

STATE OF TENNESSEE  
DEPARTMENT OF HEALTH

RECEIVED  
2015 APR 15 PM 3:29  
SECRETARY OF STATE

IN THE MATTER OF: )  
 )  
PAWSPLUS, INC. )  
PETITIONER )  
 )  
 )  
 ) DOCKET NO. 17.25-130710A

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NOTICE OF HEARING

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Comes now the Department of Health, Division of Health Related Boards, by and through counsel and gives notice that a Petition for Declaratory Order filed on behalf of PawsPlus, Inc. (and attached hereto as Exhibit A) was granted by the Board of Veterinary Medical Examiners ("Board") on April 8, 2015 and referred for a contested case hearing, which shall be heard on August 12, 2015 at 10:30 a.m. or as soon thereafter as the Board may take this matter up. This case is for the Board to decide whether the the petitioner should be required to comply with the separate entrance requirement under T.C.A. § 63-12-139(c).

PREPARED BY:



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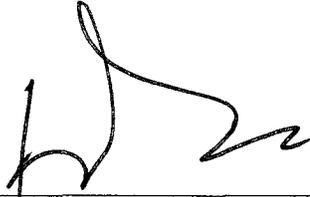
Keith Hodges, BPR No. 024496  
Assistant General Counsel  
Office of General Counsel  
Tennessee Department of Health  
665 Mainstream Drive  
Nashville, Tennessee 37243  
(615) 741-8218  
keith.d.hodges@tn.gov

April 15, 2015  
DATE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Petitioner, PawsPlus, Inc., through counsel Matthew J. Scanlan and Thomas B. Russell, Gullett Sanford Robinson & Martin PLLC, The Pinnacle at Symphony Place, 150 3<sup>rd</sup> Avenue South, Suite 1700, Nashville, Tennessee 37201, by delivering same in the United States certified mail number 7012346000049434067 and United States mail with sufficient postage thereon to reach its destination.

This 15<sup>th</sup> day of April, 2015.



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Keith D. Hodges  
Assistant General Counsel

**BEFORE THE TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

PAWSPLUS, INC.

Docket No.: \_\_\_\_\_

**PETITION FOR DECLARATORY ORDER**

Comes now the Petitioner, PawsPlus, Inc., ("PawsPlus") by counsel, and for its Petition for Declaratory Order, states as follows:

1. Petitioner's Name: PawsPlus, Inc.

Address: ATTN: Thomas Kerr, PawsPlus, Inc./VIP PetCare, Inc. 5813 Skylane Blvd., Windsor, CA 95492

Telephone number: (941) 400-1103

2. Petitioner's Attorney Name: Matthew J. Scanlan and Thomas B. Russell

Address: Gullett Sanford Robinson & Martin PLLC, 150 Third Ave. South, Suite 1700, Nashville, TN 37201

Telephone number: (615) 244-4994

3. Organization, if any, that the Petitioner Represents: None other than PawsPlus.

4. Provide a statement of the facts which led to the filing of this petition. Include all facts you believe necessary for the agency to make a decision in this matter.

Starting in 2012, PawsPlus began operating outpatient preventative veterinary clinics inside retail establishments.<sup>1</sup> PawsPlus's business plan did not call for it to offer any sick animal veterinary treatments. Instead, PawsPlus is limited to providing wellness services. This includes offering flea and tick medication, heart worm medication, micro-chipping, basic diagnostics and certain vaccinations. PawsPlus does not house animals, perform surgery or offer any veterinary treatments to suspected ill animals or treat any illness found. PawsPlus also has a

<sup>1</sup> An excel spreadsheet is attached hereto as Exhibit 1. It contains the names of the stores PawsPlus operates within and also contains the premises permit numbers which are subject to revocation by the Board.



list of referral veterinarians in each facility so that it can immediately refer to local veterinarians any suspected ill animals.

Unlike most businesses offering veterinary services, PawsPlus did not lease retail space that had an exterior or interior wall. Instead, PawsPlus set up its operation directly inside the establishment in a kiosk-type of operation. Each kiosk-style operation has a veterinarian as well as three to four technicians. The veterinarian maintains the patient-client relationship with all pets seen. Further, PawsPlus does not treat sick animals and limits its practice to only animals that are well.

PawsPlus opened its first kiosk-style operation in Tennessee on February 25, 2012, in the Petco located in Bartlett, TN. Pursuant to Tenn. Code Ann. § 63-12-139, PawsPlus registered with the Tennessee Board of Veterinary Examiners (“the Board”) and completed an application as required by law. The Board, after inspecting the site, issued a premises permit. In reliance upon the issuance of the premises permit, PawsPlus has continued to expand. It has continued to open kiosk-style operations. In each instance, PawsPlus completed an application and was inspected, and approved by the Board. PawsPlus now has approximately 115 kiosk-style operations in Tennessee.

On or about December 18, 2014, PawsPlus received a letter from the Board stating that the operation of the kiosk-style business was in violation of Tenn. Code Ann. § 63-12-139, which states in relevant part:

. . . All veterinary facilities located in retail establishments shall have an entrance into the permitted premises that is directly on a public street or public parking area, and such entrance shall be separate from the entrance used by regular retail customers.

The correspondence went on to state as follows:

It has come to our attention that, in error, premises permits were issued to veterinary facilities operating under the names of

PawsPlus and Vetco which are located in retail establishments and do not have the statutorily required separate entrance.

(December 18, 2014, correspondence "Board Correspondence"), attached hereto as Exhibit 2).

The Board went on to give PawsPlus and Vetco one year to come into compliance with the above referenced statute.

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

PawsPlus has relied upon the continued granting of premises permits for its kiosk-style operations and has done so since 2012. Based upon the continued granting of the premises permits, PawsPlus continued to grow and add new kiosk-style operations. PawsPlus has expended a great deal of time, money and effort to expand in Tennessee. Respectfully, PawsPlus believes a Declaratory Order is necessary to estopp the Board from revoking the previously approved premises permits for the kiosk-style operations.

PawsPlus respectfully requests the Board to enter a Declaratory Order reaching the conclusion that, based upon the continued granting of premise permits to its kiosk-style operations, PawsPlus believed it was in compliance with the law and, therefore, continued to spend a great amount of time and effort into expanding in Tennessee. The Board should, respectfully, be estopped from retroactively applying Tenn. Code Ann. § 63-12-139 to all of the premises permits which were issued prior to the December 18, 2014, Board Correspondence.

Further, this statute is simply not applicable to the type of outpatient preventative style kiosk-style businesses operated by PawsPlus. This is because the statute assumes that all veterinarian operations will only operate in retail stores where they can rent a space with an exterior wall. As has been proven with PawsPlus's operations, this is not always the case.

Further, the purpose of this statute, according to the Board's Correspondence, is to stop sick animals and healthy animals from coming into contact with each other. As PawsPlus only treats healthy animals, this statute is not applicable.

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

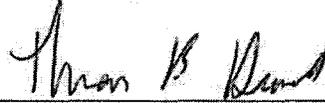
Tenn. Code Ann. § 63-12-139.

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

The above referenced statute has not been applied fairly to PawsPlus. In reliance upon the continued granting of premises permits for its kiosk-style operations, PawsPlus has continued to spend money and time to grow in Tennessee. Should this statute be retroactively applied to the premises permits issued prior to the December 18, 2014, Board Correspondence, it would shut down the PawsPlus operations in Tennessee. This would occur because, as a kiosk-style operation, it would be impossible for PawsPlus to gain access to a door which opens out to a public sidewalk or parking lot and is not the door used by regular customers. In essence, application of this statute would mean the loss of all of the money invested in PawsPlus, not to mention the services it provides to its communities and the many people PawsPlus employs.

PawsPlus plans to work with the legislature to get the law changed so that their kiosk-style operations will be in compliance with all laws. It simply asks that the Board not retroactively revoke the previously granted premises permits, as doing so would be more than devastating to PawsPlus.

Respectfully submitted,



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Matthew J. Scanlan, #23001  
Thomas B. Russell, #26011  
GULLETT SANFORD ROBINSON & MARTIN PLLC  
150 Third Avenue South, Suite 1700  
Nashville, TN 37201  
Tel.: 615-244-4994  
[mscanlan@gprm.com](mailto:mscanlan@gprm.com); [trussell@gprm.com](mailto:trussell@gprm.com)

*Attorneys for Petitioner*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of March, 2015, a copy of the foregoing **Petition for Declaratory Order** was sent via electronic mail to:

Lisa Lampley, Director  
Board of Veterinary Medical Examiners  
665 Mainstream Drive  
Nashville, TN 37243

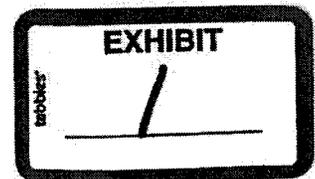


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**REQUEST FOR HEARING**

The Petitioner respectfully requests that its Motion for Declaratory Order be heard during the Board's April 8 and 9, 2015, hearing dates.

Store Name	Street Address	City	State	Current Permit #	Current Issue Date	Type	Past Permit #	Original Issue Date
Petco 1541	210 Franklin Rd. Ste.300	Brentwood	TN	VMF0000001672	5/29/2014	Renewal	VMF0000001458	2/10/2012
Petco 1550	3536 Murfreesboro Pike	Antioch	TN	VMF0000001671	6/5/2014	Renewal	VMF 0000001457	2/10/2012
Petco 1574	1418 West Main Street	Lebanon	TN	VMF0000001657	5/29/2014	Renewal	VMF 0000001527	7/30/2013
Petco 1609	7657 Hwy 70 South No.116	Nashville	TN	VMF0000001658	6/23/2014	Renewal	VMF0000001465	2/7/2012
Petco 1632	1014 Glenbrook Way	Hendersonville	TN	VMF0000001661	5/29/2014	Renewal	VMF 0000001463	2/10/2012
Petco 1637	377 W Jackson St Ste 11	Cookeville	TN	VMF0000001660	7/3/2014	Renewal	VMF0000001459	4/10/2012
Petco 1667	2615 Medical Center Pkwy #500	Murfreesboro	TN	VMF-0000001659	5/20/2014	Renewal	VMF 0000001464	2/10/2012
Petco 289	5570 Old Hickory Blvd.	Hermitage	TN	VMF0000001680	6/6/2014	Renewal	VMF 0000001461	2/10/2012
Petco 1578	2807 Wilma Rudolph Blvd.	Clarksville	TN	VMF 0000001740	11/10/2014	New	--	11/10/2014
Petco 1544	298 Spring Creek Dr.	Franklin	TN	VMF0000001741	10/6/2014	New	--	10/6/2014
Pet Supermarket 290	545 Cool Springs Blvd. #160	Franklin	TN	VMF0000001675	5/20/2014	Renewal	VMF0000001455	2/7/2012
Pet Supermarket 293	8030 Hwy 100	Belleveue	TN	VMF0000001637	6/6/2014	Renewal	VMF0000001462	2/7/2012
Pet Supermarket 294	256 East Main St.#B	Hendersonville	TN	VMF0000001670	5/29/2014	Renewal	VMF 0000001456	2/10/2012
Pet Supermarket 296	330 Franklin RD. #899A	Brentwood	TN	VMF0000001679	5/29/2014	Renewal	VMF0000001466	2/7/2012
Pet Supermarket 241	2314 Lebanon Road	Nashville	TN	VMF0000001645	6/6/2014	Renewal	VMF0000001500	5/16/2013
Petsense 317	1802 North Jackson Street	Tullahoma	TN	VMF0000001678	6/12/2014	Renewal	VMF0000001565	8/19/2013
Petsense 320	2101 Brookmeade Drive	Columbia	TN	VMF0000001677	6/19/2014	Renewal	VMF0000001471	5/17/2013
Petsense 337	621 S Cumberland Street	Lebanon	TN	VMF0000001669	5/29/2014	Renewal	VMF0000001503	2/28/2013
Petsense 358	114 N. Belvedere Dr.	Gallatin	TN	VMF 0000001729	8/4/2014	New	--	8/4/2014
Pet Supplies Plus 8061	768 S Jefferson St.	Cookeville	TN	VMF0000001734	10/21/2014	New	--	10/21/2014
Tractor Supply Co 1157	2320 Fairview Blvd.	Fairview	TN	VMF0000001666	6/23/2014	Renewal	VMF0000001555	9/17/2013
Tractor Supply Co 117	356 Frey St.	Ashland City	TN	VMF0000001656	6/23/2014	Renewal	VMF0000001596	9/24/2013
Tractor Supply Co 1182	225 Wilson Carter Dr.	Kimball	TN	VMF0000001662	7/3/2014	Renewal	VMF 0000001563	8/20/2013
Tractor Supply Co 132	911 Center Point Rd	Hendersonville	TN	VMF0000001665	6/6/2014	Renewal	VMF 0000001595	9/24/2013
Tractor Supply Co 1321	59 Dixon Springs Highway	Carthage	TN	VMF0000001686	6/6/2014	Renewal	VMF 0000001585	9/24/2013
Tractor Supply Co 1346	608 East Main St.	Hohenwald	TN	VMF0000001688	6/12/2014	Renewal	VMF0000001584	9/17/2013
Tractor Supply Co 1492	620 West Broad St.	Smithville	TN	VMF0000001639	6/24/2014	Renewal	VMF0000001597	9/23/2013
Tractor Supply Co 185	150 The Acres	Lewisburg	TN	VMF0000001654	5/29/2014	Renewal	VMF0000001589	9/23/2013
Tractor Supply Co 191	2310 Mercury Blvd	Murfreesboro	TN	VMF0000001649	5/29/2014	Renewal	VMF0000001593	9/23/2013
Tractor Supply Co 224	3556 Tom Austin Hwy	Springfield	TN	VMF0000001653	6/23/2014	Renewal	VMF0000001594	9/24/2013
Tractor Supply Co 225	135 John Rice Blvd	Murfreesboro	TN	VMF0000001652	5/29/2014	Renewal	VMF 0000001544	8/13/2013
Tractor Supply Co 263	1101 Hillview Ln	Franklin	TN	VMF0000001651	5/20/2014	Renewal	VMF 0000001539	8/20/2013
Tractor Supply Co 275	1455-B West Main St.	Lebanon	TN	VMF0000001668	6/6/2014	Renewal	VMF0000001545	9/24/2013
Tractor Supply Co 293	3355 Guthrie Highway	Clarksville	TN	VMF0000001690	6/16/2014	Renewal	VMF0000001588	9/24/2013
Tractor Supply Co 294	2211 Carmack Blvd	Columbia	TN	VMF0000001691	6/19/2014	Renewal	VMF 0000001543	8/13/2013
Tractor Supply Co 356	575-A South Jefferson Ave.	Cookeville	TN	VMF0000001667	6/24/2014	Renewal	VMF0000001587	9/24/2013
Tractor Supply Co 361	200 Hobson St.	McMinnville	TN	VMF0000001653	6/24/2014	Renewal	VMF 0000001546	8/29/2013
Tractor Supply Co 421	2028 North Locust Ave.	Lawrenceburg	TN	VMF0000001630	6/12/2014	Renewal	VMF0000001548	8/13/2013



Tractor Supply Co 428	1332 Huntsville Hwy	Fayetteville	TN	VMF0000001627	6/19/2014	Renewal	VMF0000001550	8/13/2013
Tractor Supply Co 438	670-A Nashville Pike	Gallatin	TN	VMF0000001685	5/29/2014	Renewal	VMF 0000001586	9/24/2013
Tractor Supply Co 454	715 Highway 46 South	Dickson	TN	VMF0000001698	6/6/2014	Renewal	VMF0000001551	9/17/2013
Tractor Supply Co 479	1640 West College St.	Pulaski	TN	VMF0000001674	6/12/2014	Renewal	VMF0000001553	8/13/2013
Tractor Supply Company 495	513 Nolan DR.	Smyrna	TN	VMF0000001673	5/29/2014	Renewal	VMF 0000001560	8/13/2013
Tractor Supply Company 500	14925 Lebanon Rd.	Old Hickory	TN	VMF0000001682	5/29/2014	Renewal	VMF 0000001548	9/24/2013
Tractor Supply Company 516	5111 Murfreesboro Rd.	College Grove	TN	VMF0000000683	5/20/2014	Renewal	VMF0000001558	8/13/2013
Tractor Supply Company 546	449 Highway 52 Bypass West	Lafayette	TN	VMF0000001664	6/6/2014	Renewal	VMF 0000001592	9/24/2013
Tractor Supply Company 706	1714 North Main St.	Shelbyville	TN	VMF0000001646	5/20/2014	Renewal	VMF 0000001591	9/23/2014
Tractor Supply Company 782	479 Traders Way	Thompson Station	TN	VMF0000001650	5/20/2014	Renewal	VMF 0000001557	8/20/2013
Tractor Supply Company 795	1425 Dinah Shore Blvd.	Winchester	TN	VMF0000001681	6/12/2014	Renewal	VMF0000001554	8/29/2013
Tractor Supply Company 402	1905 North Jackson St.	Tullahoma	TN	VMF0000001745	10/24/2014	New	--	10/24/2014
Hometown Pets 6650	1203 Murfreesboro Rd.	Franklin	TN	VMF0000001747	11/21/2014	New	--	11/21/2014
Hometown Pets 6651	7036 City Center Way	Fairview	TN	VMF0000001746	11/21/2014	New	--	11/21/2014
Petco 1626	6015 Stage Road	Bartlett	TN	VMF0000001643	5/30/2014	Renewal	VMF0000001449	2/15/2012
Petco 1628	1250 North Germantown Parkway	Cordova	TN	VMF0000001626	5/30/2014	Renewal	VMF0000001452	2/15/2012
Petco 861	3468 Poplar Avenue	Memphis	TN	VMF0000001637	5/30/2014	Renewal	VMF0000001451	2/15/2012
Petco 1617	7680 Poplar Avenue	Germantown	TN	VMF0000001644	5/30/2014	Renewal	VMF0000001448	2/15/2012
Petco 1670	10315 East Shelby Drive	Collierville	TN	VMF0000001625	5/30/2014	Renewal	VMF0000001447	2/15/2012
Petco 1604	187 Stonebrook Place	Jackson	TN	VMF0000001453	5/29/2014	Renewal	VMF0000001636	2/24/2014
Petsense 602	1401 West Reelfoot Avenue	Union City	TN	VMF0000001648	5/29/2014	Renewal	VMF0000001502	3/12/2013
Tractor Supply Company 153	9715 US Highway 64	Arlington	TN	VMF0000001642	5/30/2014	Renewal	VMF0000001536	8/20/2013
Tractor Supply Company 180	8247 US Highway 51 North	Millington	TN	VMF0000001634	5/30/2014	Renewal	VMF0000001538	8/20/2013
Tractor Supply Company 138	195 Water Street	Savannah	TN	VMF0000001632	5/29/2014	Renewal	VMF0000001535	8/20/2013
Tractor Supply Company 1531	1361 West Market Street	Bolivar	TN	VMF0000001635	5/30/2014	New	--	5/30/2014
Tractor Supply Company 600	2705 Lake Road	Dyersburg	TN	VMF0000001556	5/29/2014	Renewal	VMF0000001556	9/5/2013
Tractor Supply Company 1620	975 Highway 51 North	Covington	TN	VMF0000001534	5/29/2014	Renewal	VMF0000001534	8/20/2013
Tractor Supply Company 128	240 US Highway 72 West	Collierville	TN	VMF0000001580	5/30/2014	Renewal	VMF0000001580	8/29/2013
Tractor Supply Company 1589	50 Teague Store Road	Somerville	TN	VMF0000001582	5/30/2014	Renewal	VMF0000001582	8/29/2013
Tractor Supply Company 1639	6025 South 1st Street	Milan	TN	VMF0000001578	5/29/2014	Renewal	VMF0000001578	8/29/2013
Tractor Supply Company 602	425 Reelfoot Avenue	Union City	TN	VMF0000001579	5/29/2014	Renewal	VMF0000001579	8/29/2013
Tractor Supply Company 476	15 Carriage House Drive	Jackson	TN	VMF0000001581	5/29/2014	Renewal	VMF0000001581	8/29/2013
Tractor Supply Company 713	677 West Church Street	Lexington	TN	VMF0000001577	5/29/2014	Renewal	VMF0000001577	8/29/2013
Tractor Supply Company 173	1266 US-641	Paris	TN	VMF0000001590	5/29/2014	Renewal	VMF0000001590	9/19/2013
Tractor Supply Company 201	20940 East Main Street	Huntingdon	TN	VMF0000001599	5/29/2014	Renewal	VMF0000001599	9/19/2013
Tractor Supply Company 355	1511 S. Congress Parkway	Athens	TN	VMF0000001724	7/3/2014	New	--	7/3/2014
Tractor Supply Company 380	2606 Minnich Trail	Kingsport	TN	VMF0000001704	6/30/2014	New	--	6/30/2014
Petsense 344	776 W. Elk Avenue	Elizabethton	TN	VMF0000001707	6/11/2014	New	--	6/11/2014
Petsense 339	699 Parkway Road Suite 1	Sevierville	TN	VMF0000001715	6/11/2014	Renewal	VMF0000001522	6/13/2013

Tractor Supply Company 388	1800 West Lamar Alexander Pky	Maryville	TN	VMF0000001703	6/11/2014	Renewal	VMF0000001547	8/27/2013
Tractor Supply Company 478	135 Highland Square	Crossville	TN	VMF0000001684	6/24/2014	Renewal	VMF0000001552	8/23/2013
Petco 1523	169 Brooklawn St	Knoxville	TN	VMF0000001719	6/11/2014	New	--	6/11/2014
Pet Supplies Plus 8006	4856 Harvest Mill Way	Knoxville	TN	VMF0000001736	10/7/2014	New	--	10/7/2014
Pet Supplies Plus 8045	138 N. Peters Road	Knoxville	TN	VMF0000001739	10/7/2014	New	--	10/7/2014
Pet Supplies Plus 8007	7101 Kingston Pike	Knoxville	TN	VMF0000001735	10/7/2014	New	--	10/7/2014
Petco 1573	2288 Gunbarrell Road	Chattanooga	TN	VMF0000001720	6/13/2014	New	--	6/13/2014
Tractor Supply Company 425	330 West Main	Sevierville	TN	VMF0000001549	9/5/2014	Renewal	VMF0000001549	9/5/2013
Tractor Supply Company 1613	507 Boones Creek Road	Jonesborough	TN	VMF0000001708	6/11/2014	New	--	6/11/2014
Pet Supplies Plus 8033	216 S. Illinois Avenue	Oak Ridge	TN	VMF0000001738	10/7/2014	New	--	10/7/2014
Petco 1566	4908 Kingston Pike	Knoxville	TN	VMF0000001501	3/5/2013	Renewal	VMF0000001501	3/5/2013
Tractor Supply Company 1320	421 North Main Street	Jamestown	TN	VMF0000001663	6/24/2014	Renewal	VMF0000001562	8/23/2013
Tractor Supply Company 551	785 Highway 321 N	Lenoir City	TN	VMF0000001701	6/11/2014	New	--	6/11/2014
Petco 1608	5756 Highway 153 Suite A-1	Chattanooga	TN	VMF0000001380	1/24/2011	Renewal	--	1/24/2011
Tractor Supply Company 1368	200 Able Dr.	Dayton	TN	VMF0000001711	6/13/2014	New	--	6/13/2014
Tractor Supply Company 1243	127 W. Broadway Blvd	Jefferson City	TN	VMF0000001693	6/11/2014	Renewal	VMF0000001729	9/16/2013
Tractor Supply Company 1371	9408 Apison Pike	Ooltewah	TN	VMF0000001706	3/13/2014	New	--	3/13/2014
Petco 291	325 Paul Huff Parkway	Cleveland	TN	VMF0000001398	4/7/2013	Renewal	--	1/24/2011
Tractor Supply Company 529	7580 Maynardville Highway	Knoxville	TN	VMF0000001699	6/11/2014	New	--	6/11/2014
Tractor Supply Company 1569	163 Western Plaza Way	Newport	TN	VMF0000001574	9/5/2014	New	--	9/5/2014
Tractor Supply Company 1514	1494 N. Gateway Avenue	Rockwood	TN	VMF0000001710	6/13/2014	Renewal	VMF0000001564	12/11/2013
Tractor Supply Company 176	222 Sequoyah Road	Soddy Daisy	TN	VMF0000001537	8/20/2014	New	--	8/20/2014
Tractor Supply Company 1266	465 Oak Ridge Turnpike	Oak Ridge	TN	VMF0000001694	6/11/2014	New	--	6/11/2014
Tractor Supply Company 368	2750 Keith Street NW	Cleveland	TN	VMF0000001705	6/13/2014	Renewal	VMF0000001562	8/29/2013
Tractor Supply Company 360	3480 West Andrew Johnson HWY	Morristown	TN	VMF0000001522	8/6/2013	Renewal	--	8/6/2013
Petsense 359	68 The crossings	Crossville	TN	VMF0000001743	12/29/2014	New	--	12/29/2014
Tractor Supply Company 1827	1258N. Main Street	Erwin	TN	VMF0000001742	10/24/2014	New	--	10/24/2014
Tractor Supply Company 1557	7342R Tennessee 28	Dunlap	TN	VMF0000001713	6/24/2014	Renewal	VMF0000001533	8/20/2013
Petsense 318	110 West Morris Blvd	Morristown	TN	VMF0000001712	6/11/2014	New	--	6/11/2014
Pet Supplies Plus 8049	7606 Mountain Grove Dr.	Knoxville	TN	VMF0000001737	10/7/2014	New	--	10/7/2014
Tractor Supply Company 1228	210 Cherokee Park Drive	Elizabethton	TN	VMF0000001712	6/12/2014	New	--	6/12/2014
Tractor Supply Company 1823	1323 E. Main Street	Rogersville	TN					
Tractor Supply Company 1843	11638 Chapman Hwy	Seymour	TN	VMF0000001743	10/24/2014	New	--	10/24/2014
Tractor Supply Company 359	1665 Andrew Johnson Hwy	Greeneville	TN					
Tractor Supply Company 520	4534 Bristol Hwy	Johnson City	TN	VMF0000001702	6/11/2014	New	--	6/11/2014



**STATE OF TENNESSEE  
DEPARTMENT OF HEALTH  
Division of Health Related Boards  
665 Mainstream Drive  
Nashville, TN 37243  
[tn.gov/health](http://tn.gov/health)  
Board of Veterinary Medical Examiners  
1-800-778-4123 ext. 5325090  
(615)532-5090(local)**

December 18, 2014

Certified Mail  
7010 1670 0002 5922 4666

Alan Curtis Younkin, DVM  
11354 Mosley Lane  
St. Louis, MO 63141

**RE: T.C.A. § 63-12-139 Premises Permits**

Dear Dr. Younkin:

As you know, the laws governing the practice of veterinary medicine in Tennessee require that a premises permit be obtained for any premises where a licensed veterinarian practices or where the practice of veterinary medicine occurs. Additionally, T.C.A. § 63-12-139(c) reads "...All veterinary facilities located in retail establishments shall have an entrance into the permitted premises that is directly on a public street or public parking area, and such entrance shall be separate from the entrance used by regular retail customers. For purposes of this chapter, "retail establishment" means any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine or any veterinary facility located in an enclosed shopping mall or enclosed shopping center." Given that the intent behind the separate entrance requirement is to insulate healthy and/or vaccinated animals from sick and/or unvaccinated animals, the separate entrance must connect directly with the facility in which the sick and/or unvaccinated animals are being treated.

It has come to our attention that, in error, premise permits were issued to veterinary facilities operating under the names PawPlus and Vetco which are located in retail establishments and do not have the statutorily required separate entrance. Our records indicate that you are the owner and supervising veterinarian for these facilities.

We apologize for this error and in our effort to be fair and allow ample time for the affected facilities to come into compliance with the above statute, each facility will have one (1) year from the date of this letter in which to comply and submit proof of compliance to this office.

Please contact me at the above address and/or telephone number or email to [Lisa.Lampley@tn.gov](mailto:Lisa.Lampley@tn.gov) if further information is needed.

Sincerely,

Lisa Lampley, Director  
Board of Veterinary Medical Examiners

cc: Keith Hodges, Assistant General Counsel

