

Table of Contents

RULES OF THE ARKANSAS VETERINARY MEDICAL EXAMINING BOARD	2
FEEES	2
CONTINUING EDUCATION	3
INSPECTION AND MINIMUM STANDARDS OF PRACTICE	5
RECORD KEEPING	8
PRESCRIPTION DRUGS	9
CONTROLLED SUBSTANCES	11
CORPORATIONS	12
ADVERTISING.....	12
COMPLAINTS, HEARINGS.....	14
UNPROFESSIONAL CONDUCT	14
LIVESTOCK EMBRYO TRANSFER OR TRANSPLANT; AND LIVESTOCK PREGNANCY DETERMINATION	15
PRESCRIBING CONTROLLED SUBSTANCES	17
VETERINARY TECHNOLOGY – LEVELS OF SUPERVISION	19
MILITARY AUTOMATIC LICENSURE	20
PRE-LICENSURE CRIMINAL BACKGROUND CHECK AND WAIVER REQUEST	21
RECIPROCITY AND TEMPORARY PERMITS	22

RULES OF THE ARKANSAS VETERINARY MEDICAL EXAMINING BOARD
(Adopted: 12/1/1976) (Amended: 6/20/2019) (Effective: 7/18/2020)

1. For the rules contained herein, the term “Board” means the Veterinary Medical Examining Board.
2. The principal office of the Board is located at 1 Natural Resources Drive, Little Rock, Arkansas 72205.
3. Pursuant to Act 60 of 1987, the Board creates a specialty area in poultry practice. Veterinarians seeking licensure under this provision will be tested only in poultry medicine. A veterinarian who is only issued a Poultry Specialty license will not be allowed to practice any other form of veterinary medicine.
4. Each person holding a license or certificate from the Board must file his or her current mailing address with the Board at its principal office and must immediately notify the Board at its principal office of a change in their mailing address, giving both his or her old and new address.

FEES

(Adopted: 8/8/1981) (Amended: 5/25/2021) (Effective: 12/3/2021)

Veterinarians:

5. The schedule for license, certificate, and permit fees will be as follows:
 - A. The application fee for licensure by examination is one hundred dollars (\$100.00) and must be paid at the time of filing the application. The completed application must be received at least thirty (30) days prior to the date of the next written state board examination.
 - B. The application fee for licensure by endorsement is one hundred dollars (\$100.00) and must be paid at the time of filing the application.
 - C. The application fee is waived for a veterinarian applying for a license pursuant to Ark. Code Ann. §17-4-105.
 - D. North American Veterinary Licensing Examination (NAVLE) candidates must submit to the Board an application for licensure by examination, as well as submit a NAVLE application and fee directly to the International Council for Veterinary Assessment.
 - E. The annual renewal fee for an active veterinary license is one hundred dollars (\$100.00) and the annual renewal fee for an inactive veterinary license is twenty-five dollars (\$25.00). A veterinarian **CANNOT** practice in Arkansas with an inactive license.
 - F. The application fee for a corporate practice is thirty-five dollars (\$35.00). The annual renewal fee for a corporate practice certificate is ten dollars (\$10.00).

G. All renewals are due by March 31st each year. The delinquent fee is one hundred dollars (\$100.00) and will be due on all veterinarian and corporate practice renewals received after the postmarked date of March 31st each year. The renewal fee is waived for a veterinarian who is on active duty with any branch of the armed services of the United States for not to exceed three (3) years or for the duration of a national emergency, whichever is longer.

H. The fee for a temporary permit is fifty dollars (\$50.00).

I. The fee for a restricted license is fifty dollars (\$50.00).

J. The fee to re-issue an original license is ten dollars (\$10.00) and the request must be made in writing.

K. All fees are non-refundable.

Veterinary Technicians and Veterinary Technologists:

6. The schedule for certificate fees will be as follows:

A. The application fee is forty dollars (\$40.00) and must be paid at the time of filing the application. The application fee is waived for a person applying for a certification pursuant to Ark. Code Ann. §17-4-105.

B. Veterinary Technician National Examination (VTNE) candidates must submit to the Board an application for certification, as well as submit a VTNE application and fee directly to the American Association of Veterinary State Boards.

C. The annual renewal fee for certification is twenty-five dollars (\$25.00).

D. All renewals are due by March 31st each year. The delinquent fee is fifty dollars (\$50.00) and will be due on all renewals received after the postmarked date of March 31st each year. The renewal fee is waived for a veterinary technician or veterinary technologist who is on active duty with any branch of the armed services of the United States for not to exceed three (3) years or for the duration of a national emergency, whichever is longer.

E. The fee to re-issue an original certificate is ten dollars (\$10.00) and the request must be made in writing.

F. All fees are non-refundable.

CONTINUING EDUCATION

(Adopted: 12/1/1976) (Amended: 4/30/2020) (Effective: 7/18/2020)

7. The continuing education requirements for the renewal of an active license or certificate are as follows:

A. Veterinarians must earn twenty (20) continuing education hours each year to be eligible for license renewal.

(1) Continuing education topic requirements are as follows:

(a) Ten (10) hours must be education pertaining to veterinary medicine and surgery;

(b) A maximum of eight (8) hours can be education pertaining to non-scientific topics;

(c) A maximum of two (2) hours can be education through visitation with a colleague, not associated with the veterinarian's practice, at the facility of the colleague; and

(d) A maximum of two (2) hours can be education through attending exhibit halls at state or national meetings and conferences.

(2) Continuing education hours can be earned as follows:

(a) At least ten (10) hours must be taken in-person or through live, interactive webinars; and

(b) A maximum of ten (10) hours will be allowed for online education that is pre-recorded or non-interactive.

B. Veterinary technicians and veterinary technologists must earn twelve (12) continuing education hours each year to be eligible for certificate renewal.

(1) Continuing education topic requirements are as follows:

(a) Eight (8) hours must be education pertaining to veterinary medicine and surgery; and

(b) A maximum of four (4) hours can be education pertaining to non-scientific topics.

(2) Continuing education hours can be earned as follows:

(a) At least six (6) hours must be taken in-person or through live, interactive webinars; and

(b) A maximum of six (6) hours will be allowed for online education that is pre-recorded or non-interactive.

C. Continuing education hours are waived for veterinarians, veterinary technicians, and veterinary technologists who received a license or certificate from the Board during the

renewal period in which they graduated.

D. The following are approved by the Board for continuing education:

(1) An educational program sponsored by an accredited or approved college of veterinary medicine;

(2) An educational program sponsored by the American Animal Hospital Association;

(3) An educational program sponsored by the American Veterinary Medical Association or one of its recognized veterinary specialties or veterinary specialty organizations;

(4) An educational program sponsored by a local, state, regional or national veterinary association;

(5) An educational program sponsored by the National Association of Veterinary Technicians in America or one of its veterinary technician specialty academies or societies;

(6) An educational program 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; or

(7) An educational program sponsored by the United States Department of Agriculture.

E. Each veterinarian, veterinary technician, and veterinary technologist must keep a record of continuing education hours earned and will be required to certify those hours on a form provided by the Board. The form will be sent to each veterinarian, veterinary technician, and veterinary technologist at the time of annual renewal. All records of continuing education hours must be kept by the license or certificate holder for three (3) years. The Board, at its discretion, may request an audit of an individual's continuing education records.

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

G. Requests for pre-approval of educational programs must be submitted to the Board at least thirty (30) days prior to the meeting – no exceptions.

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

**INSPECTION AND MINIMUM STANDARDS OF PRACTICE
(Adopted: 12/1/1976) (Amended: 11/12/2008) (Effective: 1/1/2009)**

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 refrigerator;

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

(8) The facility shall have the capability 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 6/23/1993);

(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 6/23/1993);

(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: 6/23/1993) (Amended: 11/12/2008) (Effective: 1/1/2009)

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 originally 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: 6/23/1993) (Amended: 11/12/2008) (Effective: 1/1/2009)

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: 6/23/1993) (Amended: 11/12/2008) (Effective: 1/1/2009)

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,
- (8) Balance on hand.

and

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: 12/1/1976) (Amended: 11/12/2008) (Effective: 1/1/2009)

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: 11/5/1980) (Amended: 5/24/1988)

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 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: 12/1/1976) (Amended: 11/12/2008) (Effective: 1/1/2009)

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: 12/1/1976) (Amended: 11/12/2008) (Effective: 1/1/2009)

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 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, nondeceptive statements, including, but not limited to truthful nondeceptive 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 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.

**LIVESTOCK EMBRYO TRANSFER OR TRANSPLANT; AND LIVESTOCK
PREGNANCY DETERMINATION
(Adopted: 4/4/2018) (Effective: 9/1/2018)**

Definitions:

- 20. Certain terms as provided by Ark. Code Ann. § 17-101-316 shall be defined as:
 - A. “Individual technician” shall be referred to as a non-veterinarian embryo transfer

technician and means a person who performs the biosecure process of inducing increased ovulations within a donor female for the invitro or in vivo production of embryos, the flushing of those embryos, collecting, grading and transferring of those embryos to recipient females, or the cryopreservation of those embryos for storage and later transfer to recipient females.

B. “Livestock embryo transfer or transplant” shall mean services provided by a non-veterinarian embryo transfer technician certified by the Board which involves and shall be limited to nonsurgical embryo transfer in livestock, and may include basic ultrasonography of their ovaries to evaluate the response to embryo transfer associated procedures, and of the uterus to determine pregnancy by the detection of a heartbeat within the transferred embryo at or greater than twenty-eight (28) days of gestation of such animals.

C. “Qualified course” shall mean:

(1) A course on livestock embryo transfer or transplant and livestock pregnancy determination taught by someone with a Doctorate or Master of Science degree with an emphasis in animal reproductive physiology or a Doctor of Veterinary Medicine, or taught through an accredited or approved college of veterinary medicine; or

(2) A Doctorate or Master of Science degree with an emphasis in animal reproductive physiology.

Application:

21. The application for certification as a non-veterinarian embryo transfer technician in the State of Arkansas shall be written and signed by the applicant, and include the information set forth below and shall be accompanied by a nonrefundable one thousand dollar (\$1,000.00) application fee:

A. One (1) letter from a licensed veterinarian who has witnessed the applicant's ability to perform livestock embryo transfer or transplant and livestock pregnancy determination on at least three (3) occasions within six (6) consecutive months. The letter shall include the dates that the veterinarian spent with the applicant and an endorsement certifying that the applicant is proficient in the following areas:

(1) Basic knowledge, skills, and abilities required to proficiently extract, grade, freeze, thaw, and transfer livestock embryos; and

(2) The ability to properly use ultrasound equipment in determining pregnancy status with at least ninety percent (90%) accuracy beginning at sixty (60) days of pregnancy and with at least ninety percent (90%) accuracy when identifying trimester;

B. A record of successfully completing a qualified course taught by a livestock reproduction specialist on both livestock embryo transfer and livestock pregnancy determination;

C. Proof that the applicant has at least fifty percent (50%) financial interest in

livestock management equipment, including without limitation ultrasound equipment, microscope, embryo freezer, and other required transfer tools; and

D. Proof of membership in either the International Embryo Technology Society or the American Embryo Transfer Association.

Renewal:

22. A certification under this section expires after two (2) years and the non-veterinarian embryo transfer technician shall submit the following to the Board for renewal:

A. A renewal application;

B. A renewal application fee of two hundred fifty dollars (\$250.00); and

C. A record of completing a continuing education course on bovine reproduction within the United States of America or Canada.

Continuing Education:

23. Non-veterinarian embryo transfer technicians are required to earn eight (8) credit hours before becoming eligible for renewal. Those hours shall be completed within the United States of America or Canada through the following:

A. The annual conference of the International Embryo Technology Society;

B. The annual convention of the American Embryo Transfer Association; or

C. Another course on bovine reproduction pre-approved by the Board.

Record Keeping:

24. A non-veterinarian embryo transfer technician shall keep and maintain a record that contains the contact information of the licensed veterinarian prescribing or dispensing prescription drugs who has a valid veterinarian-client-patient-relationship with the livestock owner when the prescription drugs are administered by the technician.

PRESCRIBING CONTROLLED SUBSTANCES

(Adopted: 9/21/2018) (Effective: 1/1/2019)

25. A controlled substance will mean a Schedule II-V drug as defined in the Prescription Drug Monitoring Program Act.

A. Examination of the patient and need for prescribing a controlled substance.

(1) Nonpharmacologic treatment or drugs that are not classified as a controlled

substance will be given consideration prior to treatment with controlled substances. Prior to initiating treatment with a controlled substance, the licensed veterinarian will perform a history and physical examination appropriate to the presenting complaint and conduct an assessment of the patient's history as part of the initial examination.

(2) The medical record for prescribing controlled substances will include signs or presentation of the pain or condition, a presumptive diagnosis for the origin of the pain or condition, a physical examination appropriate to the presenting complaint, a treatment plan, and the medications prescribed to include the date, type, dosage, and quantity prescribed.

(3) If a controlled substance is necessary for treatment, the licensed veterinarian will prescribe it in the lowest effective dose appropriate to the size and species of the animal for the least amount of time.

(4) If the prescribing is within the accepted standard of care, a licensed veterinarian may prescribe a controlled substance for the management of behavioral disorders, neurological disorders, acute pain, chronic pain, terminal illnesses, or other chronic conditions.

B. For prescribing an opioid, the initial dose will not exceed a ten (10) day supply.

(1) For prescribing an opioid for the management of pain after the initial ten (10) day supply, the patient will be seen and evaluated for the continued need for an opioid.

(2) For any prescribing of an opioid beyond ten (10) days, the licensed veterinarian will develop a treatment plan for the patient, which will include measures to be used to determine progress in treatment, further diagnostic evaluations or modalities that might be necessary, and the extent to which the disorder, pain, or condition is associated with physical impairment.

(3) For the continued prescribing of an opioid, the patient will be seen and reevaluated at least every six (6) months. The justification for such prescribing will be documented in the patient record.

C. Prior to prescribing or dispensing a controlled substance, the licensed veterinarian will document a discussion with the owner about the known risks and benefits of treatment with a controlled substance, the responsibility for the security of the drug, and proper disposal of any unused drug.

D. Continuation of treatment with controlled substances will be supported by documentation of the continued benefit from the prescribing. For the continued prescribing of controlled substances that are not opioids, the patient will be seen and reevaluated at least every twelve (12) months. If the patient's progress is unsatisfactory, the licensed veterinarian will assess the appropriateness of the continued use of the current treatment plan and consider the use of other therapeutic modalities.

VETERINARY TECHNOLOGY – LEVELS OF SUPERVISION
(Adopted: 4/30/2020) (Effective: 7/18/2020)

26. A veterinary technician or veterinary technologist who has obtained a certificate of qualification from the Board may be allowed to perform the following acts under the direction, supervision, and responsibility of a licensed veterinarian, who has established the veterinarian-client-patient relationship, and will comply with the record keeping rule established by the Board.

A. Immediate supervision:

- (1) Surgical assistance to a licensed veterinarian; and
- (2) Dental extractions not requiring sectioning of a tooth or the resection of bone.

B. Direct supervision:

- (1) Any task or procedure that requires an animal to be under anesthesia;
- (2) Induction, maintenance, and monitoring of anesthesia;
- (3) Suturing of skin incisions made by a licensed veterinarian;
- (4) Dental procedures limited to the following:
 - (a) Removal of calculus, soft deposits, plaque, and stains;
 - (b) Smoothing, filing, and polishing teeth;
- (5) Blood or blood component collection, preparation and administration for blood transfusion; and
- (6) Performance of any veterinary technology duties at a livestock auction.

C. Indirect supervision:

- (1) Obtain history and perform a physical examination of an animal patient;
- (2) Collection of blood for diagnostic laboratory tests, except when in conflict of a state or federal law or regulation;
- (3) Collection and preparation of tissue, cellular, or microbiological samples by skin scrapings, impressions, or other non-surgical methods, except when in conflict of a state or federal law or regulation;
- (4) Collection of urine by free catch, expression, cystocentesis, or catheterization

(unobstructed) and inserting an indwelling urinary catheter;

(5) Collection of fluid by abdominocentesis, arthrocentesis, or thoracentesis;

(6) Performing laboratory procedures;

(7) Intravenous catheterization;

(8) Administration of parenteral fluid therapy;

(9) Radiograph, ultrasound, EKG, or other diagnostic imaging or monitoring;

(10) Ocular tonometry, Schirmer tear test, fluorescein staining;

(11) Administration and application of:

(a) Treatments, drugs, medications, and immunological agents by parenteral (subcutaneous, intramuscular, intraperitoneal, intraarticular, and intravenous) and non-parenteral routes, except when in conflict of a state or federal law or regulation;

(b) Splints, bandages, and wound dressings;

(12) Measure and prepare medication for dispensing to clients on the order of a licensed veterinarian;

(13) Pregnancy checking of food animals with or without equipment, rectal palpation, artificial insemination, correcting of uterine prolapse, uncomplicated fetal extractions excluding fetotomies and cesarean sections;

(14) Routine, non-surgical food animal management practices including castration, dehorning, tail docking, and ear notching; and

(15) Wound management and care.

MILITARY AUTOMATIC LICENSURE

(Adopted: 4/30/2020) (Effective: 7/18/2020)

27. As used in this subsection, “automatic licensure” means the granting of occupational licensure without an individual’s having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules, and “returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

A. The Board must grant automatic licensure to an individual who holds a substantially equivalent occupational license in good standing in another state, territory, or district of the United States and is:

- (1) An active duty military service member stationed in Arkansas;
- (2) A returning military veteran applying for an occupational license within one (1) year of his or her discharge from active duty; or
- (3) The spouse of a person under A. (1) or (2) above.

B. The Board must grant such automatic licensure upon receipt of all items listed below:

- (1) Evidence that the applicant is a holder in good standing of a substantially equivalent occupational license in another state, territory, or district of the United States; and
- (2) Evidence that the applicant is a qualified applicant under A. (1), (2), or (3) above.

**PRE-LICENSURE CRIMINAL BACKGROUND CHECK AND WAIVER REQUEST
(Adopted: 9/11/2019) (Effective: 7/18/2020)**

28. Pre-licensure criminal background check:

A. Pursuant to Ark. Code Ann. §17-2-103, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from an occupational license and whether a waiver may be obtained.

B. The individual must obtain a pre-licensure criminal background check petition form from the Board.

C. The Board will respond with a decision, in writing, to a completed petition within a reasonable amount of time.

D. The Board's response will state the reason(s) for the decision.

E. All decisions of the Board in response to the petition will be determined by the information provided by the individual.

F. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.

G. The Board will retain a copy of the petition and response, which will be reviewed during the formal application process.

29. Waiver Request:

A. If an individual has been convicted of an offense listed in Ark. Code Ann. §17-2-102(a), except those permanently disqualifying offenses found in subsection (e), the Board may

waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for waiver is made by:

- (1) An affected applicant for an occupational license; or
- (2) An individual holding an occupational license subject to revocation.

B. The Board may grant a waiver upon consideration of the following, without limitation:

- (1) The age at which the offense was committed;
- (2) The circumstances surrounding the offense;
- (3) The length of time since the offense was committed;
- (4) Subsequent work history since the offense was committed;
- (5) Employment references since the offense was committed;
- (6) Character references since the offense was committed;
- (7) Relevance of the offense to the occupational license; and

(8) Other evidence demonstrating that licensure or certification of the applicant does not pose a threat to the health or safety of the public.

C. A request for waiver, if made by an applicant, must be in writing and accompany the completed application and fee.

D. The Board will respond with a decision, in writing, and will state the reason(s) for the decision.

E. An appeal of a determination under this section will be subject to the Administrative Procedures Act §25-15-201 *et seq.*

RECIPROCITY AND TEMPORARY PERMITS
(Adopted: 9/11/2019) (Effective: 7/18/2020)

30. Reciprocity for Veterinarians:

A. A veterinarian applying for reciprocal licensure must meet the following requirements:

- (1) The applicant must hold a substantially similar license to practice veterinary medicine in another jurisdiction of the United States.

(a) A license from another jurisdiction of the United States is substantially similar to an Arkansas license to practice veterinary medicine if the other jurisdiction's licensure qualifications require:

(i) A diploma from an accredited or approved college of veterinary medicine; or

(ii) A certificate from either the Educational Commission for Foreign Veterinary Graduates or the Program for the Assessment of Veterinary Education Equivalence.

(b) The applicant's license in another jurisdiction of the United States must be in good standing;

(c) The applicant's license in another jurisdiction of the United States must not be held in a suspended or probationary status;

(d) The applicant's license in another jurisdiction of the United States must not have been revoked for an act of bad faith or a violation of a law, rule, or ethics; and

(2) The applicant must have passed the National Board Examination, Clinical Competency Test, North American Veterinary Licensing Examination, or a future equivalent.

B. A veterinarian must submit a completed application as described in Ark. Code Ann. §17-101-301, the required fee(s), and the following documentation:

(1) As evidence that the applicant's license from another jurisdiction of the United States is substantially similar to an Arkansas license to practice veterinary medicine, the applicant must submit the following:

(a) Evidence of a current and active license in that jurisdiction; and

(b) Evidence that the jurisdiction's licensure requirements match those listed in A. (1) (a) (i) or (ii).

(2) As evidence that the applicant meets the requirements in A. (1) (b) through (d), the applicant must submit the following:

(a) The names of all jurisdictions of the United States in which the applicant is currently or has been previously licensed; and

(b) A primary source license verification from each of those jurisdictions.

(3) As evidence that the applicant meets the requirement in A. (2), the applicant must transfer his or her score on the National Board Examination, Clinical Competency Test, North American Veterinary Licensing Examination, or a future equivalent, to the Board through the American Association of Veterinary State Boards, or its future equivalent.

31. Temporary Permits for Veterinarians:

A. A temporary permit will be issued to a veterinarian immediately upon receipt of the application, the required fee(s), and the documentation required under paragraph 30. B. 1. (a) and (b).

B. If the Board determines that the applicant meets the requirements for reciprocal licensure as described in paragraph 30. A. (1) through (2), a license will be issued upon the receipt of all required documentation listed in paragraph 30. B. (1) through (3).

C. If the Board determines that the applicant does not meet the requirements for reciprocal licensure as described in paragraph 30. A. (1) through (2), the applicant may still apply for licensure by examination.

32. Reciprocity for Veterinary Technicians and Veterinary Technologists:

A veterinary technician or veterinary technologist applying for reciprocal certification will follow the process outlined in Ark. Code Ann. §17-101-306.