

Department Of Health
Before The Board Of Veterinary Medical Examiners

Petition For Declaratory Order
Notice Of Hearing
And
Notice To Potentially Interested Persons

Rodney H. Newman has filed a Petition for a Declaratory Order pursuant to Tenn. Code Ann. § 4-5-224 and the Uniform Rules for Hearing Contested Cases Before State Administrative Agencies, Tenn. Comp. R. & Regs. 1360-4-1-.07.

1. Petitioner's Name: Rodney H. Newman
264 Hunter's Lane
Hendersonville, Tennessee 37075

Telephone Number: (615) 414-4867

Docket Number: 17.25-098177A

2. Petitioner's Attorney: Melody R. Black
Address: Hazel Path Mansion
105 Hazel Path
Hendersonville, Tennessee 37075

Telephone Number: (615) 824-9131

3. Organization, if any, that the Petitioner represents:

None.

4. Provide a statement of the facts that led to the filing of this petition.

The Petitioner is not a licensed veterinarian or veterinary medical technician. The Petitioner currently operates a sole proprietorship under the name, Canine Rehabilitation of Nashville. In this business, the Petitioner performs canine physical rehabilitation at various veterinary clinics in and around the Nashville area under the supervision of licensed veterinarians. This form of rehabilitation consists of Petitioner's on-site evaluation and hands on treatment. Petitioner desires to open a second business in Nashville which would operate as a canine exercise facility with an underwater treadmill tentatively named "See Spot Swim." The Petitioner states that this equipment may be purchased by the general public but would simply be cost prohibitive for most pet owners. By making the treadmill available to the public, they would have another exercise option other than dog walking services and this treadmill would also be a superior form of exercise currently not available in this area that could make pets healthier and live longer lives. The Petitioner asserts that the two businesses would be completely separate entities and at no time would rehabilitation evaluations or hands on treatment be conducted by the Petitioner or anyone else at the canine fitness center.

5. Provide a summary of the relief the Petitioner is requesting, including the specific nature of the requested order and the conclusions the Petitioner would like the agency to reach at the conclusion of the declaratory process.

The Petitioner is requesting a that the Board conclude that the use of an underwater treadmill at a canine exercise facility is not within the "scope of practice of veterinary medicine" and thus, does not require the direct on-site supervision of a licensed veterinarian.

6. Citation to the statute, rule or order which is the subject of the petition.

Tenn. Comp. R. & Regs. 1730-1.02(1) and (2)
Tenn. Comp. R. & Regs. 1730-1-.10(2)

7. State how the statute, rule and/or order cited above specifically and directly produces and effect or result upon the Petitioner:

Were this Board to find that the above-cited rules applied to the proposed operation of a canine exercise facility, the Petitioner would essentially have two options. The Petitioner could either not open the canine exercise facility or attempt to hire an onsite licensed veterinarian. Petitioner asserts that either of the two options would have detrimental effect.

A hearing has been scheduled for Thursday, April 24, 2008, at 11 a.m. before the Tennessee Board of Veterinary Medical Examiners in the Health Related Boards Conference Center, Suite 150, 227 French Landing, Nashville, Tennessee 37243.

If you have questions, you may contact the Petitioner's attorney, Melody R. Black, at the address and phone number listed at the beginning of this notice.

The Notice of Hearing of Petition for Declaratory Order set out herein was properly filed in the office of the Secretary of State, Publications Division, on this the 28th day of February, 2008.

Submitted for publication by:

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Filed in the Department of State on February 28, 2008.