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SECRETARY OF STATE

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Board of Veterinary Medical Examiners
Division:	
Contact Person:	Christopher M. Smith
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator at the Division of Health Related Boards
Address:	227 French Landing, Heritage Place, Nashville, Tennessee, 37243
Phone:	(615) 741-6350
Email:	

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Iris Conference Room, Heritage Place Metrocenter		
Address 2:	227 French Landing Drive		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	12/11/12		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. 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-.01	Definitions

1730-01-.02	Scope of Practice
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-.10	Supervision
1730-01-.11	Retirement and Reactivation of License
1730-01-.12	Continuing Education
1730-01-.13	Unprofessional Conduct
1730-01-.16	License
1730-01-.17	Change of Name and/or Address
1730-01-.19	Board Consultants, Records and Complaints, and Declaratory Orders
1730-01-.20	Advertising
1730-01-.21	Prescribing, Dispensing, or Otherwise Distributing Pharmaceuticals
1730-01-.22	Recordkeeping
1730-01-.24	Consumer Right-To-Know Requirements
1730-01-.25	Consulting Veterinarians

Chapter Number	Chapter Title
1730-02	Rules Governing Veterinary Facilities
Rule Number	Rule Title
1730-02-.01	Definitions
1730-02-.03	Veterinary Facility Inspections to Obtain a Premises Permit
1730-02-.04	Recordkeeping
1730-02-.05	Prescribing, Dispensing, or Otherwise Distributing Pharmaceuticals

Chapter Number	Chapter Title
1730-03	Rules Governing Veterinary Technicians
Rule Number	Rule Title
1730-03-.01	Definitions
1730-03-.02	Scope of Practice
1730-03-.04	Qualifications for Licensure
1730-03-.05	Procedures for Licensure
1730-03-.07	Application Review, Approval, Denial, Interviews
1730-03-.08	Examinations
1730-03-.10	Supervision
1730-03-.12	Continuing Education
1730-03-.13	Unprofessional Conduct
1730-03-.16	License
1730-03-.17	Change of Name and/or Address

Chapter Number	Chapter Title
1730-04	General Rules Governing Certified Animal Control Agencies
Rule Number	Rule Title
1730-04-.01	Definitions
1730-04-.03	Qualifications for Certification
1730-04-.04	Procedure for Certification of an Animal Control Agency

Chapter Number	Chapter Title
1730-05	General Rules Governing Certified Animal Euthanasia Technicians
Rule Number	Rule Title
1730-05-.01	Definitions
1730-05-.04	Procedures for Certification
1730-05-.05	Application Review, Approval, Denial

1730-05-.11	Unprofessional Conduct
1730-05-.13	Change of Name and/or Address

Chapter Number	Chapter Title
1730-06	General Rules Governing Chemical Capture
Rule Number	Rule Title
1730-06-.03	Application Requirements

(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>)

Chapter 1730-01
General Rules Governing Veterinarians

Amendments

Rule 1730-01-.01 Definitions is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-01-.01 Definitions. As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

- (1) Acupuncture – The insertion of needles into the body of an animal in an effort to treat, correct, change, alleviate or prevent animal disease, illness, pain, defect, injury, or other physical or mental condition.
- (2) Advertisement - Information communicated to the public, in any manner, designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
- (3) Advertising - Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individuals, radio, video, or television broadcasting, electronic communication, or any other means designed to secure public attention.
- (4) Anesthesiology – The branch of veterinary medicine which involves inducing a state of unconsciousness in an animal for the purpose of treating and/or preventing pain and/or distress in the animal.
- (5) Applicant - Any individual requesting licensure by the board by submitting a completed application and application fee.
- (6) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (7) Behavioral Medicine – The branch of veterinary medicine that involves diagnosing animal behavioral conditions and treating those behavioral conditions by prescribing or administering any drug, medicine, biologic, or other therapeutic or diagnostic substance.
- (8) Board - The Tennessee Board of Veterinary Medical Examiners.
- (9) Cardiology – The branch of veterinary medicine that deals with the diagnosis and treatment of diseases or conditions that affect an animal heart and its functions.
- (10) Castration – The removal of the testicles of a male by surgical, chemical, or other means.
- (11) Chiropractic Therapy – The manipulation and treatment of the structures of the animal body, especially those of the spinal column, for the treatment, correction, alleviation or prevention of any animal disease, illness, pain, deformity, defect, injury or other physical condition.
- (12) Client - The patient's owner, owner's agent, or other person responsible for the patient.

- (13) Collection of Blood – The act of removing the fluid that circulates through an animal's heart, arteries, capillaries, and veins for the purpose of analyzing such fluid for diagnostic, therapeutic, or other treatment purposes.
- (14) Consultation – Shall have the meaning as established in T.C.A. § 63-12-103(6)
- (15) Dentistry – The branch of veterinary medicine that deals with an animal's teeth, oral cavity, and associated parts, including the diagnosis and treatment of their diseases and the restoration of defective or missing tissue.
- (16) Department - Tennessee Department of Health.
- (17) Dermatology – The branch of veterinary medicine that deals with the diagnosis and treatment of diseases that affect animal skin.
- (18) Discounted Fee – A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge are not considered to be offered at a "discounted fee."
- (19) Division – The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.
- (20) Floating – The rasping or cutting of enamel points from the cheek teeth of an equine.
- (21) House Call – A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client's residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations.
- (22) Infertility – Inability to produce offspring; sterility.
- (23) Laser Therapy – The use of intense beams of light to treat, correct, change, alleviate or prevent animal disease, illness, pain, deformity, defect, injury or other physical, dental, or mental conditions.
- (24) Licensee – Any person that has been lawfully issued a license to practice veterinary medicine or as a veterinary medical technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced in the State of Tennessee.
- (25) Neuter – The removal of an animal's reproductive organs
- (26) Massage – The systematic therapeutic friction, stroking, and kneading of the animal body for the treatment, correction, alleviation or prevention of any animal disease, illness, pain, deformity, defect, injury, or other physical or mental conditions.
- (27) Material Fact – Any fact which an ordinary, reasonable, and prudent person would rely upon in making an informed decision on which veterinarian or veterinary facility to choose.
- (28) Obstetrics – The branch of veterinary medicine that deals with the management of pregnancy and labor in animals as well as the management and treatment of sterility or infertility.
- (29) Oncology – The branch of veterinary medicine that deals with the diagnosis and treatment of animal tumors and cancer.
- (30) Ophthalmology – The branch of veterinary medicine that deals with the diagnosis and treatment of the animal eye and its diseases.
- (31) Patient – An animal that is examined or treated by a veterinarian.

- (32) Physical Therapy– Therapeutic or rehabilitative interventions that are utilized to treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical conditions for the purpose of physical rehabilitation.
- (33) Premises – Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (34) Premises Owner – Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, holding title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (35) Premises Permit – A permit issued by the Board to operate a veterinary medicine facility when the premises meet minimum standards established by the Board.
- (36) Public Rabies Vaccination Clinic – A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, under the local health department's ordinances and regulations.
- (37) Radiology – The branch of veterinary medicine that deals with the use of radiant energy in the diagnosis and treatment of disease in animals.
- (38) Retail Establishment – 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.
- (39) Spay – The surgical removal of the ovaries and/or uterus from a female animal.
- (40) Sterility – Inability to produce offspring.
- (41) Supervising Veterinarian – A person who is validly and currently licensed to practice veterinary medicine in Tennessee, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and is responsible for the supervision of a temporary licensee, veterinary student intern, employee, or consulting veterinarian.
- (42) Surgery – The art, practice, or work of treating disease, injuries, deformities, or conditions by manual or operative procedures. The castrating or dehorning of any wild or domestic animal is not considered veterinary surgery.
- (43) Ultrasound – The application of ultrasonic waves for the purpose of diagnosing or treating an animal.
- (44) "Veterinarian-client-patient relationship" (VCPR) has the same meaning as established by T.C.A. § 63-12-103(17).
- (45) "Veterinary Facility" has the same meaning as established by T.C.A. § 63-12-103(18).
- (46) "Veterinary Practice" means:
 - (a) Large Animal Practice – A practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as "large animal" by the Board.
 - (b) Small Animal Practice – A practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as "small animal" by the Board.
 - (c) Mixed Animal Practice – A practice in which both large and small animals are seen or treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.

Authority: T.C.A. §§ 63-12-102, 63-12-103, 63-12-106, and 63-12-133.

1730-01-.02 Scope of Practice is amended by deleting the rule in its entirety including the title of the rule and substituting it instead with the following, so that the new rule and title shall read:

1730-01-.02 Branches of Veterinary Medicine and Treatment Methods

- (1) In addition to veterinary surgery, obstetrics, and dentistry, other branches of veterinary medicine include but are not limited to the following: anesthesiology, behavioral medicine, cardiology, dermatology, oncology, ophthalmology, and radiology.
- (2) In addition to the specific methods, therapies, and procedures named in T.C.A. § 63-12-103(10) the practice of veterinary medicine includes but is not limited to the following: acupuncture, chiropractic therapy, laser therapy, massage therapy, physical therapy or rehabilitation, and ultrasound.

Authority: T.C.A. §§ 63-12-102, 63-12-103, and 63-12-106.

1730-01-.03 Necessity of Licensure is amended by deleting the rule in its entirety including the title of the rule and substituting it instead with the following, so that the new rule and title shall read:

1730-01-.03 Accepted Livestock Management Practices. In addition to any specific exemptions listed in T.C.A. § 63-12-103(10) or T.C.A. § 63-12-133, the following does not constitute the practice of veterinary medicine.

- (1) An individual may perform the following services to livestock of the equine species:
 - (a) Administer any over the counter drug, medicine or biologic.
 - (b) Administer a prescription drug or biologic, including intra-uterine administration, under the direction of a licensed veterinarian in the context of a valid veterinarian-client-patient relationship.
 - (c) Perform any manual or mechanical procedure for artificial insemination.
- (2) An individual may perform the following services to livestock other than the equine species:
 - (a) Administer any over-the-counter drug, medicine or biologic.
 - (b) Use any manual or mechanical procedure for artificial insemination.
 - (c) Implant frozen embryos.
 - (d) De-worm.
 - (e) Implant commercially available growth promotants.
 - (f) Clip needle teeth.
 - (g) Feed commercially available medicated feed.
 - (h) Administer prescription drugs, medicine, or biologics, under the direction of a licensed veterinarian in the context of a valid veterinarian-client-patient relationship.

Authority: T.C.A. §§ 63-12-102, 63-12-103 and 63-12-133.

1730-01-.04 Qualifications for Licensure is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-01-.04 Qualifications for Licensure. To be eligible for licensure as a veterinarian, an applicant must meet all of the following qualifications and follow the procedures listed in Rule 1730-01-.05.

(1) Veterinarian by Examination

- (a) Submit a written application in the form determined by the Board.
- (b) Graduate and receive a doctorate degree from a school or college of veterinary medicine approved by the Board.
- (c) Pass the North American Veterinary Licensing Exam (NAVLE) within the past five (5) years preceding application.
- (d) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.
- (e) Pay the required fees set forth in Rule 1730-01-.06.

(2) Veterinarian by Reciprocity

- (a) Submit a written application in the form determined by the Board.
- (b) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.
- (c) Provide proof of initial licensure by examination and proof that such license is in good standing.
- (d) Provide proof that any other veterinary licenses granted by any other states, privileges or certifications have not been disciplined or restricted for any reason. The Board shall have the discretion to assess the magnitude of any disciplinary action to determine the licensure eligibility of the applicant.
- (e) Provide proof of having engaged in active veterinary practice for three (3) of the five (5) years preceding application. "Active veterinary practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. § 63-12-103(10) for an average of twenty-five (25) hours per week in another state or jurisdiction. The Board may consider a waiver upon request.
 - 1. The Board may grant a waiver pertaining to the number of years and average weekly hours of active practice.
 - 2. Waivers will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
- (f) Provide proof of completion of a minimum of sixty (60) hours of continuing education in the three years preceding application. Forty-five (45) hours must pertain to the medical and surgical care of animals. Fifteen (15) hours may pertain to a special interest in veterinary medicine in fields other than the medical and surgical care of animals, including but not limited to practice management and state and federal regulatory programs. A maximum of thirty (30) hours may be obtained in a multi-media format as set forth in Rule 1730-01-.12(3)(d)(2).
 - 1. The Board may grant a waiver of the need to attend and complete the required hours of continuing education.
 - 2. Waivers will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.

- (g) Pay the required fees set forth in Rule 1730-01-.06.
- (3) Foreign Graduates. In addition to meeting the prerequisites outlined in Rule 1730-01-.04(1) or (2) graduates from a Foreign Veterinary Medical School must:
 - (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; and
 - (b) Be a graduate from a veterinary school approved by the American Veterinary Medical Association or the Board; and
 - (c) Provide an official copy of grades and curriculum, translated if not in English. The original document and the translation must be certified as authentic by the issuing source.

Authority: T.C.A. §§ 63-12-106, 63-12-107, 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 the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-01-.05 Procedures for Licensure

- (1) Veterinarian by Examination
 - (a) An applicant shall obtain an application from the Board's administrative office, and respond truthfully and completely to every question or request for information.
 - (b) Applications for licensure must be submitted to the Board's administrative office in accordance with the National Board of Veterinary Medical Examiners (NBVME) deadline.
 - (c) An applicant shall pay, at the time of application, the non-refundable application fee and the State Regulatory fee as provided in Rule 1730-01-.06.
 - (d) An applicant shall submit with his/her application two recent photographs, one signed and notarized.
 - (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.
 - (f) An applicant shall pass the North American Veterinary Licensing Examination (NAVLE) within the five (5) years preceding licensure application. Official scores shall be submitted to the Board's administrative office directly from American Association of Veterinary State Boards (AAVSB).
 - (g) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
 - 2. Denial of a licensure application or the discipline of a license by any other state.

3. Loss or restriction of certification, licensure privileges, state or federal accreditation.
 4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
- (h) An applicant shall cause to be submitted to the Board's administrative office, directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (i) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
 - (j) Where necessary, all required documents shall be translated in English. The original document and the translation must be certified as authentic by the issuing source.
 - (k) Application review and licensure decisions are governed by Rule 1730-01-.07.
 - (l) If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.
- (2) Veterinarian by Reciprocity. The Board may grant full licensure status by reciprocity to veterinarians licensed in another state. The process for obtaining a license by reciprocity is as follows:
- (a) An applicant shall obtain an application form from the Board's administrative office and respond truthfully and completely to every question or request for information.
 - (b) An applicant shall submit proof of successful completion of the North American Veterinary Licensing Exam (NAVLE) or the National Board Examination and Clinical Competency Test, with official scores submitted to the Board's administrative office directly from American Association of Veterinary State Boards (AAVSB).
 - (c) An applicant shall pay, at the time of application, the non-refundable application, reciprocity, and State Regulatory fees as provided in Rule 1730-01-.06.
 - (d) An applicant shall submit with his or her application two recent photographs, one signed and notarized.
 - (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.
 - (f) An applicant shall disclose the circumstances surrounding any of the following:
 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
 2. Denial of licensure application or the discipline of a license by any other state.
 3. Loss or restriction of certification or licensure privileges or state or federal accreditation.
 4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.

- (g) An applicant shall cause to be submitted to the Board's administrative office, directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (h) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
 - (i) Where necessary, all required documents shall be translated into English. The original document and the translation must be certified as authentic by the issuing source.
 - (j) Application review and licensure decisions are governed by Rule 1730-01-.07.
 - (k) If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.
 - (l) An applicant for licensure by reciprocity shall furnish an affidavit or other proof that he or she has engaged actively in the practice of veterinary medicine for three (3) of the five (5) years preceding licensure application for an average of at least twenty-five (25) hours per week in another state or jurisdiction.
 - (m) An applicant for licensure by reciprocity shall furnish independent documentation of attendance and completion of all continuing education courses as required under Rule 1730-01-.04(2)(f).
- (3) Foreign Graduates. In addition to meeting the prerequisites outlined in Rule 1730-01-.04(1) or (2), graduates from a Foreign Veterinary Medical School must:
- (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; and
 - (b) Be a graduate from a veterinary school approved by the American Veterinary Medical Association or the Board; and
 - (c) Provide an official copy of grades and curriculum, translated if not in English. The original document and the translation must be certified as authentic by the issuing source.

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

1730-01-.07 Application Review, Approval, Denial, Interviews is amended by deleting the rule in its entirety and substituting instead the following, so that the new rule shall read:

1730-01-.07 Application Review, Approval, Denial, Interviews

- (1) Applications for licensure are accepted throughout the year.
- (2) Initial review of all applications to determine whether the application file is complete may be delegated by the Board to the Board's Executive Director, provided that final approval of all applications is made and ratified by the Board.

- (3) If an application is incomplete when reviewed by the Board or the Board's Executive Director, a deficiency letter will be sent to notify the applicant of the deficiency.
 - (a) For an applicant who has completed the requirements for licensure, all documentation must be received within sixty (60) days after receipt of the deficiency notification. Otherwise, the application shall be closed and the applicant may reapply.
 - (b) After an application file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.
- (4) For an applicant who has not passed the National Board Examination (NAVLE), the file will remain open until the applicant has had the opportunity to take the NAVLE three (3) times. At that time, the file will be closed and the applicant notified.
- (5) If a complete application has been denied and ratified as such by the Board, the action shall become final and a notification of the denial shall be sent by the Board's administrative office via certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all of the specific statutory or rule authorities for the denial.
 - (a) The denial notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Uniform Administrative Procedures Act (T.C.A. § 4-5-101 to -404) to contest the denial.
 - (b) An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.
 - (c) An applicant will not be granted a contested case hearing if the licensure denial was based on objective, clearly-defined criteria, unless the reasons for continued denial present a genuine issue of material fact or law that is appropriate for appeal. A request for appeal must be made in writing to the Board within 30 days of receipt of the denial notification from the Board.
- (6) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination. If the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.
- (7) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.
- (8) Abandonment of Application
 - (a) The Board's Executive Director will deem an application "abandoned" if:
 1. The application has not been completed by the applicant within 18 months after it was initially reviewed by the Board; or
 2. An applicant fails to sit for a scheduled examination within twelve (12) months after being notified of eligibility.
 - (b) Written notification of abandonment will be mailed to the applicant and the application file will be closed.
 - (c) An application submitted after the abandonment of a prior application shall be treated as a new application.

- (9) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or a Board's designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

Authority: T.C.A. §§63-1-142, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117.

1730-01-.08 Examinations is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-01-.08 Examinations

- (1) An individual seeking licensure shall be required to pass the examination as stated in paragraph (2), or pass both examinations as stated in paragraphs (3) and (4).
- (2) North American Veterinary Licensing Examination (NAVLE)
 - (a) The Board adopts the NAVLE as its state and national examinations under T.C.A. § 63-12-115.
 - (b) This examination is developed by and administered under the direction of the National Board of Veterinary Medical Examiners (NBVME).
 - (c) The Board adopts the NBVME's determination of the passing score for the examination.
 - (d) All examination applications and fees for the NAVLE shall be sent directly to the NBVME.
 - (e) An applicant for licensure by examination must provide proof of passing the NAVLE no more than five (5) years before the date of submission of the application for licensure by examination.
- (3) National Board Examination (NBE)
 - (a) This examination was administered under the direction of the National Board Examination Committee.
 - (b) The Board adopts the passing grade established by the National Board Examination Committee.
- (4) Clinical Competency Test (CCT)
 - (a) This examination was administered under the direction of the National Board Examination Committee.
 - (b) The Board adopts the passing grade established by the National Board Examination Committee.
- (5) Official scores from the NAVLE, NBE, or CCT must be submitted to the Board's administrative office directly from the American Association of Veterinary State Boards (AAVSB).

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

Rule 1730-01-.10 Supervision is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

Rule 1730-01-.10 Supervision

- (1) A veterinarian with a temporary license must be under the responsible supervision of a Tennessee Licensed Veterinarian.
- (2) No veterinary medical technician, veterinary student intern, or employee shall provide any professional services as covered by these rules without the responsible supervision of a licensed veterinarian on premises, except that an employee of the veterinarian may be permitted to float teeth using non-motorized equipment without the physical presence of a licensed veterinarian as long as the employee is functioning under the supervision, control, and responsibility of the licensed veterinarian within the context of a valid veterinarian-client-patient relationship.
- (3) A supervising veterinarian must provide responsible supervision to a consulting veterinarian.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-113, 63-12-124, 63-12-128, 63-12-119, 63-12-133, and 63-12-135.

Rule 1730-01-.11 Retirement and Reactivation of License is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-01-.11 Retirement and Reactivation of License

- (1) In order to retire a license, the licensee shall complete an Affidavit of Retirement on the form furnished by the Board's administrative office.
- (2) If a licensee wishes to reactivate a Tennessee license after actively practicing veterinary medicine in another state, then the licensee must show the following:
 - (a) Evidence of continuous practice in another state or jurisdiction during the period of retirement of the Tennessee license;
 - (b) Evidence of good standing in the other state or jurisdiction; and
 - (c) Evidence of having completed continuing education courses equal to the number of hours required by the Board during the period of retirement, with a maximum requirement of eighty (80) hours.
- (3) Veterinarians who have not engaged in continuous practice during the period of retirement must appear before the Board for an interview and at that time show evidence of having completed continuing education equal to the number of hours required by the Board during the period of retirement, with a maximum requirement of eighty (80) hours.
- (4) Licensure reactivation application shall be treated as licensure applications. The Board's review and decisions required by this Rule shall be governed by Rule 1730-01-.07.
- (5) If reactivation is requested within one (1) year from the date of retirement, the Board will require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-01-.06.

Authority: T.C.A. §§ 63-12-106, 63-12-120, and 63-12-121

Rule 1730-01-.12 Continuing Education is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

Rule 1730-01-.12 Continuing Education

- (1) Hours Required

- (a) In order to renew a license, the licensee must obtain twenty (20) hours of continuing education each calendar year. Fifteen (15) hours must pertain to the medical and surgical care of animals. Five (5) hours may pertain to a special interest in veterinary medicine in fields other than the medical and surgical care of animals, including but not limited to practice management and state and federal regulatory programs. A maximum of ten (10) hours may be obtained in a multi-media format as defined in paragraph (3)(d)(2) of this rule.
 - (b) For every two-year period, two (2) of the required hours must pertain to regulatory issues, controlled substances, or professional ethics.
 - (c) A licensee is exempt from continuing education requirements during the calendar year of the licensee's graduation from an approved school or college of veterinary medicine.
 - (d) The Board approves courses for only the number of hours contained in the course. A licensee will not receive credit for repeating the same course in a calendar year.
- (2) Proof of Compliance
- (a) The due date for attendance and completion of the required continuing education hours is December 31 of each year. Each veterinarian must attest, on a Board provided form, to attendance and completion of the required continuing education hours and that such hours were obtained during the preceding calendar year.
 - (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except for multi-media courses, the licensee must be physically present at these continuing education meetings.
 - (c) Each veterinarian must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board during its verification process.
- (3) Course Approval
- (a) Courses to be offered for credit toward the required continuing education hours must receive approval from the Board, except as provided in Section (e) of this rule.
 - (c) Approval may be obtained by submitting the following information to the Board's administrative office at least thirty (30) days before the scheduled date of the course.
 - 1. A course description or outline;
 - 2. Names of all speakers and sponsors;
 - 3. Number of hours of educational credit requested; and
 - 4. Date of course.
 - (d) Continuing education courses may be presented in any of the following formats:
 - 1. Lecture.
 - 2. Multi-Media – With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit. Multi-Media courses may include courses utilizing:
 - (i) The Internet

- (ii) Closed circuit television
 - (iii) Satellite broadcasts
 - (iv) Correspondence courses
 - (v) Videotapes
 - (vi) CD-ROM
 - (vii) DVD
 - (viii) Teleconferencing
 - (ix) Videoconferencing
 - (x) Distance learning
- (e) The following courses need not receive approval and constitute Board approved continuing education courses:

1. Courses sponsored or approved by any of the following organizations:

American Animal Hospital Association
 American Association for Wildlife Veterinarians
 American Association for Women Veterinarians
 American Association of Avian Pathologists
 American Association of Bovine Practitioners
 American Association of Equine Practitioners
 American Association of Sheep and Goat Practitioners
 American Association of Swine Practitioners
 American Association of Veterinary Clinicians
 American Association of Veterinary Parasitologists
 American College of Veterinary Toxicologists
 American College of Laboratory Animal Medicine
 American College of Poultry Veterinarians
 American College of Theriogenologists
 American College of Veterinary Internal Medicine
 American Dairy Science Association
 American Society of Animal Scientists
 American Society for Veterinary Clinical Pathology
 American Society of Veterinary Ophthalmology
 American Veterinary Epidemiology Society

2. Educational courses sponsored by an accredited school of veterinary medicine. A course taken for or assigned three (3) semester credit hours or equivalent quarter credit hours counts as fifteen (15) continuing education hours. No credits will be counted for courses failed.
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.
4. Scientific programs dealing with the practice of veterinary medicine provided by local, state, regional, national or international associations listed in the AVMA Directory of Colleges of Veterinary Medicine.

(4) Waiver or Extension of Continuing Education

- (a) The Board may grant a waiver or extension of the need to attend and complete the required hours of continuing education.
 - (b) Waivers or extensions will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
 - (c) A waiver or extension approved by the Board is effective for only the calendar year for which the waiver is sought unless otherwise specified in writing by the Board.
- (5) Continuing Education for Reactivation of a Retired License
- (a) Any veterinarian who applies for reactivation of a retired license must attest to having completed Board approved continuing education credit equal to that required by this rule, with a maximum requirement of eighty (80) hours.
 - (b) Any continuing education hours obtained as a prerequisite for licensure reactivation shall not count toward the continuing education hours required to be obtained before the end of the calendar year of reactivation.
 - (c) The Board, upon receipt of a written request and explanation, may waive any or all of the continuing education for reactivation of a retired license.
- (6) Violations
- (a) Any veterinarian who falsely attests to the attendance and completion of the required continuing education hours or fails to obtain the required continuing education hours may be subject to discipline by the Board pursuant to T.C.A. §63-12-124(a)(1), (2), (4), (12), or (14).
 - (b) Education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not count toward the continuing education hours a licensee must obtain each calendar year.

Authority: T.C.A. §§ 63-12-106, 63-12-120, 63-12-121, 63-12-122, and 63-12-124.

Rule 1730-01-.13 Unprofessional Conduct is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-01-.13 Unprofessional Conduct. Unprofessional conduct includes but is not limited to the following:

- (1) Failure to maintain a record for each companion animal which accurately reflects the veterinary problems and interventions.
- (2) Being under the influence of alcoholic beverages or illegal drugs while on duty in any animal health care facility, institution or other work place location.
- (3) Impersonating another licensed practitioner.
- (4) Practicing veterinary medicine in this state on an expired, retired, suspended, or revoked license or beyond the period of a valid temporary license.
- (5) Failing to responsibly supervise persons to whom veterinary functions are delegated or assigned.
- (6) Revealing without written permission knowledge obtained in a professional capacity about animals or owners, except:
 - (a) When the information is requested during a formal investigation by representatives of the State of Tennessee or other law enforcement agencies;

- (b) When required to do so by a court of law; or
 - (c) When required by law to report to state or federal agencies.
- (7) Failure to cooperate with authorities investigating incompetent, unethical or illegal practices of another individual.
 - (8) Performing veterinary techniques or procedures without proper education.
 - (9) Engaging in acts of dishonesty which relate to the practice of veterinary medicine.
 - (10) Treating, professing to treat, or issuing any pharmaceutical to any human.
 - (11) Practice in a facility without a premises permit.
 - (12) Practicing veterinary medicine in a setting not specifically authorized or designated by T.C.A. § 63-12-103.
 - (13) Violation of any lawful order of the Board.
 - (14) Violation of the provisions of the Non-Livestock Animal Humane Death Act, codified at T.C.A. §§ 44-17-301 to -304, while performing euthanasia in a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals.

Authority: T.C.A. §§ 63-12-103, 63-12-106 and 63-12-124.

Rule 1730-01-.16 License is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

Rule 1730-01-.16 License

- (1) Before engaging in the practice of veterinary medicine in Tennessee, a person must hold a current Tennessee license or valid temporary license issued by the Board, except as provided in T.C.A. § 63-12-103 and T.C.A. § 63-12-133.
- (2) Display of License - Every person licensed by the Board in this state shall display the license and renewal certificate in a conspicuous place in the licensee's office and, whenever required, show such license to the Board or its authorized representative.
- (3) Replacement License or Renewal Certificate - A license holder whose license or renewal certificate has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board's administrative office.
- (4) Use of Titles - Any person who possesses a valid, unsuspended and unrevoked license issued by the Board is authorized 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 licensee to whom this rule applies must use one of these authorized titles in every advertisement that he or she publishes. Failure to do so constitutes the omission of a material fact which makes the advertisement misleading and deceptive and subjects the licensee to disciplinary action.

Authority: T.C.A. §§ 63-1-145, 63-12-103, 63-12-106, 63-12-112, and 63-12-124-3.

Rule 1730-01-.17 Change of Name and/or Address is amended by deleting paragraph (2) in its entirety and substituting it instead with the following, so that the new paragraph (2) shall read:

- (2) Change of Address – A licensee must notify the Board of a change of address within thirty (30) days of such change. The notification must be in writing and include both the old and new addresses along with the licensee's name, profession and license number.

Authority: T.C.A. §§63-1-106, and 63-1-108.

Rule 1730-01-.19 Board Consultants, Records and Complaints, and Declaratory Orders is amended by deleting subparagraph (1)(b) in its entirety including its parts and substituting instead with the following, so that the new subparagraph 1(b) and parts shall read:

- (b) Serve as Consultant to the Division to carry out the following:
 1. Review and advise whether and what type of disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.
 2. Review and advise whether and under what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be ratified by the full Board before it becomes effective.
 3. Any other matters authorized by a majority vote of the Board.

Authority: T.C.A. §§ 63-12-105, 63-12-106, and 63-12-129.

Rule 1730-01-.20 Advertising is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-01-.20 Advertising

- (1) The lack of sophistication on the part of many of the public concerning veterinary services, the importance of the interests affected by the choice of a veterinarian and the foreseeable consequences of unrestricted advertising by veterinarians which is recognized to pose special possibilities for deception, require that special care be taken by veterinarians to avoid misleading the public. The veterinarian must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by veterinarians is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.
- (2) Advertising Veterinary Fees and Services
 - (a) Fixed Fees may be advertised for any service. It is presumed unless otherwise stated in the advertisement that a fixed fee for a service shall include the cost of all professionally recognized components within generally accepted standards that are required to complete the service.
 - (b) Range of Fees. A range of fees may be advertised for services and the advertisement must disclose the factors used in determining the actual fee, necessary to prevent deception of the public.
 - (c) Discount fees may be advertised if:
 1. The discount fee is in fact lower than the licensee's customary or usual fee charged for the service; and
 2. The licensee provides the same quality and components of service and material at the discounted fee that are normally provided at the regular non-discounted fee for that service.
 - (d) Related Services and Additional Fees. Related services which may be required in conjunction with the advertised services for which additional fees will be charged must be identified as such in any advertisement.

- (c) Time Period of Advertised Fees.
 - 1. Advertised fees shall be honored for those seeking the advertised services during the entire time period stated in the advertisement whether or not the services are actually rendered or completed within that time.
 - 2. If no time period is stated in the advertisement of fees, the advertised fee shall be honored for thirty (30) days from the last date of publication or until the next scheduled publication whichever is later whether or not the services are actually rendered or completed within that time.

- (3) Advertising Content. The following acts or omissions in the context of advertisement by any licensee shall constitute unethical and unprofessional conduct and are grounds for disciplinary action pursuant to T.C.A. § 63-12- 124(a)(10).
 - (a) Claims that the services performed, personnel employed, materials or office equipment used are professionally superior to that which is ordinarily performed, employed, or used, or that convey the message that one licensee is better than another when superiority of services, personnel, materials or equipment cannot be substantiated.
 - (b) The misleading use of an unearned or non-health degree in any advertisement.
 - (c) Promotion of professional services which the licensee knows or should know is beyond the licensee's ability to perform.
 - (d) Techniques of communication which intimidate, exert undue pressure or undue influence over a prospective client.
 - (e) Any appeals to an individual's anxiety in an excessive or unfair manner.
 - (f) The use of any personal testimonial attesting to the quality of competency of a service or treatment offered by a licensee that is not reasonably verifiable.
 - (g) Utilization of any statistical data or other information based on past performances for prediction of future services, which creates an unjustified expectation about results the licensee can achieve.
 - (h) The communication of personal identifiable facts, data, or information about a client or patient without first obtaining client consent.
 - (i) Any misrepresentation of a material fact.
 - (j) The knowing suppression, omission or concealment of any material fact or law without which the advertisement would be deceptive or misleading.
 - (k) Statements concerning the benefits or other attributes of veterinary procedures or products that involve significant risks without including:
 - 1. A realistic assessment of the safety and efficiency of those procedures or products;
 - 2. The availability of alternatives; and
 - 3. Where necessary to avoid deception, descriptions or assessment of the benefits or other attributes of those alternatives.
 - (l) Any communication which creates an unjustified expectation concerning the potential results of any veterinary treatment.

- (m) Failure to comply with the rules governing advertisement of veterinary fees and services, or advertising records.
 - (n) The use of "bait and switch" advertisements. When the circumstances indicate a "bait and switch" advertisement, the Board may require the licensee to furnish data or other evidence that pertain to those sales at the advertised fee as well as other sales.
 - (o) Misrepresentation of a licensee's credentials, training, experience or ability, including the use of the words "diplomate" or "specialist" if not recognized as such by the American Veterinary Medical Association (AVMA) or National Association of Veterinary Technicians in America (NAVTA).
 - (p) Failure to include the corporation, partnership or individual licensee's name, address and telephone number in any advertisement. Any veterinary corporation, partnership or association which advertises by use of a trade name or otherwise fails to list all licensees practicing at a particular location shall:
 1. Upon request provide a list of all licensees at that location; and
 2. Maintain and conspicuously display at the licensee's office, a directory listing all licensees practicing at that location.
 - (q) Failure to disclose the fact of giving compensation or anything of value to a representative of the press, radio, television or other communicative medium in anticipation of or in return for any advertisement (for example, newspaper article) unless the nature, format or medium of such advertisement make the fact of compensation apparent.
 - (r) After thirty (30) days of the licensee's departure, the use of the individual name of any licensee formerly practicing at or associated with any advertised location or on office signs or buildings. This rule shall not apply in the case of a retired or deceased former associate who practiced veterinary medicine in association with one or more of the present occupants if the status of the former associate is disclosed in any advertisement or sign.
 - (s) Stating or implying that a certain licensee provides all services when any such services are performed by another licensee.
 - (t) Directly or indirectly offering, giving, receiving or agreeing to receive any fee or other consideration to or from a third party for the referral of an animal in connection with the performance of professional services.
- (4) Advertising Records and Responsibility
- (a) Each licensee who is a partner, officer, or agent of a firm or entity identified in any advertisement may be held jointly and severally responsible for the form and content of any advertisement. The supervising veterinarian named on a premises permit application may also be held responsible for the advertisements of the veterinary premises.
 - (b) Any and all advertisements are presumed to have been approved by the licensee(s) named in the advertisement.
 - (c) The following advertising records shall be maintained by a licensee for a period of two (2) years from the date of publication and shall be made available for review upon request by the Board or its designee:
 1. A recording of every advertisement communicated by electronic media;
 2. A copy of every advertisement communicated by print media; and
 3. A copy of any other form of advertisement.

- (d) At the time any type of advertisement is placed, the licensee must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.
- (5) Severability. It is hereby declared that the sections, clauses, sentences and parts of these rules are severable, are not matters of mutual essential inducement, and any of them shall be rescinded if these rules would otherwise be unconstitutional or ineffective. If any one or more sections, clauses, sentences or parts shall for any reason be questioned in court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the applicability or invalidity of any section, clause, sentence or part in any one or more instance shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Authority: T.C.A. §§ 63-1-116, 63-12-103, 63-12-107, 63-12-112 and 63-12-124.

Rule 1730-01-.21 Prescribing, Dispensing, or Otherwise Distributing Pharmaceuticals is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-01-.21 Prescribing, Dispensing, or Otherwise Distributing Pharmaceuticals

(1) Prerequisites to Prescribing

- (a) For purposes of this Rule, pursuant to 21 CFR 201.105, "animal drugs" are those drugs that are required by federal law to be prescribed by a licensed veterinarian.
- (b) Before prescribing animal drugs, the veterinarian must first, pursuant to appropriate protocols or veterinary orders, complete and appropriately document all of the following for the animal, herd, or flock on whose behalf the prescription is to be written:
 - 1. Perform an appropriate history and physical examination;
 - 2. Make a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests;
 - 3. Formulate a therapeutic plan and discuss it with the animal's owner, along with the basis for it and the risks and benefits of various treatment options, a part of which might be a prescription or drug; and
 - 4. Ensure availability of the veterinarian or the veterinarian's staff for appropriate follow-up care.
- (c) Notwithstanding the provisions of subparagraph (b), a veterinarian, pursuant to appropriate protocols or veterinary orders, may prescribe or dispense drugs for an animal when such prescribing or dispensing is consistent with sound veterinary practice, examples of which are as follows:
 - 1. As part of an initial evaluation order; or
 - 2. For an animal/patient of another veterinarian for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or
 - 3. For continuation medications on a short-term basis before the veterinarian personally examining the animal, herd, or flock; or
 - 4. For medications administered by the owner of the animal, herd, or flock when the veterinarian has prescribed and/or dispensed in a manner consistent with this rule.

- (2) Dispensing Requirements. Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:
- (a) All federal and state regulations for the dispensing of controlled substances.
 - (b) Except for labeled manufactured drugs with proper instructions, all non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:
 - 1. Animal's name and the name of the animal's owner;
 - 2. Date dispensed;
 - 3. Complete directions for usage;
 - 4. The facility's name, address and phone number;
 - 5. The name, strength, and amount of the medication;
 - 6. The statement: "For veterinary use only";
 - 7. The dispensing veterinarian's name; and
 - 8. Keep out of the reach of children.
 - (c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals, this record shall be by individual animal.
- (3) Distribution of Veterinary Prescription Drugs.
- (a) Distribution of veterinary prescription drugs to laymen may occur only on the prescription or other order of a licensed veterinarian. The prescriptions must be issued in the course of professional practice, with a veterinarian-client-patient relationship existing.

Authority: T.C.A. §§ 63-12-103, 63-12-105, and 63-12-106.

Rule 1730-01-22 Recordkeeping is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-01-22 Recordkeeping

- (1) The following minimum standards apply to all patient recordkeeping.
 - (a) Records shall be maintained for a minimum of three (3) years.
 - (b) A separate log shall be maintained for all controlled substances.
 - (c) Each patient record shall indicate the strength and quantity of any medication prescribed, administered or dispensed. In the case of companion animals, this record shall be maintained for each individual animal.
 - (d) Records shall reflect the problems the patient presents and the veterinary interventions performed or prescribed.
 - (e) Records shall reflect referral of cases where further expertise or equipment is needed.
 - (f) A veterinarian shall comply with requests for veterinary records as required by the Medical Records provisions of T.C.A. § 63-2-101 *et seq.*

- (2) Medical records for small animal practices shall be clear, legible, retrievable, and contain pertinent information such as:
 - (a) Name, address, and phone number of the owner/agent.
 - (b) Identification of patient including name, species, breed, age, sex, and description.
 - (c) Separate record for each patient. This record may be in a group of records for the owner/agent.
 - (d) Patient's vaccinations, medical and surgical history and procedures.
- (3) Medical records for large animal practices shall be clear, legible, retrievable, maintained on either a herd, flock or individual basis, and contain:
 - (a) Name, business/farm name, address, and phone number of the owner/agent.
 - (b) Identification of any animal(s) suspected of having a reportable disease or other disease with public health implications.
 - (c) Relevant medical and surgical procedures, including vaccinations given and lab reports, to the individual, group, or herd.
 - (d) A record of all drugs administered or dispensed, including quantity and withdrawal times.
- (4) Veterinarians providing written or oral instructions for persons who are not licensed as veterinarians to perform accepted livestock management practices must record the order, including specific information on the substance of the order and the date given, in the records of the animal.
- (5) For the purpose of these rules, the records shall be "owned" by the practice.
- (6) Radiographs are considered to be a part of the client's records.
- (7) Outside of a valid veterinarian-client-patient relationship, records from another veterinary practice may not be used as the sole basis for prescribing or dispensing medication.

Authority: T.C.A. §§ 63-12-105, 63-12-106, and 63-12-133.

Rule 1730-01-.24 Consumer Right-To-Know Requirements is amended by deleting paragraph (1) in its entirety and replacing it with the following so that the new paragraph (1) shall read:

- (1) Malpractice Reporting Requirements - The threshold amount for which licensees must report medical malpractice judgments, awards, or settlements in which payments are awarded to complaining parties, is set by statute in T.C.A. § 63-51-105 of the "Health Care Consumer Right-To-Know Act of 1998."

Authority: T.C.A. §§ 63-12-106 and 63-51-101 et seq.

New Rules

Rule 1730-01-.25 Consulting Veterinarians

- (1) No unlicensed person may be called into Tennessee as a consulting veterinarian unless licensed as a veterinarian in another state and acting under the direction of and in consultation with a licensed veterinarian of this state.

- (2) The supervising veterinarian is responsible for notifying the Board's administrative office of the name of the non-licensed 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 the supervising veterinarian and not by individual consumers.
- (3) The non-licensed consulting veterinarian shall not:
 - (a) Open an office or appoint a place to do business in Tennessee;
 - (b) Print or use letterhead or business cards or advertise the existence of a practice's address within this state; or
 - (c) Provide consultation for more than twelve (12) days per calendar year.

Authority: T.C.A. §§ 63-12-102, 63-12-103 and 63-12-133.

Chapter 1730-02
Rules Governing Veterinary Facilities

Amendments

Rule 1730-02-.01 Definitions is amended by deleting paragraphs (23), (24), and (26) in their entirety and substituting the following paragraphs so that the new paragraphs shall read:

- (23) Supervising Veterinarian – A person who is validly and currently licensed to practice veterinary medicine in Tennessee, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and is responsible for the supervision of a temporary licensee, veterinary student intern, employee, or consulting veterinarian.
- (24) Surgery – The art, practice, or work of treating disease, injuries, deformities, or conditions by manual or operative procedures. The castrating or dehorning of any wild or domestic animal is not considered veterinary surgery.
- (26) "Veterinary Facility" has the same meaning established by T.C.A. § 63-12-103(18).

Authority: T.C.A. §§ 63-12-102, 63-12-103, 63-12-106, and 63-12-133.

Rule 1730-02-.01 Definitions is amended by deleting paragraphs (6), (7), (12), (14), (15), and (25) in their entirety and renumbering the remaining paragraphs accordingly.

Authority: T.C.A. §§ 63-12-102, 63-12-103, 63-12-106, and 63-12-133.

Rule 1730-02-.03 Veterinary Facility Inspections to Obtain a Premises Permit is amended by deleting subparagraph (3)(c) in its entirety and substituting it with the following, so that the new rule shall read:

- (c) Hot and cold running water shall be provided along with toilets and lavatories inside the facility for the personnel and clients.

Authority: T.C.A. §§ 63-12-106 and 63-12-139.

Rule 1730-02-.04 Recordkeeping is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-02-.04 Recordkeeping.

- (1) The following minimum standards apply to all patient recordkeeping.
 - (a) Records shall be maintained for a minimum of three (3) years.

- (b) A separate log shall be maintained for all controlled substances.
 - (c) Each patient record shall indicate the strength and quantity of any medication prescribed, administered or dispensed. In the case of companion animals, this record shall be by individual animal.
 - (d) Records shall reflect the problems the patient presents and the veterinary interventions performed or prescribed.
 - (e) Records shall reflect referral of cases where further expertise or equipment is needed.
 - (f) A veterinarian shall comply with requests for veterinary records as required by the Medical Records provisions of T.C.A. § 63-2-101 to -102.
- (2) Medical records for small animal facilities and practices shall be clear, legible, retrievable, and contain pertinent information such as:
- (a) Name, address, and phone number of the owner/agent.
 - (b) Identification of patient including name, species, breed, age, sex, and description.
 - (c) Separate record for each patient. This record may be in a group of records for the owner/agent.
 - (d) Patient's vaccinations, medical and surgical history and procedures.
- (3) Medical records for large animal facilities and practices shall be clear, legible, retrievable, maintained on either a herd, flock or individual basis and contain:
- (a) Name, business/farm name, address, and phone number of the owner/agent.
 - (b) Identification of any animal(s) suspected of having a reportable disease or other disease with public health implications.
 - (c) Relevant medical and surgical procedures, including vaccinations given and lab reports, to the individual, group, or herd.
 - (d) A record of all drugs administered or dispensed, including quantity and withdrawal times.
- (4) Veterinarians providing written or oral instructions for persons who are not licensed as veterinarians to perform accepted livestock management practices must record the order, including specific information on the substance of the order and the date given, in the records of the animal.
- (5) For the purpose of these rules, the records shall be "owned" by the practice.
- (6) Radiographs are considered to be a part of the client's records.
- (7) Outside of a valid veterinarian-client-patient relationship, records from another veterinary practice may not be used as the sole basis for prescribing or dispensing medication.

Authority: T.C.A. §§ 63-12-105, 63-12-106, and 63-12-133.

Rule 1730-02-.05 Prescribing, Dispensing, or Otherwise Distributing Pharmaceuticals is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-02-.05 Prescribing, Dispensing, or Otherwise Distributing Pharmaceuticals

(1) Prerequisites to Prescribing
SS-7037 (October 2011)

- (a) For purposes of this Rule, pursuant to 21 CFR 201.105, "animal drugs" are those drugs that are required by federal law to be prescribed by a licensed veterinarian.
 - (b) Before prescribing animal drugs, the veterinarian must first, pursuant to appropriate protocols or veterinary orders, complete and appropriately document all of the following for the animal, herd, or flock on whose behalf the prescription is to be written:
 - 1. Perform an appropriate history and physical examination;
 - 2. Make a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests;
 - 3. Formulate a therapeutic plan and discuss it with the animal's owner, along with the basis for it and the risks and benefits of various treatment options, a part of which might be a prescription or drug; and
 - 4. Ensure availability of the veterinarian or the veterinarian's staff for appropriate follow-up care.
 - (c) Notwithstanding the provisions of subparagraph (b), a veterinarian, pursuant to appropriate protocols or veterinary orders, may prescribe or dispense drugs for an animal when such prescribing or dispensing is consistent with sound veterinary practice, examples of which are as follows:
 - 1. As part of an initial evaluation order; or
 - 2. For an animal/patient of another veterinarian for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or
 - 3. For continuation medications on a short-term basis before the veterinarian personally examining the animal, herd, or flock; or
 - 4. For medications administered by the owner of the animal, herd, or flock when the veterinarian has prescribed and/or dispensed in a manner consistent with this rule.
- (2) Dispensing Requirements. Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:
- (a) All federal and state regulations for the dispensing of controlled substances.
 - (b) Except for labeled manufactured drugs with proper instructions, all non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:
 - 1. Animal's name and the name of the animal's owner;
 - 2. Date dispensed;
 - 3. Complete directions for usage;
 - 4. The facility's name, address and phone number;
 - 5. The name, strength, and amount of the medication;
 - 6. The statement: "For veterinary use only";
 - 7. The dispensing veterinarian's name; and

- 8. Keep out of the reach of children.
- (c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals, this record shall be by individual animal.
- (3) Distribution of Veterinary Prescription Drugs.
 - (a) Distribution of veterinary prescription drugs to laymen may occur only on the prescription or other order of a licensed veterinarian. The prescriptions must be issued in the course of his or her professional practice, with a veterinarian-client-patient relationship existing.

Authority: T.C.A. §§63-12-103, 63-12-105, and 63-12-106.

Chapter 1730-03
Rules Governing Veterinary Technicians

Amendments

1730-03-.01 Definitions is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-03-.01 Definitions. As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

- (1) Advertisement - Information communicated to the public, in any manner, designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
- (2) Advertising - Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual(s), radio, video, or television broadcasting or any other means designed to secure public attention.
- (3) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (4) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (5) Board - The Tennessee Board of Veterinary Medical Examiners.
- (6) Client - The patient's owner, owner's agent, or other person responsible for the patient.
- (7) Collection of Blood - The act of removing the fluid that circulates through an animal's heart, arteries, capillaries, and veins for the purpose of analyzing such fluid for diagnostic, therapeutic or other treatment purposes.
- (8) Department - Tennessee Department of Health.
- (9) Discounted Fee - A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a discounted fee.
- (10) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.

- (11) Floating – The rasping or cutting of enamel points from the cheek teeth of an equine.
- (12) House Call – A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client's residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;
- (13) Licensee - Any person who has been lawfully issued a license by the Board.
- (14) Patient - An animal that is examined or treated by a veterinarian.
- (15) Physical Rehabilitation – Therapeutic interventions that are utilized to treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical conditions.
- (16) Premises - Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (17) Premises Owner - Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, who holds title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (18) Premises Permit - A permit issued by the board to operate a veterinary medicine facility when premises meet minimum standards established by the Board.
- (19) Public Rabies Vaccination Clinic - A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, pursuant to the local health department's established ordinances and regulations.
- (20) Retail Establishment - 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.
- (21) Supervising Veterinarian - A person who is validly and currently licensed to practice veterinary medicine in Tennessee, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and is responsible for the supervision of a temporary licensee, veterinary intern, employee, or consulting veterinarian.
- (22) Surgery – The art, practice, or work of treating disease, injuries, deformities, or conditions by manual or operative procedures. The castrating or dehorning of any wild or domestic animal is not considered veterinary surgery.
- (23) "Veterinarian-client-patient relationship" has the same meaning established by T.C.A. § 63-12-103 (17).
- (24) "Veterinary Facility" has the same meaning established by T.C.A. § 63-12-103(18).
- (25) "Veterinary Practice" means:
 - (a) Large Animal Practice - A practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as "large animal" by the Board of Veterinary Medical Examiners.
 - (b) Small Animal Practice - A practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as "small animal" by the Board of Veterinary Medical Examiners.
 - (c) Mixed Animal Practice - A practice in which both large and small animals are seen/treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.

Authority: T.C.A. §§ 63-12-102, 63-12-103, 63-12-106, 63-12-133 and 63-12-135.

Rule 1730-03-.02 Scope of Practice is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-03-.02 Scope of Practice

- (1) The scope of practice for veterinary medical technicians is limited to procedures that are assigned or delegated to the veterinary medical technician by the supervising veterinarian and do not involve diagnosing, prescribing, or performing surgical procedures.
- (2) Veterinary medical technicians who perform procedures not delegated under this rule, procedures specifically prohibited, or tasks without the responsible supervision of a supervising veterinarian may be subject to disciplinary action pursuant to T.C.A. § 63-12-124.

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

Rule 1730-03-.04 Qualifications for Licensure is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-03-.04 Qualifications for Licensure. To be eligible for licensure as a veterinary medical technician, an applicant must meet all of the following qualifications and follow the procedures listed in Rule 1730-03-.05.

- (1) Veterinary Medical Technician by Examination
 - (a) Complete the application form approved by the Board;
 - (b) Graduate from a veterinary technology program approved by the American Veterinary Medical Association;
 - (c) Pass the examination as provided in paragraph (1) of Rule 1730-03-.08 within the last ten (10) years; and
 - (d) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.
- (2) Veterinary Medical Technician by Reciprocity
 - (a) Complete the application form approved by the Board;
 - (b) Graduate from a veterinary technology program approved by the American Veterinary Medical Association;
 - (c) Hold an active, valid, and unrestricted license in another state, territory, or Canadian province;
 - (d) Engaged in active practice as a veterinary medical technician in another state, territory or Canadian province for one (1) out of the last five (5) years, preceding application. "Active veterinary practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. § 63-12-103(10) for an average of twenty (20) hours per week in another state or jurisdiction. The Board may consider a waiver upon request;
 1. Waiver of requirement
 - (i) The Board may grant a waiver pertaining to the number of years and average weekly hours of active practice.

- (ii) Waivers will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
- (e) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.

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

Rule 1730-03-.05 Procedures for Licensure is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rules shall read:

1730-03-.05 Procedures for Licensure.

- (1) Veterinary Medical Technician by Examination.
 - (a) An applicant shall obtain an application from the Board's administrative office and respond truthfully and completely to every question or request for information.
 - (b) An applicant shall pay, at the time of application, the non-refundable application fee and state regulatory fee as provided in Rule 1730-03-.06.
 - (c) An applicant shall submit with his/her application two recent photographs, one signed and notarized.
 - (d) An applicant shall cause a transcript from a veterinary technology program 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.
 - (e) An applicant shall pass the examination as provided in Rule 1730-03-.08. Official scores shall be submitted to the Board's administrative office directly from the testing service.
 - (f) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic offenses. Driving Under the Influence is not a minor traffic violation.
 - 2. Denial of a licensure application by any other state or the discipline of the licensee in any state.
 - 3. Loss or restriction of certification or licensure privileges.
 - 4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
 - (g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (h) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
 - (i) Where necessary, required documents shall be translated in English. The original document and the translation must be certified as authentic by the issuing source.

- (j) Application review and licensure decisions are governed by Rule 1730-03-.07.
 - (k) If an applicant has ever held a license to practice as a veterinary medical technician in any other state or Canada, the applicant shall cause the equivalent of a Tennessee Certificate of Endorsement to be submitted from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date and information concerning any disciplinary action.
- (2) Veterinary Medical Technician by Reciprocity. The Board may grant full licensure status by reciprocity to veterinary medical technicians licensed in another state. The process for obtaining a license by reciprocity is as follows:
- (a) An applicant shall obtain an application form from the Board's administrative office and respond truthfully and completely to every question or request for information.
 - (b) An applicant shall pay, at the time of application, the non-refundable application fee, reciprocity license fee and State Regulatory fee as provided in Rule 1730-03-.06.
 - (c) An applicant shall submit two recent photographs with his/her application, one signed and notarized.
 - (d) An applicant shall cause a transcript from a veterinary technology program 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.
 - (e) An applicant shall disclose the circumstances surrounding any of the following:
 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic offenses. Driving Under the Influence is not a minor traffic violation.
 2. Denial of a licensure application by any other state or the discipline of the licensee in any state.
 3. Loss or restriction of certification or licensure privileges.
 4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
 - (f) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (g) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
 - (h) Where necessary, required documents shall be translated in English. The original document and the translation must be certified as authentic by the issuing source.
 - (i) Application review and licensure decisions are governed by Rule 1730-03-.07.
 - (j) If an applicant has ever held a license to practice as a veterinary medical technician in any other state or Canada, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date and information concerning any disciplinary action.

- (k) An applicant shall furnish an affidavit or other proof that he or she engaged actively in the practice of veterinary medical technology for one (1) of the five (5) years preceding application for an average of twenty (20) hours per week.
- (l) An applicant shall submit an original letter of recommendation from a veterinarian.
- (m) Any person holding a reciprocity license is subject to all disciplinary provisions of the Tennessee Veterinary Practice Act.

Authority: T.C.A. §§ 63-12-106, 63-12-114, 63-12-115 and 63-12-135.

1730-03-.07 Application Review, Approval, Denial, Interviews is amended by deleting the rule in its entirety and substituting instead the following, so that the new rule shall read:

1730-03-.07 Application Review, Approval, Denial, Interviews

- (1) Applications for licensure are accepted throughout the year.
- (2) Initial review of all applications to determine whether the application file is complete may be delegated by the Board to the Board's Executive Director, provided that final approval of all applications is made and ratified by the Board.
- (3) If an application is incomplete when reviewed by the Board or the Board's Executive Director, a deficiency letter will be sent to notify the applicant of the deficiency.
 - (a) For an applicant who has completed the requirements for licensure, all documentation must be received within sixty (60) days after receipt of the deficiency notification. Otherwise, the application shall be closed and the applicant may reapply.
 - (b) After an application file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.
- (4) For an applicant who has not passed the Veterinary Technician National Examination (VTNE), the file will remain open until the applicant has had the opportunity to take the VTNE three (3) times. At that time, the file will be closed and the applicant notified.
- (5) If a complete application has been denied and ratified as such by the Board, the action shall become final and a notification of the denial shall be sent by the Board's administrative office via certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all of the specific statutory or rule authorities for the denial.
 - (a) The denial notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Uniform Administrative Procedures Act (T.C.A. § 4-5-101 to -404) to contest the denial.
 - (b) An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.
 - (c) An applicant will not be granted a contested case hearing if the licensure denial was based on objective, clearly-defined criteria, unless the reasons for continued denial present a genuine issue of material fact or law that is appropriate for appeal. A request for appeal must be made in writing to the Board within 30 days of receipt of the denial notification from the Board.
- (6) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination. If the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.

- (7) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.
- (8) Abandonment of Application
- (a) The Board's Executive Director will deem an application "abandoned" if:
1. The application has not been completed by the applicant within 18 months after it was initially reviewed by the Board; or
 2. An applicant fails to sit for a scheduled examination within twelve (12) months after being notified of eligibility.
- (b) Written notification of abandonment will be mailed to the applicant and the application file will be closed.
- (c) An application submitted after the abandonment of a prior application shall be treated as a new application.
- (9) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or a Board's designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

Authority: T.C.A. §§ 63-1-142, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117.

Rule 1730-03-.08 Examinations is amended by deleting paragraph (1) in its entirety and substituting the following so that the new paragraph (1) will read:

- (1) Individuals seeking licensure by examination, as provided in Rules 1730-03-.04 and 1730-03-.05, shall be required to pass the Veterinary Technician National Examination (VTNE), developed by the American Association of Veterinary State Boards. The Board adopts the VTNE as its state and national examinations under T.C.A. § 63-12-115.

Rule 1730-03-.08 Examinations is amended by deleting paragraph (5) in its entirety.

Rule 1730-03-.10 Supervision is amended by deleting the rule in its entirety and substituting it instead with the following so that the new rule shall read:

1730-03-.10 Supervision

- (1) A Tennessee Licensed Veterinarian must supervise a veterinary medical technician. This supervision must be in the same veterinary hospital, clinic, or outpatient office.
- (2) No veterinary medical technician, veterinary student intern, or employee shall provide any professional services as covered by these rules without the responsible supervision of a licensed veterinarian on premises, except that an employee of the veterinarian may be permitted to float teeth using non-motorized equipment without the physical presence of a licensed veterinarian as long as the employee is functioning under the supervision, control, and responsibility of the licensed veterinarian within the context of a valid veterinarian-client-patient relationship.

Authority: T.C.A. §§ 63-12-106, 63-12-113, 63-12-124, 63-12-133, and 63-12-135.

Rule 1730-03-.12 Continuing Educations is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

Rule 1730-03-.12 Continuing Education

- (1) Hours Required
 - (a) In order to renew a license, the licensee must obtain twelve (12) hours of continuing education each calendar year. A maximum of four (4) hours may be obtained in a multi-media format as defined in paragraph (3)(d)(2) of this rule.
 - (b) A licensee is exempt from continuing education requirements during the calendar year of the licensee's graduation from a veterinary technology program approved by the American Veterinary Medical Association.
 - (c) The Board approves courses for only the number of hours contained in the course. A licensee will not receive credit for repeating the same course in a calendar year.
- (2) Proof of Compliance
 - (a) The due date for attendance and completion of the required continuing education hours is December 31 of each year. Each licensee must attest, on a Board provided form, to attendance and completion of the required continuing education hours and that such hours were obtained during the preceding calendar year.
 - (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except for multi-media courses, the licensee must be physically present at these continuing education meetings.
 - (c) Each licensee must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board during its verification process.
- (3) Course Approval
 - (a) Courses to be offered for credit toward the required continuing education hours must receive approval from the Board, except as provided in Section (e) of this rule.
 - (c) Approval may be obtained by submitting the following information to the Board's administrative office at least thirty (30) days before the scheduled date of the course.
 1. A course description or outline;
 2. Names of all speakers and sponsors;
 3. Number of hours of educational credit requested; and
 4. Date of course.
 - (d) Continuing education courses may be presented in any of the following formats:
 1. Lecture.
 2. Multi-Media – With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit. Multi-Media courses may include courses utilizing:
 - (i) The Internet

- (ii) Closed circuit television
 - (iii) Satellite broadcasts
 - (iv) Correspondence courses
 - (v) Videotapes
 - (vi) CD-ROM
 - (vii) DVD
 - (viii) Teleconferencing
 - (ix) Videoconferencing
 - (x) Distance learning
- (e) The following courses need not receive approval and constitute Board-approved continuing education courses:

1. Courses sponsored or approved by any of the following organizations:

American Animal Hospital Association
 American Association for Wildlife Veterinarians
 American Association for Women Veterinarians
 American Association of Avian Pathologists
 American Association of Bovine Practitioners
 American Association of Equine Practitioners
 American Association of Sheep and Goat Practitioners
 American Association of Swine Practitioners
 American Association of Veterinary Clinicians
 American Association of Veterinary Parasitologists
 American College of Veterinary Toxicologists
 American College of Laboratory Animal Medicine
 American College of Poultry Veterinarians
 American College of Theriogenologists
 American College of Veterinary Internal Medicine
 American Dairy Science Association
 American Society of Animal Scientists
 American Society for Veterinary Clinical Pathology
 American Society of Veterinary Ophthalmology
 American Veterinary Epidemiology Society

2. Educational courses sponsored by an accredited school of veterinary medicine or veterinary technology. A course taken for or assigned three (3) semester credit hours or equivalent quarter credit hours counts as fifteen (15) continuing education hours. No credits will be counted for courses failed.
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.
4. Scientific programs dealing with the practice of veterinary medicine provided by local, state, regional, national or international associations listed in the AVMA Directory of Colleges of Veterinary Medicine.

(4) Waiver or Extension of Continuing Education

- (a) The Board may grant a waiver or extension of the need to attend and complete the required hours of continuing education.
 - (b) Waivers or extensions will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
 - (c) A waiver or extension approved by the Board is effective for only the calendar year for which the waiver is sought unless otherwise specified in writing by the Board.
- (5) Continuing Education for Reactivation of a Retired License
- (a) Any licensee who applies for reactivation of a retired license must attest to having completed Board approved continuing education credit equal to that required by this rule, with a maximum requirement of twenty-four (24) hours.
 - (b) Any continuing education hours obtained as a prerequisite for licensure reactivation shall not count toward the continuing education hours required to be obtained before the end of the calendar year of reactivation.
 - (c) The Board, upon receipt of a written request and explanation, may waive any or all of the continuing education for reactivation of a retired license.
- (6) Violations
- (a) Any licensee who falsely attests to the attendance and completion of the required continuing education hours or fails to obtain the required continuing education hours may be subject to discipline by the Board pursuant to T.C.A. §63-12-124(a)(1), (2), (4), (12), or (14).
 - (b) Education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not count toward the continuing education hours a licensee must obtain each calendar year.

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

Rule 1730-03-.13 Unprofessional Conduct is amended by adding a new paragraph (9) that shall read:

- (9) Violation of any lawful order of the Board.

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

Rule 1730-03-.16 License is amended by deleting paragraph (2) in its entirety and replacing it with the following so that the new paragraph (2) will read:

- (2) Display of License - Every person licensed by the Board in this state shall display the license and renewal certificate in a conspicuous place in the licensee's office and, whenever required, show such license to the Board or its authorized representative.

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

Rule 1730-03-.17 Change of Name and/or Address is amended by deleting paragraph (2) in its entirety and replacing it with the following so that the new paragraph (2) will read:

- (2) Change of Address – A licensee must notify the Board of a change of address within thirty (30) days of such change. The notification must be in writing and include both the old and new addresses along with the licensee's name, profession, and license number.

Authority: T.C.A. §§ 63-1-106, 63-12-106 and 63-12-135.

General Rules Governing Certified Animal Control Agencies

Amendments

Rule 1730-04-.01 Definitions is amended by deleting paragraph (9) in its entirety and substituting the following so that the new paragraph shall read:

- (9) D.E.A. – United States Drug Enforcement Administration

Authority: T.C.A. §§ 63-12-102, 63-12-103, 63-12-106, and 63-12-141.

Rule 1730-04-.01 Definitions is amended by deleting paragraphs (8) and (13) in their entirety and renumbering the remaining paragraphs accordingly.

Authority: T.C.A. §§ 63-12-102, 63-12-103, 63-12-106, and 63-12-141.

Rule 1730-04-.03 Qualifications for Certification is amended by deleting the rule in its entirety and substituting it instead with the following, so that the new rule shall read:

1730-04-.03 Qualifications for Certification. Entities that wish to apply to the D.E.A. for a restricted controlled substance registration certificate must be certified by the Board. To be eligible for a certificate as a Certified Animal Control Agency, an applicant must meet all of the following qualifications:

- (1) Meet the definition of a Certified Animal Control Agency contained in T.C.A. § 63-12-141 and these rules.
- (2) Employ at least one (1) Certified Animal Euthanasia Technician, except as provided in Rule 1730-05-.02
- (3) Pass an onsite inspection by the premises inspector.
- (4) Provide a copy of the Non-Livestock Animal Humane Death Act, codified at T.C.A. §§ 44-17-301 to -304, to each employee who will perform euthanasia, and maintain documentation of compliance with this paragraph.

Authority: T.C.A. §§ 63-1-106, 63-12-106, 63-12-141, 44-17-301, 44-17-302 and 44-17-303.

Rule 1730-04-.04 Procedure for Certification of an Animal Control Agency is amended by deleting subparagraph 6(d) in its entirety and substituting the following so that the new subparagraph 6(d) shall read:

- (d) Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.

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

Chapter 1730-05 General Rules Governing Certified Animal Euthanasia Technicians

Amendments

Rule 1730-05-.01 Definitions is amended by deleting paragraph (9) in its entirety and substituting the following so that the new paragraph shall read:

- (9) D.E.A. – United States Drug Enforcement Administration

Authority: T.C.A. §§ 63-12-102, 63-12-103, 63-12-106, and 63-12-141.

Rule 1730-05-.01 Definitions is amended by deleting paragraphs (8) and (13) in their entirety and renumbering the remaining paragraphs accordingly.

Authority: T.C.A. §§ 63-12-102, 63-12-103, 63-12-106, and 63-12-141.

Rule 1730-05-.04 Procedures for Certification is amended by deleting paragraph 5(d) in its entirety and substituting the following so that the new paragraph 5(d) shall read:

- (d) Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.

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

Rule 1730-05-.05 Application Review, Approval, Denial is amended by adding new paragraph 8 so that, as amended, the new paragraph shall read:

- (8) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or the Board Designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

Authority: T.C.A. §§ 63-12-106 and 63-12-141.

Rule 1730-05-.11 Unprofessional Conduct is amended by adding new paragraph (8) so that, as amended, the new rule shall read:

- (8) Violation of any lawful order of the Board.

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

Rule 1730-05-.13 Change of Name and/or Address is amended by deleting the rule in its entirety and substituting it instead with the following so that the new rule shall read:

- (1) Change of Name – An individual registered with the Board must notify the Board in writing within thirty (30) days of a name change. The notice must provide both the old and new names and must reference the individual's profession, board, and certificate number.
- (2) Change of Address – A licensee or certificate holder must notify the Board of a change of address within thirty (30) days of such change. The notification must be in writing and include both the old and new addresses along with the licensee's name, profession, and license number.

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

Chapter 1730-06 General Rules Governing Chemical Capture

Amendments

Rule 1730-06-.03 Application Requirements is amended by adding new paragraph 6 so that, as amended, the new paragraph shall read:

- (6) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or the Board Designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

Authority: T.C.A. §§ 63-12-106 and 63-12-144.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

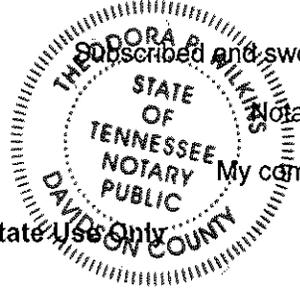
Date: 10/17/2012

Signature: *Christopher M. Smith*

Name of Officer: Christopher M. Smith

Assistant General Counsel

Title of Officer: Tennessee Department of Health



Subscribed and sworn to before me on: 10/17/12

Notary Public Signature: *Theodora P. Wilkin*

My commission expires on: 11/3/15

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Filed with the Department of State on: 10/17/12

Tre Hargett
Tre Hargett
Secretary of State

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