

Notice of Rulemaking Hearing

Board of Veterinary Medical Examiners

There will be a hearing before the Tennessee Board of Veterinary Medical Examiners to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-12-105 and 63-12-106. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Department of Health Conference Center's Mockingbird Room on the First Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 27th day of June, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 1730-1-.03, Necessity of Licensure, is amended by adding the following language as paragraph (3):

- (3) No person may be called into this state as a consulting veterinarian unless licensed as a veterinarian in another state and acting under the direct supervision of a Tennessee licensee. "Direct supervision" means that the licensee is on the premises and assumes responsibility for the consulting veterinarian. The Tennessee licensee is responsible for notifying the Board's administrative office of the name of the 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 Tennessee licensed veterinarians, not by individual consumers. Consulting veterinarians shall not:
- (a) Open an office or appoint a place to do business within Tennessee;
 - (b) Print or use letterhead or business cards that reflect a Tennessee address;
 - (c) Advertise the existence of a practice address in Tennessee;
 - (d) Establish an answering service in Tennessee;
 - (e) Have separate billing for consulting services;
 - (f) Provide consulting services for more than ten (10) calendar days per year; and
 - (g) Consult, without direct supervision, to an extent which constitutes the practice of veterinary medicine.

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

Rule 1730-1-.04, Qualifications for Licensure, is amended by deleting subparagraph (1) (c) in its entirety, and is further amended by inserting the following language as new subparagraph (2) (b) and renumbering the subsequent existing subparagraphs accordingly, and is further amended by deleting subparagraph (3) (a) in its entirety and substituting instead the following language, so that as amended, the new subparagraphs (2) (b) and (3) (a) shall read:

(2) (b) Pass the examination as provided in paragraph (1) of Rule 1730-1-.08.

(3) (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;

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117.

Rule 1730-1-.05, Procedures for Licensure, is amended by deleting subparagraphs (1) (e) and (2) (e) in their entirety and substituting instead the following language, and is further amended by deleting subparagraph (3) (b) in its entirety and substituting instead the following language, so that as amended, the new subparagraphs (1) (e), (2) (e), and (3) (b) shall read:

(1) (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.

(2) (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.

(3) (b) 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

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117.

Rule 1730-1-.07, Application Review, Approval, Denial, Interviews, is amended by deleting subparagraph (3) (c) and paragraph (4) in their entirety and substituting instead the following language, and is further amended by deleting paragraph (9) in its entirety and renumbering the existing paragraphs (10) and (11) as paragraphs (9) and (10), so that as amended, the new subparagraph (3) (c) and the new paragraph (4) shall read:

- (3) (c) For an applicant who has not passed the examinations required by Rule 1730-1-.08, the file will remain open until the applicant has had the opportunity to take each required examination three (3) times. At that time, the file will be closed and the applicant notified.
- (4) One hundred (100) days prior to an examination the application with the required supporting documents and all fees must be received in the Board's administrative office.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-114, 63-12-115, and 63-12-116.

Rule 1730-1-.08, Examinations, is amended by deleting paragraphs (5) and (6) in their entirety and substituting instead the following language, so that as amended, the new paragraphs (5) and (6) shall read:

- (5) Applicants for initial licensure as a veterinarian in Tennessee who have never been licensed as a veterinarian in any other state must pass the examination in paragraph (2) of this rule.
- (6) Official scores from the National Board Examination, Clinical Competency Test, or the North American Veterinary Licensing Examination must be submitted to the Board's administrative office directly from the American Association of Veterinary State Boards whenever these exams are taken outside of Tennessee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-112, 63-12-114, and 63-12-115.

Rule 1730-1-.12, Continuing Education, is amended by adding the American Association of Zoo Veterinarians and the American College of Zoological Medicine in appropriate, alphabetical order to the list of organizations contained in part (3) (f) 1., and is further amended by adding the following language as new part (3) (f) 3.:

- (3) (f) 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.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-120.

Rule 1730-1-.14, Temporary License, is amended by deleting subparagraphs (3) (c) and (3) (d) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (3) (c) and (3) (d) shall read:

- (3) (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.
- (3) (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.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, and 63-12-113.

Rule 1730-1-.15, Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels, is amended by deleting subparagraph (1) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) shall read:

- (1) (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.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, and 63-12-128.

Rule 1730-1-.16, License, is amended by deleting paragraph (5) in its entirety and substituting instead the following language, so that as amended, the new paragraph (5) shall read:

- (5) Use of Titles - Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right 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 person licensed by the Board to whom this rule applies must use one of the titles authorized by this rule in every "advertisement" [as that term is defined in rule 1730-1-.20] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the veterinarian to disciplinary action pursuant to T.C.A. § 63-12-124 (a) (12), (a) (2), (a) (4), (a) (13) and (a) 14.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-1-145, and 63-12-124.

Rule 1730-2-.15, Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels, is amended by deleting subparagraph (1) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) shall read:

- (1) (f) Conditions - Any action deemed appropriate by the Board to be required of a premises permit holder in any of the following circumstances:
1. During any period of probation, suspension; or
 2. During any period of revocation after which the premises permit holder may petition for an order of compliance to reinstate the revoked premises permit; or
 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked premises permit; or
 4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-139.

Rule 1730-3-.05, Procedures for Licensure, is amended by deleting subparagraphs (1) (b), (1) (e) and (2) (e) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1) (b), (1) (e) and (2) (e) shall read:

- (1) (b) Applications for licensure must be submitted to the Board's administrative office at least sixty (60) days prior to the examination date.
- (1) (e) An applicant shall cause a transcript from a veterinary technology program in a school whose curriculum was approved by the American Veterinary Medical Association to be submitted directly from the school to the Board's administrative office. The transcript must show that the applicant has graduated from the program and carry the official seal of the institution.
- (2) (e) An applicant shall cause a transcript from a veterinary technology program in a school whose curriculum was approved by the American Veterinary Medical Association to be submitted directly from the school to the Board's administrative office. The transcript must show that the applicant has graduated from the program and carry the official seal of the institution.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-112, and 63-12-135.

Rule 1730-3-.07, Application Review, Approval, Denial, Interviews, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, and is further amended by deleting paragraph (9) in its entirety and renumbering the existing paragraphs (10) and (11) as paragraphs (9) and (10), so that as amended, the new paragraph (4) shall read:

- (4) Sixty (60) days prior to admission to an examination the application with the required supporting documents and all fees must be received in the Board's administrative office.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-135.

Rule 1730-3-.15, Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels, is amended by deleting subparagraph (1) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) shall read:

- (1) (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.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-135.

Rule 1730-4-.12, Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels, is amended by deleting subparagraph (1) (e) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (e) shall read:

(1) (e) Conditions - Any action deemed appropriate by the Board to be required of a disciplined certificate holder in any of the following circumstances:

1. During any period of probation, suspension; or
2. During any period of revocation after which the certificate holder may petition for an order of compliance to reinstate the revoked certificate; or
3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked certificate; or
4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-141.

Rule 1730-5-.12, Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels, is amended by deleting subparagraph (1) (e) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (e) shall read:

(1) (e) Conditions - Any action deemed appropriate by the Board to be required of a disciplined certificate holder in any of the following circumstances:

1. During any period of probation, suspension; or
2. During any period of revocation after which the certificate holder may petition for an order of compliance to reinstate the revoked certificate; or
3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked certificate; or
4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-141.

The notice of rulemaking set out herein was properly filed in the Department of State on the 19th day of April, 2007. (FS 04-22-07, DBID 617)