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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission: Board of Veterinary Medical Examiners

Division:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1730-01	General Rules Governing Veterinarians
Rule Number	Rule Title
1730-01-.03	Necessity of Licensure
1730-01-.04	Qualifications for Licensure
1730-01-.05	Procedures for Licensure
1730-01-.07	Application Review, Approval, Denial, Interviews
1730-01-.08	Examinations
1730-01-.12	Continuing Education
1730-01-.14	Temporary License
1730-01-.15	Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels
1730-01-.16	License

Chapter Number	Chapter Title
1730-02	General Rules Governing Veterinary Facilities
Rule Number	Rule Title
1730-02-.15	Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels

Chapter Number	Chapter Title
1730-03	General Rules Governing Veterinary Medical Technicians
Rule Number	Rule Title
1730-03-.05	Procedures for Licensure
1730-03-.07	Application Review, Approval, Denial, Interviews

1730-03-.15	Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels
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Chapter Number	Chapter Title
1730-04	General Rules Governing Certified Animal Control Agencies
Rule Number	Rule Title
1730-04-.12	Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels

Chapter Number	Chapter Title
1730-05	General Rules Governing Certified Animal Euthanasia Technicians
Rule Number	Rule Title
1730-05-.12	Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rulemaking Hearing Rules
Department of Health
Board of Veterinary Medical Examiners
Division of Health Related Boards

Chapter 1730-01
General Rules Governing Veterinarians

Chapter 1730-02
General Rules Governing Veterinary Facilities

Chapter 1730-03
General Rules Governing Veterinary Medical Technicians

Chapter 1730-04
General Rules Governing Certified Animal Control Agencies

Chapter 1730-05
General Rules Governing Certified Animal Euthanasia Technicians

Amendments

Rule 1730-01-.03, Necessity of Licensure, is amended by adding the following language as paragraph (3):

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

Authority: T.C.A. §§ 63-12-106 and 63-12-133.

Rule 1730-01-.04, Qualifications for Licensure, is amended by deleting subparagraph (1) (c) in its entirety, and is further amended by inserting the following language as new subparagraph (2) (b) and renumbering the subsequent existing subparagraphs accordingly, and is further amended by deleting subparagraph (3) (a) in its entirety and substituting instead the following language, so that as amended, the new subparagraphs (2) (b) and (3) (a) shall read:

- (2) (b) Pass the examination as provided in paragraph (1) of Rule 1730-01-.08.
- (3) (a) Be certified by
 - 1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or
 - 2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or
 - 3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE;

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

Rule 1730-01-.05, Procedures for Licensure, is amended by deleting subparagraphs (1) (e) and (2) (e) in their entirety and substituting instead the following language, and is further amended by deleting subparagraph (3) (b) in its entirety and substituting instead the following language, so that as amended, the new subparagraphs (1) (e), (2) (e), and (3) (b) shall read:

- (1) (e) An applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's administrative office. The transcript must show that the degree has been conferred and carry the official seal of the institution.
- (2) (e) An applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's administrative office. The transcript must show that the degree has been conferred and carry the official seal of the institution.
- (3) (b) Be certified by
 - 1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or
 - 2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or
 - 3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE; and

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

Rule 1730-01-.07, Application Review, Approval, Denial, Interviews, is amended by deleting subparagraph (3) (c) and paragraph (4) in their entirety and substituting instead the following language, and is further amended by deleting paragraph (9) in its entirety and renumbering the existing paragraphs (10) and (11) as paragraphs (9) and (10), so that as amended, the new subparagraph (3) (c) and the new paragraph (4) shall read:

- (3) (c) For an applicant who has not passed the examinations required by Rule 1730-01-.08, the file will remain open until the applicant has had the opportunity to take each required examination three (3) times. At that time, the file will be closed and the applicant notified.
- (4) One hundred (100) days prior to an examination the application with the required supporting documents and all fees must be received in the Board's administrative office.

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

Rule 1730-01-.08, Examinations, is amended by deleting paragraphs (5) and (6) in their entirety and substituting instead the following language, so that as amended, the new paragraphs (5) and (6) shall read:

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

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

Rule 1730-01-.12, Continuing Education, is amended by adding the American Association of Zoo Veterinarians and the American College of Zoological Medicine in appropriate, alphabetical order to the list of organizations contained in part (3) (f) 1., and is further amended by adding the following language as new part (3) (f) 3.:

- (3) (f) 3. Courses and programs approved by the Registry of Approved Continuing Education (RACE), which is the American Association of Veterinary State Boards' national clearinghouse for approval of continuing education.

Authority: T.C.A. §§ 63-12-105, 63-12-106, and 63-12-120.

Rule 1730-01-.14, Temporary License, is amended by deleting subparagraphs (3) (c) and (3) (d) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (3) (c) and (3) (d) shall read:

- (3) (c) The veterinarian shall be currently seeking certification from:
 - 1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or

2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or
 3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE.
- (3) (d) The temporary license is valid until the veterinarian obtains ECFVG certification, PAVE certification, or certification from an agency deemed by the Board to be equivalent to ECFVG or PAVE.

Authority: T.C.A. §§ 63-12-106 and 63-12-113.

Rule 1730-01-.15, Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels, is amended by deleting subparagraph (2) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2) (f) shall read:

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

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

Rule 1730-01-.16, License, is amended by deleting paragraph (5) in its entirety and substituting instead the following language, so that as amended, the new paragraph (5) shall read:

- (5) Use of Titles - Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title "Veterinarian," "Doctor of Veterinary Medicine," "D.V.M." or "V.M.D.," and to practice veterinary medicine, as defined in T.C.A. § 63-12-103. Any person licensed by the Board to whom this rule applies must use one of the titles authorized by this rule in every "advertisement" [as that term is defined in rule 1730-1-.20] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the veterinarian to disciplinary action pursuant to T.C.A. § 63-12-124 (a) (10), (a) (12), and (a) (13).

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

Rule 1730-02-.15, Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels, is amended by deleting subparagraph (2) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2) (f) shall read:

- (2) (f) Conditions - Any action deemed appropriate by the Board to be required of a premises permit holder in any of the following circumstances:
1. During any period of probation, suspension; or

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

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

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

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

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

Rule 1730-03-.07, Application Review, Approval, Denial, Interviews, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, and is further amended by deleting paragraph (9) in its entirety and renumbering the existing paragraphs (10) and (11) as paragraphs (9) and (10), so that as amended, the new paragraph (4) shall read:

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

Authority: T.C.A. §§ 63-12-105, 63-12-106, and 63-12-135.

Rule 1730-03-.15, Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels, is amended by deleting subparagraph (2) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2) (f) shall read:

- (2) (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
 1. During any period of probation, suspension; or

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

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

Rule 1730-04-.12, Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels, is amended by deleting subparagraph (1) (e) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (e) shall read:

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

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

Rule 1730-05-.12, Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels, is amended by deleting subparagraph (1) (e) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (e) shall read:

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

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

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
James C. Lyons				X	
Tiffani D. Rogers	X				
Charles M. Thompson	X				
Thomas Edmonds	X				
Mary Welch	X				
Janet B. Jones	X				
Marie Gordon	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Veterinary Medical Examiners (board/commission/ other authority) on 06/27/2007 (mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/19/2007

Notice published in the Tennessee Administrative Register on: 05/05/2007

Rulemaking Hearing(s) Conducted on: (add more dates). 06/27/2007

Date: 8/21/09

Signature: [Handwritten Signature]

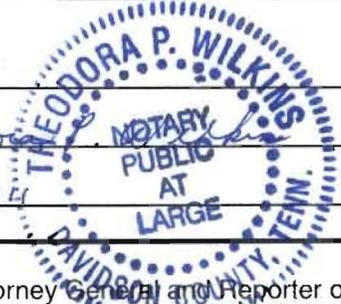
Name of Officer: Shiva K. Bozarth
Deputy General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 8/21/09

Notary Public Signature: [Handwritten Signature]

My commission expires on: 11/7/2011



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.

Robert E. Cooper, Jr.
Attorney General and Reporter

9-3-09

Date

Department of State Use Only

Filed with the Department of State on: 5/10/09

Effective on: 12/9/09

Tre Hargett

Tre Hargett
Secretary of State

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PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

MINUTES

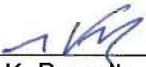
RULEMAKING HEARING

TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS

JUNE 27, 2007

The rulemaking hearing for the Tennessee Board of Veterinary Medical Examiners was called to order on June 27, 2007.

No members of the public attended the rulemaking hearing. No written or oral comments were received at the rulemaking hearing.



Shiva K. Bozarth, Deputy General Counsel
Division of Health Related Boards



Date

Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105th General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

Addendum

Economic Impact Statement

- (1) Type or types of small business subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

Amendments regarding consulting veterinarians who have no Tennessee license: Veterinary practices who use consulting veterinarians

Amendments regarding addition of an approved certification agency for foreign graduates:

- (a) Unlicensed veterinarians who are foreign graduates and are seeking licensure and intend to be sole proprietors; and
- (b) Licensed veterinarians who employ or seek to employ veterinarians who are foreign graduates;
- (c) Sole proprietors, partnerships and corporations who employ or seek to employ veterinarians who are foreign graduates.

Amendments regarding revision of requirement to document education, revision of exam requirements for licensure applicants and revision of deadlines to apply for exams and licensure:

- (a) Unlicensed veterinarians who are seeking licensure and intend to be sole proprietors; and
- (b) Licensed veterinarians who employ or seek to employ licensed veterinarians or licensed veterinary technicians;
- (c) Sole proprietors, partnerships and corporations who employ or seek to employ licensed veterinarians or licensed veterinary technicians.

Amendments regarding addition of approved continuing education course providers: All licensees

Amendments regarding revision to the "use of titles" rule as it relates to advertisements: Licensees who advertise

- (2) Identification and estimate of the number of small businesses subject to the proposed rule:

As of December 31, 2006, Tennessee had 1,699 licensed veterinarians and 339 licensed veterinary technicians who were eligible for licensure renewal.

- (3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The proposed amendments which have economic impact on small businesses have no increased or new reporting, recordkeeping and other administrative costs that are required for compliance, except for the proposed advertising amendment which will have additional recordkeeping requirements but with minimal cost and with no new professional skills required.

- (4) Statement of the probable effect on impacted small businesses and consumers:

Amendments regarding consulting veterinarians who have no Tennessee license: Veterinary practices that presently use consulting veterinarians may have to replace their current choice of veterinarian or may have to pay for the consulting veterinarian's license

Amendments regarding addition of an approved certification agency for foreign graduates: The Board anticipates the proposed rule amendments will favorably, rather than adversely, impact small businesses because the additional agency increases a foreign applicant's options.

Amendments regarding revision of requirement to document education, revision of exam requirements for licensure applicants and revision of deadlines to apply for exams and licensure: Unlicensed veterinarians who are seeking licensure and intend to be sole proprietors may find that it takes longer to become licensed or may instead apply elsewhere for licensure because they have determined that they cannot meet the new requirements and deadlines. Employers of veterinarians may experience similar occurrences.

Amendments regarding addition of approved continuing education course providers: The Board anticipates the proposed rule amendments will favorably, rather than adversely, impact small businesses.

Amendments regarding revision to the "use of titles" rule as it relates to advertisements: Licensees who advertise may have to revise advertisements which have been previously developed and/or currently running. Consumers will be able to more accurately match an advertiser's credentials with the needs of the patient and client.

Also, consumers will find some aspects of the proposed rule amendments expand their choices of service providers while other aspects may reduce choices.

- (5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

Amendments regarding consulting veterinarians who have no Tennessee license; and

Amendments regarding revision of requirement to document education, revision of exam requirements for licensure applicants and revision of deadlines to apply for exams and licensure:

It would be less burdensome to not promulgate these rule amendments, but that would be contrary to the Board's mission to safeguard the health, safety, and welfare of Tennesseans by requiring those who practice veterinary medicine within this state be licensed in order to verify minimum competency.

Amendments regarding addition of an approved certification agency for foreign graduates; and

Amendments regarding addition of approved continuing education course providers:

The Board does not believe there are less burdensome alternatives because the intent of the proposed rule amendments is precisely that.

Amendments regarding revision to the "use of titles" rule as it relates to advertisements: The Board does not believe there are less burdensome alternatives because the intent of T.C.A. § 63-1-145 (Public Chapter 467 of the Public Acts of 2005) requires the promulgation of this rule.

- (6) Comparison of the proposed rule with any federal or state counterparts:

Federal: The Board is not aware of any federal counterparts. The federal government does not license veterinarians.

State:

Amendments regarding consulting veterinarians who have no Tennessee license: The Board of Medical Examiners has statutes and rules by which it issues "single purpose" and "locum tenens" licenses. The

Board of Communications Disorders has statutes which authorize unlicensed practice for individuals who enter the state for short periods of time.

Amendments regarding addition of an approved certification agency for foreign graduates: The various health-related licensing boards frequently add additional certification agencies.

Amendments regarding revision of requirement to document education, revision of exam requirements for licensure applicants and revision of deadlines to apply for exams and licensure: The amendments do not result in rules substantively different from most of the health-related licensing boards.

Amendments regarding addition of approved continuing education course providers: The various health-related licensing boards frequently add additional approved continuing education course providers.

Amendments regarding revision to the "use of titles" rule as it relates to advertisements: The proposed rule amendments regarding use of titles will be promulgated at all of the health related licensing boards.

- (7) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

It is not possible to exempt the impacted small businesses from all or any part of the requirements contained in the proposed rule because the impacted small businesses are the Board's licensees and applicants. If there were to be an exemption, the proposed rule amendments would have no actual effect.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1730-01-.03 Necessity of Licensure- provides that out-of-state consultant veterinarians must be licensed in another state and acting under the direct supervision of a Tennessee licensee. The rule also defines "direct supervision" as meaning that the licensee is on the premises and assuming responsibility for the consultant veterinarian. Responsibilities of the Tennessee licensee include notifying the Board's administrative office of the name of the consulting veterinarian and the date(s) and location of the consultation. Revision of 3 provides that a request for consulting services must be for a specific case and can only be made by Tennessee licensed veterinarians, not by individual consumers. Revision of 3 also provides prohibitions for out-of-state consulting veterinarians which include doing business in Tennessee, holding oneself out as practicing veterinary medicine at a Tennessee location, establishing an answer service in Tennessee, having separate billing for consulting services, providing consulting service in excess of ten days, and consulting, without direct supervision, to an extent which constitutes the practice of veterinary medicine.

Rule 1730-01-.04 Qualifications for Licensure- establishes requirements for veterinarian licensure by examination and by reciprocity. Requirements range from academic, tenure, and disciplinary to new certification rules. Deletion in 2(c) provided that, prior to submitting an application for licensure, foreign graduates must also meet the requirements set by the American Veterinary Medical Association (ECFVG Certification). Deletion of the reciprocity requirement in 2(c) also required that the veterinarian should hold a valid, unrestricted license in another state, territory, or Canadian province for five (5) years. Revised certification requirements in 3 for foreign graduates establish that the veterinarian must be certified by the Educational Commission for Veterinary Graduates (ECFVG), the Program for the Assessment of Veterinary Education Equivalence (PAVE), or a certification agency deemed by the Board to be equivalent to ECFVG or PAVE.

Rule 1730-01-.05 Procedures for Licensure- establishes requirements for veterinarian procedure for licensure by examination, by reciprocity, and for foreign graduates. Revisions of 1(e) and 2(e) provide that an applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's administrative office and that the transcript must show that the degree has been conferred carrying the official seal of the institution. Revised certification requirements for foreign graduates establish that the veterinarian must be certified by the Educational Commission for Veterinary Graduates (ECFVG), the Program for the Assessment of Veterinary Education Equivalence (PAVE), or a certification agency deemed by the Board to be equivalent to ECFVG or PAVE.

Rule 1730-01-.07 Application Review, Approval, Denial, Interviews- establishes policies for Board's handling of initiated, incomplete, accepted, denied, ratified, falsified, and abandoned veterinarian applications. Revision of 3(c) provides that the file of an applicant who has not passed the examinations required by Rule 1730-01-.08 will remain open until the applicant has had the opportunity to take each required examination (3) times. At that time, the file will be closed and the applicant notified. Revision of 4 provides that all fees and the application with the required supporting documents must be received in the Board's administrative office one hundred (100) days prior to an examination. Deletion in 9 provided that whenever requirements for licensure were not completed within 18 months from the date of the initial review of application and credentials, written notification would be mailed to the applicant and the application file would be closed for consideration until the applicant filed a new application.

Rule 1730-01-.08 Examinations- establishes that individuals seeking licensure shall be required to pass the North American Veterinary Licensing Examination or National Board Examination and Clinical Competency Test. Revision of 5 provides that applicants for initial licensure as a veterinarian in Tennessee who have never been licensed as a veterinarian in any other state must pass the North American Veterinary Licensing Examination. Revision of 6 provides that official scores from the National Board Examination, Clinical Competency Test, or the North American Veterinary Licensing Examination must be submitted to the Board's administrative office directly from the American Association of Veterinary State Boards whenever these exams are taken outside of Tennessee.

Rule 1730-01-.12 Continuing Education- establishes policies for required hours, proof of compliance, course approval, waiver or extension of continuing education, continuing education for reactivating of retired license,

and violations. Revision of 3(f)(3) provides that courses and programs approved by the Registry of Approved Continuing Education (RACE) need not receive prior approval and shall constitute Board approved education courses.

Rule 1730-01-.14 Temporary License- establishes that Tennessee veterinary licensees, out-of-state licensees, and foreign graduates may also file an application for a temporary license. Revision of 3(c) provides that the veterinarian shall be currently seeking certification from the Educational Commission for Veterinary Graduates (ECFVG), the Program for the Assessment of Veterinary Education Equivalence (PAVE), or a certification agency deemed by the Board to be equivalent to ECFVG or PAVE. Revision of 3(d) provides that the temporary license is valid until the veterinarian obtains ECFVG certification, PAVE certification, or certification from an agency deemed by the Board to be equivalent to ECFVG or PAVE.

Rule 1730-01-.15 Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels- establishes for veterinarians the purpose and statutory provisions for violations, the various sanctions, civil penalties, and conditions of suspension. Revision of 2(f) provides that the following circumstances are deemed appropriate by the Board as actions required of a disciplined licensee: 1) during any period of probation or suspension, 2) during any period of non-permanent revocation, 3) as a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license, or 4) as a stand-alone requirement(s) in any disciplinary order.

Rule 1730-01-.16 License- establishes policies for license issuance, display of license, replacement license or renewal certificate, verification, and use of titles. Revision of 5 provides that any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title "Veterinarian," "Doctor of Veterinary Medicine," "D.V.M." or "V.M.D.," and to practice veterinary medicine, as defined in T.C.A. § 63-12-103. Revision 5 further provides that any person licensed by the Board to whom this rule applies must use one of the titles authorized by this rule in every "advertisement" [as that term is defined in rule 1730-01-.20] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the veterinarian to disciplinary action pursuant to T.C.A. § 63-12-124(a)(12), (a)(2), (a)(4), (a)(13), and (a)(14).

Rule 1730-02-.15 Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels- establishes for premises holders the purpose and statutory provisions for violations, the various sanctions, civil penalties, and conditions of suspension. Revision of 2(f) provides that the following circumstances are deemed appropriate by the Board as actions required of a disciplined licensee: 1) during any period of probation or suspension, 2) during any period of non-permanent revocation, 3) as a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license, or 4) as a stand-alone requirement(s) in any disciplinary order.

Rule 1730-03-.05 Procedures for Licensure- establishes requirements for veterinary medical technician procedure for licensure by examination, by reciprocity, and for foreign graduates. Revision of 1(b) provides that applications for licensure must be submitted to the Board's administrative office at least sixty (60) days prior to the examination date. Revisions of 1(e) and 2(e) provide that an applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's administrative office and that the transcript must show that the degree has been conferred carrying the official seal of the institution.

Rule 1730-03-.07 Application Review, Approval, Denial, Interviews- establishes policies for Board's handling of initiated, incomplete, accepted, denied, ratified, falsified, and abandoned veterinary medical technician applications. Revision of 4 provides that sixty (60) days prior to admission to an examination the application with the required supporting documents and all fees must be received in the Board's administrative office. Deletion in 9 provided that whenever requirements for licensure were not completed within 18 months from the date of the initial review of application and credentials, written notification would be mailed to the applicant and the application file would be closed for consideration until the applicant filed a new application.

Rule 1730-03-.15 Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels- establishes for veterinary medical technicians the purpose and statutory provisions for violations, the various sanctions, civil penalties, and orders of compliance. Revision of 2(f) provides that the following circumstances are deemed appropriate by the Board as actions required of a disciplined licensee: 1) during any period of probation or suspension, 2) during any period of non-permanent revocation, 3) as a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license, or 4) as a stand-alone requirement(s)

in any disciplinary order.

Rule 1730-04-.12 Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels- establishes for animal control agencies and owners the purpose and statutory provisions for violations, the various sanctions, civil penalties, revocations for cause, reconsiderations, and stays. Revision of 1(e) provides that the following circumstances are deemed appropriate by the Board as actions required of a disciplined licensee: 1) during any period of probation or suspension, 2) during any period of non-permanent revocation, 3) as a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license, or 4) as a stand-alone requirement(s) in any disciplinary order.

Rule 1730-05-.12 Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels- establishes for animal euthanasia technicians the purpose and statutory provisions for violations, the various sanctions, civil penalties, revocations for cause, orders of compliance, reconsiderations, and stays. Revision of 1(e) provides that the following circumstances are deemed appropriate by the Board as actions required of a disciplined licensee: 1) during any period of probation or suspension, 2) during any period of non-permanent revocation, 3) as a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license, or 4) as a stand-alone requirement(s) in any disciplinary order.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

The new amendments to the rules were promulgated pursuant to Tenn. Code Ann. §63-12-106.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

As of December 31, 2006, Tennessee has 1,699 licensed veterinarians and 339 licensed veterinary technicians who were eligible for licensure renewal.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

Inapplicable.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The proposed amendments which have economic impact on small businesses have no increased or new reporting, recordkeeping and other administrative costs that are required for compliance, except for the proposed advertising amendment which will have additional recordkeeping requirements but with minimal cost and with no new professional skills required.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Shiva K. Bozarth

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Shiva K. Bozarth

- (H)** Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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SS-7039 (January, 2009)

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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

Inapplicable.