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Act 650 of 1975
A.C.A. §17-101-201

Agency No. 092.00

FINAL RULE

**ARKANSAS VETERINARY MEDICAL EXAMINING BOARD
PROPOSED ADMENDMENTS TO RULES AND REGULATIONS**

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**RULES AND REGULATIONS OF THE ARKANSAS
VETERINARY MEDICAL EXAMINING BOARD
(Adopted: 12-1-76) (Amended: 11-12-08)**

1. For the purpose of the Rules and Regulations contained herein, the term "Board" means the Veterinary Medical Examining Board.
2. The principal office of the Board is located at the Natural Resources Complex, One Natural Resources Drive, P. O. Box 8505, Little Rock, Arkansas 72215.
3. Pursuant to the authority granted the Veterinary Medical Examining Board by Act 60 of 1987, the Board creates a specialty area in poultry practice. Persons seeking licensure under this provision will be tested only in the area of poultry medicine. A person who is issued a Poultry Specialty Are license will not be allowed to practice any other form of veterinary medicine.
4. Each person holding a certificate of registration, license (general or specialty), permit or any other authority to practice veterinary medicine or engage in any activity in the State of Arkansas under any and all laws administered by the Board shall file his proper and current mailing address with the board at its principal office and shall immediately notify the Board at its said principal office of any and all changes of mailing address, giving both his old and new address.

FEES

(Adopted: 8-8-81) (Amended: 11-12-08)

VETERINARY FEES:

5. The schedule for license and permit fees shall be as follows:
 - A. Application fee by Exam shall be \$100.00 and must be paid at the time of filing of the application for license. The completed application must be received 30 days prior to the exam date.
 - B. Application fee by endorsement shall be \$100.00. The completed application must be received 30 days prior to the exam date.
 - C. NAVLE (North American Veterinary Licensing Examination) candidates must complete a Board application form AND a NAVLE application form to be mailed to NBVME (National Board of Veterinary Medical Examiners) along with a cashier's check or money order for the amount of their fee.
 - D. Annual renewal of license shall be \$100.00 for veterinarians practicing

either full-time or part-time within the State, and \$25.00 for inactive license renewal for veterinarians **not** engaged in the practice of veterinary medicine in Arkansas. A veterinarian **CANNOT** practice in Arkansas with an inactive license.

E. Corporate practice application fee shall be \$35.00; annual renewal fee for corporate practice shall be \$10.00.

F. All renewals are due by March 31st each year. Delinquent renewal fee shall be \$100.00 and shall be due on all individual and corporate practice renewals received after the postmarked date of March 31st each year.

G. Temporary permit shall be \$50.00.

H. Re-issuance of license certificate shall be \$10.00. Requests must be in writing.

I. All fees are non-refundable.

VETERINARY TECHNICIAN FEES:

6. The schedule for license and permit fees shall be as follows:

A. Application fee shall be \$40.00, which shall be paid at the time of the filing of the application for certification. An additional fee is required if taking the National Board Examination in Arkansas. The payment for this exam **must** be received **60** days prior to the National Board Exam date.

B. Annual renewal of certification shall be \$25.00.

C. All renewals are due by March 31st each year. Delinquent renewal fee shall be \$50.00, and shall be due on all renewals received after the postmarked date of March 31st each year.

D. Re-issuance of certificate shall be \$10.00. Requests must be in writing.

E. All fees are non-refundable.

CONTINUING EDUCATION
(Adopted: 12-1-76) (Amended: 11-12-08)

7. The minimum standards for continuing veterinary medical education shall be a condition precedent to the renewal of a license. It shall be as follows:

A. Veterinarians are required to earn 20 credit hours each year before becoming eligible for license renewal. Veterinarians with both a general and **poultry** specialty license are required to earn 20 hours for each license.

B. Veterinary technicians are required to earn six (6) credit hours each year before becoming eligible for license renewal. A maximum of two (2) credit hours may be earned each year in distance learning programs .

C. Continuing education requirements are waived for veterinarians during the renewal period he/she graduated from an approved school or college of veterinary medicine.

D. Ten (10) hours **must** be in the areas of veterinary medicine and surgery and/or record keeping at classroom seminars only. Veterinarians may earn up to four (4) hours of credit for visitation with a colleague (not associated with their practice) at the facility of that colleague. One (1) hour of credit will be given for each local district meeting (not to exceed four hours per year without approval of the Board prior to license renewal). A maximum of five (5) hours per renewal period may be earned in the areas of practice management, business seminars, on-line education and veterinary videos, veterinary chiropractic, veterinary acupuncture, and veterinary holistic/homeopathy. Two (2) credit hours may be earned at exhibit halls at state and national meetings.

E. Credit hours may be earned as follows: One hour credit for each hour of attendance at seminars sponsored by AVMA, AAHA, state associations, academies, schools of veterinary medicine, etc.

F. Each veterinarian and veterinary technician must keep a record of credit hours earned. Each year he/she will be required to certify as to the number of credit hours earned on a form to be provided by the Board. The form will be mailed to each veterinarian and veterinary technician at the time of annual renewal.

G. Veterinarians or veterinary technicians unable to earn credits because of sickness or other justifiable reasons may, at the discretion of the Board, be exempt from all or part of the credit requirements or granted an extension of time to obtain their continuing education credits.

H. Requests for pre-approval of meetings must be postmarked 30 days prior to the meeting – no exceptions.

I. To activate an inactive license, continuing education hours must be obtained during that renewal period.

J. The Board recognizes RACE (Registry of Approved Continuing Education) programs with limitations in some areas.

INSPECTION AND MINIMUM STANDARDS OF PRACTICE
(Adopted: 12/1/76) (Amended: 11-12-08)

8. The Board or its employees may at any time inspect the premises in which veterinary medicine, veterinary dentistry or veterinary surgery is practiced. All locations where veterinary medicine is practiced shall be adequate for the maintenance of good hygiene at all times. All areas of the premises shall be maintained in a clean, odor free, and orderly condition at all times.

A. The minimum standards for all facilities where veterinary medicine is practiced shall be:

(1) Adequate heating and cooling shall be provided for the comfort of the animals and the facility shall have sufficient ventilation in all areas;

(2) Proper lighting shall be provided in all rooms utilized for the practice of veterinary medicine;

(3) Hot and cold running water shall be provided along with adequate toilets and lavatories for the personnel and for the clients;

(4) All premises shall have sanitary storage which is adequate for the size of the facility;

(5) The facility shall have interior and exterior receptacles for waste disposal which comply with state, county and municipal health laws, ordinances and regulations;

(6) The facilities shall employ a procedure for the prompt, sanitary and aesthetic disposal of dead animals which complies with all state, county and municipal laws, ordinances and regulations. Dead animals, held on premises for longer than six hours, shall be placed in a freezer;

(7) All interior spaces in the facility must be clean and orderly;

(8) The facility shall have the capacity for use of either in-house or consultant laboratory service for blood chemistry, cultures and antibiotic sensitivity examinations, complete blood counts, histopathological examinations and complete necropsies.

(9) Surgery shall be performed in a manner compatible with current veterinary medical practice with regard to anesthesia, asepsis, life support and monitoring

procedures as well as recovery care. At all times, the minimum standards for surgery shall be:

- (a) Surgery shall be performed in a room designed and reserved for surgery (this applies to all facilities constructed after 6/23/93);
- (b) The surgery room shall be clean, orderly and well lighted;
- (c) Sterilization must include a steam pressure sterilizer or autoclave or gas sterilization equipment. Cold sterilization may be used for field conditions;
- (d) Instruments and equipment utilized in the surgery room shall be commensurate with the type of surgical service being provided;
- (e) Storage in the surgery room shall be limited to only items and equipment normally related to surgery and surgical procedures;
- (f) Emergency drugs must be readily available to the surgery area;
- (g) The operating table shall be constructed of a smooth and impervious material;
- (h) There shall be a separate surgical preparation area (this applies to all facilities constructed after 6/23/93);
- (i) There shall be available for surgery sterilized instruments, gowns, towels, drapes, gloves, caps and masks;
- (j) Regulated oxygen under positive pressure shall be available.
- (10) The following minimum standards shall apply to radiography:
 - (a) Capability and proof of use of either in-house or consultant services for obtaining diagnostic quality radiographs;
 - (b) Radiology equipment and use shall be in accordance with all federal and state laws;
 - (c) All personnel using radiology equipment must wear a monitoring device;
 - (d) Permanent identification tags must appear on all radiographs.
- (11) Cages, exercise areas, pens and stalls are to be kept in a clean and orderly condition, in a well-lighted area, and in good repair to prevent injury to animals and to promote physical comfort.
- (12) Clinics must make known to the public whether a veterinarian is on-site or on call after hours.

B. Each veterinarian shall have posted or displayed at his office in full view of his clients, his original Arkansas license to practice veterinary medicine and his current year's license renewal certificate.

C. Violation of these or other accepted standards of sanitation or professional practice shall be prima facie evidence of unprofessional conduct or incompetence.

D. In the event a license is revoked or suspended by the Board, the Board may post a notice of its order of revocation or suspension in a conspicuous place or at the business of the licensee.

RECORD KEEPING
(Adopted: 6/23/93) (Amended: 11-12-08)

9. Each veterinary medical facility shall comply with the following:

A. Medical Records: A legible individual record shall be maintained for each companion animal. However, the medical records for a litter may be recorded either on the dam's record or on a litter record until the individual animals are permanently placed or reach the age of three (3) months. Records for herd or flock animals may be maintained on a group or client basis.

B. ALL records shall be readily available and must be kept for a period of three (3) years following the last treatment or examination.

C. Animal health records shall be the property of the owner or manager of a veterinary practice that has prepared such record and shall include, but are not limited to written records and notes, computer generated records, radiographs, sonographic images, video tapes, photographs, laboratory reports or other diagnostics or case management information received as the result of consulting with other licensed veterinarians or medical specialists.

D. Medical records shall be maintained in a manner that will permit any authorized licensed veterinarian to proceed with the care and treatment of the animal, if required, by reading the medical record of that particular patient; the record shall clearly explain the initial examination.

E. Patient records shall include, but are not limited to the following information:

- (1) Name and/or initials of the veterinarian responsible for entries;
- (2) Name, address and telephone number of the owner and/or client;
- (3) Name of patient, number or other identification of the animal and/or herd or flock;
- (4) Species, breed, age, sex, color and distinctive markings;
- (5) Pertinent history and presenting complaint;
- (6) Physical examination findings to include, temperature, weight, body condition, respiration, pulse, eyes, ears, nose and throat, oral cavity, respiratory system including auscultation of the thorax, palpation of the abdomen, lymph nodes, and evaluation of musculoskeletal, neurological, genito/urinary systems;
- (7) Assessment/diagnosis, treatments and intended treatment plan, medications dispensed or prescribed, immunizations administered, dosages, strength, frequency and route of administration;

(8) Surgical procedures shall include a description of the procedure, name of the surgeon, type of sedative/anesthetic agent(s) used, dosage, strength, and route of administration;

(9) Dated progress of the case while in veterinary medical facility, and if relevant, a prognosis of the animal's condition;

(10) Exposed radiographs shall have permanent facility and animal identification;

(11) If the temperament of the animal precludes any exam or test or if a client waives or declines any examination, test or other recommended treatments, such notation of denial or signed waiver shall be included in the medical record;

(12) All consent statements, surgical, or treatment consent forms should be included in the medical record.

(13) If there are any discharge instructions, they should be noted on the medical record.

(14) Name of any person (other than the veterinarian's own employees) furnishing professional advice, performing treatments, examinations or other services.

F. Medical records for large animal facilities/practices shall be clear, legible, retrievable and maintained on either a herd (flock) or individual basis and contain:

(1) Name and initials, business/farm name, address, and phone number of the owner/agent.

(2) Relevant medical and surgical procedures (including vaccinations given and lab reports) to the individual, group, or herd.

(3) A record of all drugs administered or dispensed including quantity and withdrawal times.

G. A radiograph is the property of the veterinarian who original ordered it. It shall be released upon the request of another veterinarian and such radiograph shall be returned to the veterinarian who originally ordered it to be prepared within a reasonable time.

PRESCRIPTION DRUGS **(Adopted: 6/23/93) (Amended: 11-2-08)**

10. All prescription drugs shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and state laws. Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:

A. Except for labeled manufactured drugs with proper instructions, all drugs dispensed shall be labeled with:

(1) Name, address and telephone number of the facility,

(2) Name of client,

(3) Animal identification,

- (4) Date dispensed,
- (5) Directions for use,
- (6) Name and strength of drug
- (7) Quantity dispensed,
- (8) Name of the prescribing veterinarian, and
- (9) The statement "For Veterinary Use Only".

B. A lay employee may count, fill and label a prescription under the direct order of the veterinarian according to his specific instructions.

C. A record of all drugs administered or dispensed shall be kept in the records of the individual animal if the animal is a companion animal, or in the client's record if the animal is an economic animal.

D. Prescription drugs may not be purchased, advertised, displayed, sold or bartered by veterinarians except in the course of their professional practice. The fact that the individual is a veterinarian does not provide any exception which is not also available to non-veterinarians. Veterinarians who are in the employ of drug manufacturers or distributors and veterinarians who operate their own drug distributorship or sales outlets cannot legally sell prescription drugs or issue prescriptions for them outside the scope of a professional practice.

E. Practicing veterinarians and their employees cannot legally sell prescription drugs to walk-in customers unless a valid veterinarian/client/patient relationship exists. Prescription drugs may only be sold through a retail outlet, by mail order, a route salesman or other sales method on the written order (prescription) of a licensed veterinarian who has established a valid veterinarian/client/patient relationship and that written order (prescription) is filled by a veterinarian or pharmacist currently licensed by the State of Arkansas.

CONTROLLED SUBSTANCES
(Adopted: 6/23/93) (Amended: 11-12-08)

11. All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and state laws.

A. Where dispensing or use of controlled substances takes place, an inventory must be conducted every two (2) years and kept as a separate part of your permanent records.

B. The form for keeping records of controlled substances shall contain the following information in addition to the name of the drug:

- (1) Date of acquisition,

- (2) Quantity purchased,
- (3) Date administered, dispensed or prescribed,
- (4) Quantity administered, dispensed or prescribed,
- (5) Name and address of client and patient receiving the drug(s),
- (6) Species of the animal,
- (7) Name or initials of individual who dispensed or administered the drug, and
- (8) Balance on hand.

C. Records for Schedule II substances must be kept separate from Schedule III, IV and V substances.

D. Inventories and records of narcotic drugs listed in Schedule I, II, III, IV and V shall be maintained separately from all other records or in such form that the information required is readily retrievable from ordinary business records or patient's records.

E. Every veterinarian who is permitted to dispense, distribute, administer or conduct research with respect to controlled substances in the course of professional practice or research in Arkansas shall obtain a registration from the Federal Drug Enforcement Administration, unless exempt by Law.

F. A separate registration is required for each principal place of business or professional practice at one general physical location where controlled substances are maintained, manufactured, distributed or dispensed.

G. All veterinarians shall provide effective controls and procedures to guard against theft and diversion of controlled substances. Controlled substances listed in Schedule I, II, III, IV and V shall be stored under double lock security in a vault or locking cabinet in a room with limited access.

H. Each veterinarian shall notify the Division of Pharmacy Services and Drug Control, Arkansas Department of Health, immediately upon discovery of any suspected loss, theft and/or diversion of any controlled substance.

I. All controlled substances that are no longer usable because of deterioration or expired dating or are unwanted, must be delivered in person or by registered mail or other means of shipment with return receipt to Division of Pharmacy Services & Drug Control, Arkansas Department of Health, and accompanied by all completed copies of Report of Drugs Surrendered (Form PhA:DC-1) furnished by the Health Department or may be destroyed only by authorized agents of the Arkansas State Board of Pharmacy or the Arkansas Department of Health on site.

J. The only drugs approved by this Board for pre-euthanasia of animals by a certified animal euthanasia technician in a facility approved by the AR Department of

Health/Pharmacy Services & Drug Control shall be Acepromazine and Xylazine.

CORPORATIONS
(Adopted: 12/1/76) (Amended: 11-12-08)

12. The standard professional title for a corporate veterinary practice shall be as required by the Professional Corporation Act.
13. Veterinary practice may be by sole practitioners, partnerships, or duly registered corporations. Only licensees may be partners.
14. No corporation may practice or offer to practice unless it holds a current corporate certificate from this Board.

No corporation may do any act which individual licensees are prohibited from doing, and every corporation practicing veterinary medicine shall be subject to all rules and regulations applicable to individual or partnership practice, and subject to all disciplinary powers of the Board.

No veterinarian may practice or offer to practice veterinary medicine as an officer or employee of any corporation which does not hold a valid corporate certificate, nor may he furnish professional services to or through such corporation in such manner as to enable the corporation to evade the requirements of the Practice Act or the rules of this Board. However, a veterinarian employed by a private or public-held corporation may engage in the practice of veterinary medicine on animals owned by that corporation.

The services of any veterinary corporation shall be limited to veterinary services.

ADVERTISING
(Adopted: 11/5/80) (Amended: 5/24/88)

15. Advertising means newspaper, magazine and periodical announcements and listings, professional cards, professional announcement cards, office and other signs, letterheads, telephone and other directory listings and any other form of communication designed to inform the general public about the availability, nature or prices of products or services or to attract clients.

“Solicitation” means advertising intentionally directed to specific individuals.

A veterinarian shall not, on behalf of himself, his partner, his associate, or any other veterinarian:

A. Seek to attract any client who has given the veterinarian notice that he

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does not want to receive communications from the veterinarian;

B. Use, or participate in the use of, any form of advertising or solicitation which contains a false, deceptive or misleading statement or claim.

A **false, deceptive or misleading statement or claim** includes, without limitation, a statement or claim which:

- (1) contains a guarantee that a cure will result from the performance of professional services;
 - (2) contains a false, deceptive or misleading testimonial or endorsement by a veterinarian;
 - (3) refers to secret methods of treatment or special services which characterize the ways of a charlatan;
 - (4) concerns illegal transactions;
 - (5) is not identified as a paid advertisement or solicitation unless it is apparent from the context that it is a paid advertisement or solicitation;
 - (6) contains false, deceptive or misleading information concerning performance or case reports;
 - (7) contains false, deceptive or misleading representation regarding the quality of professional services;
 - (8) states that a veterinarian is a certified specialist unless he is Board certified in such specialty;
 - (9) contains a material misrepresentation of fact;
 - (10) omits to state any material fact necessary to make the statement not misleading in light of the circumstances under which it is made;
 - (11) would result in the violation of any law or regulation or a contractual or other obligation of any person through whom the veterinarian seeks to communicate;
 - (12) contains a representation or implication that is likely to cause an ordinary prudent layperson to misunderstand or be deceived or fails to contain reasonable warning or disclaimers necessary to make a representation or implication not deceptive;
- or
- (13) contains false, deceptive or misleading information relating to professional fees.

COMPLAINTS, HEARINGS

(Adopted: 12/1/76) (Amended: 11-12-08)

16. Any and all complaints within the jurisdiction of the Board must be in writing, dated and signed by the complainant, notarized and filed with the Secretary-Treasurer of the Board within one (1) year of the alleged violation. The Executive Secretary, upon receiving a timely complaint, may proceed to investigate said complaint and may take statements from any person thought to have knowledge of and fact(s) pertaining thereto.

17. Any and every complaint making out a prima facie case shall be presented to and

reasonably disposed of by the Board, giving due consideration to sufficient and necessary time to investigate and consider the complaint.

18. Disciplinary hearings may be conducted either on the Board's own motion or based on a written complaint if a violation of the Veterinary Medical Practice Act has been discovered.

UNPROFESSIONAL CONDUCT
(Adopted: 12/1/76) (Amended: 11-12-08)

19. Unprofessional Conduct as provided for by the Arkansas Code Annotated §17-101-305 and §17-101-308 shall consist of any of the following acts:

A. To tender or receive a commission or fee for referral of a patient without disclosing to the client the fact that a commission or fee was tendered or received.

B. A veterinarian may not procure, encourage, or otherwise aid and abet an unlicensed person to engage in the practice of veterinary medicine.

C. To sign or otherwise validate any health certificate without actually, physically inspecting the animal. A health certificate must be dated as of the time of examination.

D. A veterinarian shall not write testimonials as to the virtue of drugs, medicines, remedies, or foods except to report the results of properly controlled experiments or clinical studies to interested veterinary organizations or associations.

E. To violate any laws or regulations of either the State of Arkansas or the United States relating to prescription drugs or controlled substances.

F. For a veterinarian to undertake the care of an animal and thereafter fail to render the care as generally accepted by the veterinary profession.

G. To guarantee a cure.

H. To make false or deceptive statements that belittle the knowledge or injure the professional standing of another member of the profession or that unnecessarily condemns the character of his professional acts; provided, however, that nothing herein should be construed to prohibit any truthful, non-deceptive statements, including, but not limited to truthful non-deceptive comparative advertising.

I. The habitual or excessive use of intoxicants or drugs.

J. Aiding or abetting the practice of veterinary medicine by a person not licensed by the Board. This shall include the practice of any veterinarian from knowingly selling or distributing any pharmaceutical drug labeled "For use by or on the order of a licensed veterinarian" or biologicals for the purpose of ultimate resale by someone other than a licensed veterinarian. Improper use of these products constitutes a danger to the public health.

K. Failure to meet continuing educational requirements within any renewal period.

L. Being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

- M. Refusing to permit the Board or any legal representative of the Board to
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inspect the business premises of the licensee during regular business hours.

N. Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation.

O. Conduct reflecting unfavorably upon the profession of veterinary medicine.

P. Substance abuse or diversion of pharmaceuticals or materials from veterinary practice to human use.