nor a licensee who is the subject of an investigation being considered by a screening panel can be compelled to participate in any informal hearing.
  3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
    - (i) Approved by a majority of the members of the screening panel which issued them; and
    - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the licensee; and
    - (iii) Subsequently presented to and ratified by the Board.
- (11) Reconsiderations and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, and 63-12-128. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004. Amendment filed June 26, 2007; effective September 9, 2007. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

#### 1730-01-.16 LICENSE.

- (1) Before engaging in the practice of veterinary medicine in Tennessee, a person must hold a current Tennessee license or valid temporary license issued by the Board, except as provided in T.C.A. § 63-12-103 and T.C.A. § 63-12-133.
- (2) Display of License - Every person licensed by the Board in this state shall display the license and renewal certificate in a conspicuous place in the licensee's office and, whenever required, show such license to the Board or its authorized representative.
- (3) Replacement License or Renewal Certificate - A license holder whose license or renewal certificate has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board's administrative office.
- (4) Use of Titles - Only a person who possesses a valid, unsuspended and unrevoked, Board-issued license to practice veterinary medicine is authorized to use the title "Veterinarian," "Doctor of Veterinary Medicine," "D.V.M." or "V.M.D.", and to practice veterinary medicine, as defined in T.C.A. § 63-12-103. Any licensee to whom this rule applies must use one of these authorized titles in every advertisement that he or she publishes. The failure to do so constitutes the omission of a material fact which makes the advertisement misleading and deceptive and subjects the licensee to disciplinary action.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-12-103, 63-12-106, 63-12-112, 63-12-124, and 63-12-124.3. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed July 27, 2006; effective October 10, 2006. Amendment filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

#### 1730-01-.17 CHANGE OF NAME AND/OR ADDRESS.

(Rule 1730-01-.17, continued)

- (1) Change of Name - An individual registered with the Board shall notify the Board in writing within 30 days of a name change. The notice shall provide both the old and new names and must reference the individual's profession, and license number.
- (2) Change of Address – A licensee must notify the Board of a change of address within thirty (30) days of such change. The notification must be in writing and include both the old and new addresses along with the licensee's name, profession and license number.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-106, and 63-1-108. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed May 23, 2014; effective August 21, 2014.

#### **1730-01-.18 MANDATORY RELEASE OF CLIENT RECORDS.**

- (1) Upon request from a client or the client's authorized representative, the veterinarian shall provide a complete copy of the patient's records or summary of such records which were maintained by the veterinarian.
- (2) It shall be the veterinarian's option as to whether copies of the records or a summary will be given to the client.
- (3) Requests for records shall be honored by the veterinarian in a timely manner.
- (4) The individual requesting the records shall be responsible for payment of a reasonable fee to the veterinarian for copying and mailing of the records.
- (5) Radiographs are considered to be a part of the client's records.
- (6) A client's records shall not be used to fill a prescription or to have a prescription dispensed.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-12-103, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed May 26, 2004; effective August 9, 2004.

#### **1730-01-.19 BOARD CONSULTANTS, RECORDS AND COMPLAINTS, AND DECLARATORY ORDERS.**

- (1) Board Consultants are appointed by the Board and vested with the authority to do the following acts:
  - (a) Review and make determinations on licensure, registration, exemption, renewal, and reactivation of licensure applications subject to the rules governing those respective applications.
  - (b) Serve as Consultant to the Division to carry out the following:
    1. Review and advise whether and what type of disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.
    2. Review and advise whether and under what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be ratified by the full Board before it becomes effective.
    3. Any other matters authorized by a majority vote of the Board.
- (2) All requests, applications, notices, complaints, other communications and correspondence shall be directed to the Board's administrative office. Any requests or inquiries requiring a

(Rule 1730-01-.19, continued)

Board decision or official Board action except documents relating to disciplinary actions, declaratory orders or hearing requests must be received fourteen (14) days prior to a scheduled Board meeting and will be retained in the administrative office and presented to the Board at the Board meeting. Such documents not timely received shall be set over to the next Board meeting.

(3) Records and Complaints

- (a) Minutes of the board meetings and all records, documents, applications, and correspondence will be maintained in the Board's administrative office.
- (b) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Board's administrative office.
- (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
- (d) Complaints made against a licensee become public information only upon the filing of a notice of charges by the Department of Health.

(4) Requests for Verification of Licensure must be made in writing to the Board's administrative office.

(5) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-129. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed October 27, 1999; effective January 10, 2000. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

### 1730-01-.20 ADVERTISING.

(1) The lack of sophistication on the part of many of the public concerning veterinary services, the importance of the interests affected by the choice of a veterinarian and the foreseeable consequences of unrestricted advertising by veterinarians which is recognized to pose special possibilities for deception, require that special care be taken by veterinarians to avoid misleading the public. The veterinarian must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by veterinarians is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.

(2) Advertising Veterinary Fees and Services

- (a) Fixed Fees may be advertised for any service. It is presumed unless otherwise stated in the advertisement that a fixed fee for a service shall include the cost of all professionally recognized components within generally accepted standards that are required to complete the service.

(Rule 1730-01-.20, continued)

- (b) Range of Fees. A range of fees may be advertised for services and the advertisement must disclose the factors used in determining the actual fee, necessary to prevent deception of the public.
  - (c) Discount fees may be advertised if:
    - 1. The discount fee is in fact lower than the licensee's customary or usual fee charged for the service; and
    - 2. The licensee provides the same quality and components of service and material at the discounted fee that are normally provided at the regular non-discounted fee for that service.
  - (d) Related Services and Additional Fees. Related services which may be required in conjunction with the advertised services for which additional fees will be charged must be identified as such in any advertisement.
  - (e) Time Period of Advertised Fees.
    - 1. Advertised fees shall be honored for those seeking the advertised services during the entire time period stated in the advertisement whether or not the services are actually rendered or completed within that time.
    - 2. If no time period is stated in the advertisement of fees, the advertised fee shall be honored for thirty (30) days from the last date of publication or until the next scheduled publication whichever is later whether or not the services are actually rendered or completed within that time.
- (3) Advertising Content. The following acts or omissions in the context of advertisement by any licensee shall constitute unethical and unprofessional conduct and are grounds for disciplinary action pursuant to T.C.A. § 63-12- 124(a)(10).
- (a) Claims that the services performed, personnel employed, materials or office equipment used are professionally superior to that which is ordinarily performed, employed, or used, or that convey the message that one licensee is better than another when superiority of services, personnel, materials or equipment cannot be substantiated.
  - (b) The misleading use of an unearned or non-health degree in any advertisement.
  - (c) Promotion of professional services which the licensee knows or should know is beyond the licensee's ability to perform.
  - (d) Techniques of communication which intimidate, exert undue pressure or undue influence over a prospective client.
  - (e) Any appeals to an individual's anxiety in an excessive or unfair manner.
  - (f) The use of any personal testimonial attesting to the quality of competency of a service or treatment offered by a licensee that is not reasonably verifiable.
  - (g) Use of any statistical data or other information based on past performances for prediction of future services, which creates an unjustified expectation about results the licensee can achieve.
  - (h) The communication of personal identifiable facts, data, or information about a client or patient without first obtaining client consent.



(Rule 1730-01-.20, continued)

- (i) Any misrepresentation of a material fact.
- (j) The knowing suppression, omission or concealment of any material fact or law without which the advertisement would be deceptive or misleading.
- (k) Statements concerning the benefits or other attributes of veterinary procedures or products that involve significant risks without including:
  - 1. A realistic assessment of the safety and efficiency of those procedures or products;
  - 2. The availability of alternatives; and
  - 3. Where necessary to avoid deception, descriptions or assessment of the benefits or other attributes of those alternatives.
- (l) Any communication which creates an unjustified expectation concerning the potential results of any veterinary treatment.
- (m) Failure to comply with the rules governing advertisement of veterinary fees and services, or advertising records.
- (n) The use of “bait and switch” advertisements. When the circumstances indicate a “bait and switch” advertisement, the Board may require the licensee to furnish data or other evidence that pertain to those sales at the advertised fee as well as other sales.
- (o) Misrepresentation of a licensee’s credentials, training, experience or ability, including the use of the words “diplomate” or “specialist” if not recognized as such by the American Veterinary Medical Association (AVMA) or National Association of Veterinary Technicians in America (NAVTA).
- (p) Failure to include the corporation, partnership or individual licensee’s name, address and telephone number in any advertisement. Any veterinary corporation, partnership or association which advertises by use of a trade name or otherwise fails to list all licensees practicing at a particular location shall:
  - 1. Upon request provide a list of all licensees at that location; and
  - 2. Maintain and conspicuously display at the licensee’s office, a directory listing all licensees practicing at that location.
- (q) Failure to disclose the fact of giving compensation or anything of value to a representative of the press, radio, television or other communicative medium in anticipation of or in return for any advertisement (for example, newspaper article) unless the nature, format or medium of such advertisement make the fact of compensation apparent.
- (r) After thirty (30) days of the licensee’s departure, the use of the individual name of any licensee formerly practicing at or associated with any advertised location or on office signs or buildings. This rule shall not apply in the case of a retired or deceased former associate who practiced veterinary medicine in association with one or more of the present occupants if the status of the former associate is disclosed in any advertisement or sign.
- (s) Stating or implying that a certain licensee provides all services when any such services are performed by another licensee.

(Rule 1730-01-.20, continued)

- (t) Directly or indirectly offering, giving, receiving or agreeing to receive any fee or other consideration to or from a third party for the referral of an animal in connection with the performance of professional services.
- (4) Advertising Records and Responsibility
- (a) Each licensee who is a partner, officer, or agent of a firm or entity identified in any advertisement may be held jointly and severally responsible for the form and content of any advertisement. The supervising veterinarian named on a premises permit application may also be held responsible for the advertisements of the veterinary premises.
  - (b) Any and all advertisements are presumed to have been approved by the licensee(s) named in the advertisement.
  - (c) The following advertising records shall be maintained by a licensee for a period of two (2) years from the date of publication and shall be made available for review upon request by the Board or its designee:
    - 1. A recording of every advertisement communicated by electronic media;
    - 2. A copy of every advertisement communicated by print media; and
    - 3. A copy of any other form of advertisement.
  - (d) At the time any type of advertisement is placed, the licensee must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.
- (5) Severability. It is hereby declared that the sections, clauses, sentences and parts of these rules are severable, are not matters of mutual essential inducement, and any of them shall be rescinded if these rules would otherwise be unconstitutional or ineffective. If any one or more sections, clauses, sentences or parts shall for any reason be questioned in court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part in any one or more instance shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-116, 63-1-145, 63-12-102, 63-12-103, 63-12-106, 63-12-107, 63-12-112, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed May 23, 2014; effective August 21, 2014.

#### 1730-01-.21 PRESCRIBING, DISPENSING, OR OTHERWISE DISTRIBUTING PHARMACEUTICALS.

- (1) Prerequisites to Prescribing
- (a) For purposes of this Rule, pursuant to 21 CFR 201.105, "animal drugs" are those drugs that are required by federal law to be prescribed by a licensed veterinarian.
  - (b) Before prescribing animal drugs, the veterinarian must first, pursuant to appropriate protocols or veterinary orders, complete and appropriately document all of the following for the animal, herd, or flock on whose behalf the prescription is to be written:

(Rule 1730-01-.21, continued)

1. Perform an appropriate history and physical examination;
  2. Make a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests;
  3. Formulate a therapeutic plan and discuss it with the animal's owner, along with the basis for it and the risks and benefits of various treatment options, a part of which might be a prescription or drug; and
  4. Ensure availability of the veterinarian or the veterinarian's staff for appropriate follow-up care.
- (c) Notwithstanding the provisions of subparagraph (b), a veterinarian, pursuant to appropriate protocols or veterinary orders, may prescribe or dispense drugs for an animal when such prescribing or dispensing is consistent with sound veterinary practice, examples of which are as follows:
1. As part of an initial evaluation order; or
  2. For an animal/patient of another veterinarian for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or
  3. For continuation medications on a short-term basis before the veterinarian personally examining the animal, herd, or flock; or
  4. For medications administered by the owner of the animal, herd, or flock when the veterinarian has prescribed and/or dispensed in a manner consistent with this rule.
- (2) Dispensing Requirements. Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:
- (a) All federal and state regulations for the dispensing of controlled substances.
  - (b) Except for labeled manufactured drugs with proper instructions, all non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:
    1. Animal's name and the name of the animal's owner;
    2. Date dispensed;
    3. Complete directions for usage;
    4. The facility's name, address and phone number;
    5. The name, strength, and amount of the medication;
    6. The statement: "For veterinary use only";
    7. The dispensing veterinarian's name; and
    8. Keep out of the reach of children.
  - (c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals, this record shall be by individual animal.

(Rule 1730-01-.21, continued)

- (3) Distribution of Veterinary Prescription Drugs.
  - (a) Distribution of veterinary prescription drugs to laymen may occur only on the prescription or other order of a licensed veterinarian. The prescriptions must be issued in the course of professional practice, with a veterinarian-client-patient relationship existing.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-103, 63-12-105, and 63-12-106. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

#### **1730-01-.22 RECORDKEEPING.**

- (1) The following minimum standards apply to all patient recordkeeping.
  - (a) Records shall be maintained for a minimum of three (3) years.
  - (b) A separate log shall be maintained for all controlled substances.
  - (c) Each patient record shall indicate the strength and quantity of any medication prescribed, administered or dispensed. In the case of companion animals, this record shall be maintained for each individual animal.
  - (d) Records shall reflect the problems the patient presents and the veterinary interventions performed or prescribed.
  - (e) Records shall reflect referral of cases where further expertise or equipment is needed.
  - (f) A veterinarian shall comply with requests for veterinary records as required by the Medical Records provisions of T.C.A. § 63-2-101 et seq.
- (2) Medical records for small animal practices shall be clear, legible, retrievable, and contain pertinent information such as:
  - (a) Name, address, and phone number of the owner/agent.
  - (b) Identification of patient including name, species, breed, age, sex, and description.
  - (c) Separate record for each patient. This record may be in a group of records for the owner/agent.
  - (d) Patient's vaccinations, medical and surgical history and procedures.
- (3) Medical records for large animal practices shall be clear, legible, retrievable, maintained on either a herd, flock or individual basis, and contain:
  - (a) Name, business/farm name, address, and phone number of the owner/agent.
  - (b) Identification of any animal(s) suspected of having a reportable disease or other disease with public health implications.
  - (c) Relevant medical and surgical procedures, including vaccinations given and lab reports, to the individual, group, or herd.

(Rule 1730-01-.22, continued)

- (d) A record of all drugs administered or dispensed, including quantity and withdrawal times.
- (4) Veterinarians providing written or oral instructions for persons who are not licensed as veterinarians to perform accepted livestock management practices must record the order, including specific information on the substance of the order and the date given, in the records of the animal.
- (5) For the purpose of these rules, the records shall be “owned” by the practice.
- (6) Radiographs are considered to be a part of the client’s records.
- (7) Outside of a valid veterinarian-client-patient relationship, records from another veterinary practice may not be used as the sole basis for prescribing or dispensing medication.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-133. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

**1730-01-.23 EUTHANASIA IN C.A.C.A.S AND FACILITIES GOVERNED BY THE NON-LIVESTOCK ANIMAL HUMANE DEATH ACT (T.C.A. §§ 44-17-301, ET SEQ.).** The only drugs approved by the Board for the euthanasia of animals by a licensed veterinarian who performs euthanasia in a certified animal control agency or in a facility governed by the provisions of the Non-Livestock Animal Humane Death Act codified at T.C.A. §§ 44-17-301, et seq., shall be sodium pentobarbital and all commercially available F.D.A. approved euthanasia agents containing sodium pentobarbital.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 44-17-301, et seq., 63-12-106, and 63-12-141. **Administrative History:** Original rule filed July 28, 2003; effective October 11, 2003.

**1730-01-.24 CONSUMER RIGHT-TO-KNOW REQUIREMENTS.**

- (1) Health Care Liability Reporting Requirements - The threshold amount for which licensees must report health care liability judgments, awards, or settlements in which payments are awarded to complaining parties, is set forth by statute under T.C.A. § 63-51-105 of the “Health Care Consumer Right-To-Know Act of 1998.”
- (2) Criminal Conviction Reporting Requirements - For purposes of the “Health Care Consumer Right-To-Know Act of 1998,” the following criminal convictions must be reported:
  - (a) Conviction of any felony; and
  - (b) Conviction or adjudication of guilt of any misdemeanor, regardless of its classification, in which any element of the misdemeanor involves any one (1) or more of the following:
    - 1. Sex.
    - 2. Alcohol or drugs.
    - 3. Physical injury or threat of injury to any person or any animal.
    - 4. Abuse or neglect of any minor, spouse or the elderly, or abuse of any animal.
    - 5. Fraud or theft.

(Rule 1730-01-.24, continued)

- (c) If any misdemeanor conviction reported under this rule is ordered expunged, a copy of the order of expungement signed by the judge must be submitted to the Department before the conviction will be expunged from any profile.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, and 63-51-101 et seq. **Administrative History:** Original rule filed June 24, 2004; effective September 7, 2004. Amendment filed May 23, 2014; effective August 21, 2014.

#### 1730-01-.25 CONSULTING VETERINARIANS.

- (1) No unlicensed person may be called into Tennessee as a consulting veterinarian unless licensed as a veterinarian in another state and acting under the direction of and in consultation with a licensed veterinarian of this state.
- (2) The supervising veterinarian is responsible for notifying the Board's administrative office of the name of the non-licensed consulting veterinarian and the date(s) and location of the consultation. The request for consulting services must be for a specific case and can only be made by the supervising veterinarian and not by individual consumers.
- (3) The non-licensed consulting veterinarian shall not:
  - (a) Open an office or appoint a place to do business in Tennessee;
  - (b) Print or use letterhead or business cards, establish answering services or advertise the existence of a practice's address within this state; or
  - (c) Provide consultation for twelve (12) or more days per calendar year.

**Authority:** T.C.A. §§ 63-12-102, 63-12-103, and 63-12-133. **Administrative History:** Original rule filed May 23, 2014; effective August 21, 2014.