

Administrative Rules for Veterinarians

Part 1: Definitions

1-1 “Client” means a person seeking veterinary care on behalf of a patient.

1-2 “Companion animal” means an animal for which a client has assumed responsibility and ownership as an individual companion or service animal.

1-3 “Direct Supervision” means oversight by a licensed veterinarian available to physically intervene in the care of an animal.

1-4 “Director” means the Director of Professional Regulation.

1-5 “Foreign” means emanating from or existing within a governmental jurisdiction other than the State of Vermont.

1-6 “License” or **“licensure”** refers to any credential issued by the Office under these rules, including a certification or registration, except where context clearly indicates reference to a foreign or other professional license.

1-7 “Licensee” means a person or entity seeking or holding a license under these rules.

1-8 “Non-companion animal” means an animal raised for economic or agricultural purposes.

1-9 “Office” means the Office of Professional Regulation.

1-10 “Office website” means sos.vermont.gov/opr.

1-11 “Patient” means an animal that is the subject of veterinary care.

1-12 “Veterinarian-Client-Patient Relationship” or **“VCPR”** is defined at 26 V.S.A. § 2433. See Rule 8-3, *infra*.

Part 2: Administration

2-1 Applicable Law. The practice of veterinary medicine is defined and regulated pursuant to 26 V.S.A. § 2401 *et seq.* Copies of these and other statutes are available online at www.legislature.vermont.gov/statutes/. The Office administers licensure in conformity with these and other Vermont laws, to include the Administrative Procedure Act, 3 V.S.A. § 800 *et seq.*; the Public Records Act, 1 V.S.A. § 315 *et seq.*; and the Laws of Professional Regulation, 3 V.S.A. § 121 *et seq.*

2-2 Resources for Applicants and Licensees. The Office maintains a website at sos.vermont.gov/opr with information and links relevant to all licensed professionals. Information specific to veterinarians is available from sos.vermont.gov/veterinary-medicine/statutes-rules-resources/.

2-3 U.S. Armed Forces. The Director may accept toward the requirements of these rules relevant military education, training, or service completed by a member of the U.S. Armed Forces and may

Administrative Rules for Veterinarians

expedite licensure of a person who left licensed employment in another state secondary to a spouse's military transfer to Vermont. 3 V.S.A. § 123(g). Service members and the spouses of service members should visit the Office website for details.

Part 3: Procedures

3-1 Applications. Online license applications must be completed through the Office website.

(a) Incomplete applications will not be processed. Applications are complete only when all required questions have been answered fully, all attestations made, all required documentation and materials provided, and all fees paid.

(b) When the Board, or the Office on the Board's behalf, intends to deny an application, notice stating the reasons for the action shall be given to the applicant by certified mail, whereupon the applicant shall have 30 days to petition for a hearing before an administrative law officer.

(c) The Board may refuse to accept any application found to be redundant with a denied or in-process application.

(d) The Board may deem expired any application that is left pending for six months.

3-2 Complaints. Complaints against licensees, applicants for licensure, or persons practicing without a license may be submitted through the Office website, at sos.vermont.gov/opr/complaints-conduct-discipline/.

3-3 Contested Cases. Procedures in contested cases relating to licensure or discipline are governed by the Office of Professional Regulation Administrative Rules of Practice, CVR 04-030-005, as those rules may from time to time be modified.

3-4 Declaratory Rulings. Petitions for declaratory rulings as to the applicability of any statutory provision or of any rule or order of the Board or Office may be made pursuant to 3 V.S.A. § 808 and Office procedure.

3-5 Conflict of Standards. Where a standard of unprofessional conduct set forth in statute conflicts with a standard set forth in rule, the standard that is most protective of the public shall govern. *See* 3 V.S.A. § 129a(e).

3-6 Determination of Equivalency. Where the Board or Director is permitted by law or rule to accept certain training or experience on the basis of equivalence to a fixed standard, it is the burden of the applicant or licensee to establish equivalence to the Board or Director's satisfaction, by producing credible, clear, and convincing evidence of the same. The Board and the Office have no obligation to research the bona fides of any institution, program, course, degree, certification, practicum, fellowship, or examination.

3-7 Waiver or Variance. The Board will not grant routine waivers or variances from any provisions of these rules without amending the rules. *See* 3 V.S.A. § 845. Where, in extraordinary circumstances, application of a rule would result in manifest unfairness, an absurd result, unjustifiable inefficiency, or an outcome otherwise inimical to the public health, safety, and welfare, the Board may, upon written request of an interested party, so find, grant a waiver with or without particular conditions and limitations, and record the action and justification in a written memorandum. This rule shall not be construed as creating any administrative hearing right or cause of action.

Administrative Rules for Veterinarians

3-8 Inspection. All veterinary hospitals and other non-residential premises used by licensees in relation to the provision of veterinary services shall be open to announced or unannounced visits by Office inspectors during regular business hours.

3-9 Contacting the Board. See the Office website for contact details. Send mail to: Office of Professional Regulation, ATTN: Board of Veterinary Medicine, 89 Main Street, 3rd Floor, Montpelier, VT 05620-3402.

Part 4: Licensing Requirements

4-1 Core requirements. An applicant is eligible for licensure who has:

- (a) reached the age of majority;
- (b) graduated from a school of veterinary medicine accredited by the American Veterinary Medical Association or the Canadian Veterinary Medical Association; and
- (c) passed the North American Veterinary Licensing Examination (NAVLE), or any subsequent licensing examinations prepared under the authority of the National Board of Veterinary Medical Examiners (NBVME) or its successor organization, within two years preceding application.

4-2 International Veterinary Graduates not Licensed in the United States or Canada. In lieu of the graduation requirement of Rule 4-1(b), an applicant may present a certificate issued by the Educational Commission for Foreign Veterinary Graduates (ECFVG), its successor organization, or an organization acceptable to the Board.

4-3 Veterinary Graduates Licensed Elsewhere in the United States or Canada. A person licensed or certified in good standing under the laws of another jurisdiction may be eligible for licensure without examination as specified by 26 V.S.A. § 2424.

4-4 State Laws & Rules. Examination on Vermont-specific laws and rules is not required. All veterinarians are responsible to maintain ongoing familiarity with State and Federal laws and rules governing the practice of the profession, just as all veterinarians are responsible to follow evolving practice standards. Ignorance of regulatory requirements does not excuse noncompliance. Means of ensuring orientation to regulatory obligations include participation in professional associations, consultation with qualified legal counsel, subscription to professional publications, and periodic online monitoring of legislative and regulatory developments.

4-5 Consultation Exemption. Board licensure is not required of a veterinarian regularly licensed in another jurisdiction consulting with a licensed veterinarian in this State. Accord 26 V.S.A. § 2403(5). Exempt consultation is limited to the provision of specialized professional advice or assessment, or the demonstration of clinical practices. A consulting veterinarian is, for purposes of professional responsibility, a delegate of the Vermont veterinarian with whom he or she consults and may provide veterinary services only to animals with which the Vermont veterinarian has a valid VCPR and as requested by the Vermont veterinarian.

4-6 Livestock Management and Husbandry Exemption. Board licensure is not required of persons engaged in accepted livestock management practices and animal husbandry practices. See 26 V.S.A. § 2403(2). Embryo transfer is not exempt as an accepted livestock management practice and may be performed only by or under the direct supervision of a Vermont-licensed veterinarian.

Administrative Rules for Veterinarians

Part 5: License Renewal

5-1 Biennial Licensing Period. Licenses are valid for fixed, two-year periods. Expiration dates are printed on licenses. A license expires if not renewed by midnight on the date of expiry. Practice under an expired license is prohibited. An initial license issued fewer than 90 days prior to the beginning of the fixed biennial period shall be valid through the end of full biennial licensing period following initial licensure. A lookup tool on the Office website may be considered a primary source verification as to license status and expiration.

5-2 License Renewal. Online license renewal applications must be completed through the Office website. The Office transmits email reminders to licensees at the end of each biennial licensing period; however, non-receipt of such reminders shall not excuse a licensee from the obligation to maintain continuous licensure or the consequences of failing to do so. Practicing while a license is lapsed is a violation of 3 V.S.A. § 127.

5-3 Late Renewal Penalties. Late renewal applications are subject to reinstatement fees, which may be waived in certain circumstances. *See* 3 V.S.A. § 127(d). Reinstatement waivers may be requested through the online licensing system.

5-4 Extended License Lapse. A license expired for five or fewer years may be reactivated as of right upon proof of continuous veterinary practice elsewhere, or if veterinary practice ceased, upon completion of the continuing education required in the preceding biennial licensing period. When a license has been expired for five or more years, a licensee's preparation to return to practice will be assessed on a case-by-case basis. After consultation with the Board, the Director may require re-training, testing, or re-application. *See* 3 V.S.A. § 135; 26 V.S.A. § 2426.

Part 6: Continuing Veterinary Medical Education

6-1 Continuing Education

- (a) **Requirement.** All licensees have a duty to maintain professional competence through conscientious pursuit of professional learning opportunities, interaction with peers, and continual review of relevant scientific and professional literature. In each biennial licensing period, a licensee shall devote at least 24 hours to such pursuits and shall attest to having done so as a condition of renewal.
- (b) **Relevance.** Licensees are expected to identify and pursue appropriate learning opportunities in good faith. Activities claimed under this rule shall be reasonably calculated to improve the particular professional practice of the licensee, shall be relevant, and shall be oriented toward evidence-based practice or the improvement of technical skill. Express approval of continuing learning opportunities is not required.
- (c) **Documentation.** A licensee shall document participation in professional learning activities. For courses, a licensee shall retain completion certificates. For non-course activities, such as reading, research, presentation, or curriculum development, a licensee shall maintain a contemporaneous log of pertinent details, such as journal citations; presentation titles, locations, dates, sponsors, and host institutions; the length of time spent on the activity; and a brief, written summary of the substantive reading, research, presentation, or curriculum developed. A form log is available at the Board website. Certificates and logs must be retained for four years. The Board may audit continuing education compliance at any time.

Administrative Rules for Veterinarians

Part 7: Reporting Duties

7-1 Duty to Update and Self-Report. Applicants and licensees owe a duty of candor to the Board and shall disclose circumstances that may call for further investigation to protect the public. That a matter is reportable does not imply that the matter necessarily is a basis for discipline. A licensee, including an applicant for licensure, shall report to the Office, in writing, within 30 days:

- (a) any change of name, e-mail, or mailing address;
- (b) any material inaccuracy or change in circumstance relative to any application question, where the changed circumstance arises between submission of a license application and issuance of the license sought;
- (c) any arrest or charge for conduct occurring in the course of, or in direct relation to, the practice of veterinary medicine;
- (d) any conviction for any criminal act;
- (e) any injunction or other order of a court or regulatory authority, including an assurance of discontinuance, limiting the licensee's ability to practice;
- (f) any legal claim, settlement, or judgment arising from alleged professional negligence, misconduct, or malpractice; and
- (g) any adverse action against a foreign professional license, where the adverse action relates to an allegation of misconduct, substandard practice, or unethical conduct.

7-2 Duty to Report Disease.

- (a) Pursuant to 6 V.S.A. § 1162, a veterinarian shall immediately report to the State Veterinarian:
 1. the discovery of any domestic animal that is infected with, is suspected of being infected with, or has been exposed to a disease reportable under 6 V.S.A. ch. 102;
 2. any sudden unexplained morbidity or mortality in a herd or flock.
- (b) A veterinarian shall report to the Secretary of Agriculture, Food & Markets any horse that has tested positive for equine infectious anemia and shall see that the animal is quarantined if required by 6 V.S.A. § 1182(c).
- (c) A veterinarian shall report to the Commissioner of Health any animal or animals having or suspected of having any disease that can result from bioterrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents or biological toxins, and those that might pose a risk of a significant number of human and animal fatalities or incidents of permanent or long-term disability. 13 V.S.A. § 3504(d).

Part 8: Practice Rules & Standards

8-1 Ethical Conduct. The Board may consider the *Principles of Veterinary Medical Ethics of the AVMA* a recognized source of professional standards when determining "the essential standards of acceptable and prevailing practice" for purposes of 26 V.S.A. § 129a(b). This section shall not be construed as imposing any mandatory-reporting obligation not otherwise present under Vermont law.

8-2 Compliance with Other Law. Licensees must comply with all federal, state and local laws, governing the practice of the profession. 3 V.S.A. 129a(a)(3).

8-3 The Veterinarian-Client-Patient Relationship. The three elements of a VCPR—assumption of responsibility for care, sufficient knowledge of the patient, and availability—are defined more

Administrative Rules for Veterinarians

particularly at 26 V.S.A. § 2433, together with important related principles not restated in these Rules. A valid VCPR:

- (a) must exist prior to the provision of any veterinary care, other than in a rabies clinic or an emergency; and
- (b) must exist prior to issuance of a veterinary feed directive or any activity relative to the provision, administration, authorization, or prescribing of veterinary prescription drugs.

8-4 Telepractice. When determining whether a valid VCPR has been established, the Board will inquire into the sufficiency, reliability, and validity of the veterinarian's knowledge, not the means or modality by which that knowledge was obtained. Veterinarians are authorized to use their reasoned clinical judgment to determine when and how telemedicine modalities may be used.

- (a) **Common standard of care.** A Veterinarian using telemedicine must take appropriate steps to establish a VCPR, obtain informed consent from the client, and conduct all necessary patient evaluations consistent with currently acceptable standards of care. Some patient presentations are appropriate for the use of telemedicine as a component of, or in lieu of, hands-on medical care, while others are not.
- (b) **Federal laws and rules.** This rule shall not be construed as superseding any contrary law or rule of the United States Food & Drug Administration.

8-5 Veterinary Records: Companion Animals. For each companion animal with which a veterinarian has a VCPR, the veterinarian shall retain a distinct file including:

- (a) client and patient information;
- (b) a competent history;
- (c) individualized entries recording each assessment, treatment, consultation, procedure, intervention, diagnosis, and plan; and
- (d) the identity of each person providing such service.

8-6 Veterinary Records: Non-companion animals. Group records are acceptable for non-companion animals; provided, however, that an individual record shall be initiated when indicated by the health status of the animal.

8-7 Records Retention and Production. A veterinarian shall retain patient records for not fewer than seven years from last contact with an animal, or in contexts where other law requires longer retention, for the longer period. Failure to keep appropriate records may constitute unprofessional conduct. 3 V.S.A. § 129a(a)(3). Records shall be typed when practicable under the circumstances, legible, reasonably protected from inadvertent destruction, and fit to transmit relevant content to a subsequent provider of care. Records shall be made available promptly upon written request of a client and may not be withheld for non-payment; provided, however, that a veterinarian may require that a client pay actual costs of production of transmission, such as copying and postage. *See* 3 V.S.A. § 129a(a)(8).

8-8 Records Disposition. A veterinarian shall have in place a plan for responsible disposition of patient veterinary records in the event the veterinarian should become incapacitated or unexpectedly discontinue practice. 3 V.S.A. § 129a(a)(25). Group practices may satisfy this requirement through a written agreement among partners that contemplates dissolution of the partnership or separation of a partner. Any veterinarian may satisfy this requirement through written agreement with a professional peer, attorney, or other person or organization credibly capable of seeing to appropriate disposition of records. A veterinarian's records-disposition plan

Administrative Rules for Veterinarians

shall be available upon request of a client or the Board, but need not be filed with the Board unless requested.

8-9 Delegation. A licensee shall delegate professional responsibilities only to those whom the licensed professional knows, or has reason to know, is qualified by training, experience, education, or licensing credentials to perform them. Diagnosis, prescription, and surgery are not delegable by a veterinarian to a non-veterinarian.

8-10 Alternative Therapies. Alternative therapies may be provided in conformity with accepted principles of veterinary ethics; provided, however, that a veterinarian shall not advertise, promote, or recommend a therapy or treatment in a manner tending to deceive the public or to suggest a degree of reliability or efficacy unsupported by competent evidence and professional judgment. *See* 26 V.S.A. § 129a(a)(17).

8-11 Integration of Complementary Care Providers. Vermont law does not authorize any non-veterinarian licensed under Title 26 to undertake any act within the scope of veterinary medical practice. Non-veterinarian providers may be skilled in certain modalities that may be safely applied for therapeutic benefit to animals under the supervision of a veterinarian. A veterinarian may delegate veterinary treatments to such providers if:

- (a) the veterinarian has a valid VCPR;
- (b) the requirements of Rule 8-9 are satisfied;
- (c) the veterinarian has verified that the provider is oriented to the unique anatomy, physiology, and behavior of the animal to be treated by documented training additional to that required for the provider to practice his or her care modality on humans;
- (d) the veterinarian has a competent clinical and evidential basis to believe the service will be of therapeutic benefit;
- (e) the veterinarian has prescribed in writing the treatment or act to be performed;
- (f) the veterinarian and delegate provider have established a written plan of care recorded in the veterinary record;
- (g) an appropriately qualified veterinarian is available to consult and arrange for intervention in the event of complications; and
- (h) the informed consent of the client is obtained and recorded in the veterinary record, including as to any compensation exchanged between veterinarian and delegate provider.

8-12 Rabies Vaccination; VCPR Not Required; Minimal Recordkeeping. It is in the interest of the public health, safety, and welfare that veterinarians participate in rabies vaccination clinics and offer office-based rabies vaccination. A VCPR is not required. A veterinarian participating in a vaccination clinic may do so in conformity with the Agency of Agriculture, Food & Markets' Rabies Vaccination Clinic Rule, CVR 20-022-018, or successor rules. For purposes of those rules, "examination" means such assessment as may be necessary to determine whether the animal is fit for vaccination and does not mean a comprehensive evaluation of health. A veterinarian participating in a rabies vaccination clinic, who complies with records requirements specified in CVR 20-022-018 or successor rules, is excused from the patient recordkeeping requirements in these Rules

Part 9: Discipline

9-1 Unprofessional Conduct. Unprofessional conduct includes those acts set out at 3 V.S.A. § 129a (applicable to all professional licensees). Violation of these rules is cognizable as unprofessional conduct pursuant to 3 V.S.A. § 129a(a)(3).

9-2 Remedies. Upon a finding by the Board that a licensee, applicant, or person who later becomes an applicant has committed unprofessional conduct, within or without this State, or has had a license application denied or a license revoked, suspended, limited, conditioned, or otherwise disciplined by a licensing agency in another jurisdiction for conduct which would constitute unprofessional conduct in this State, or has surrendered a license while under investigation for unprofessional conduct, the Board may warn, reprimand, suspend, revoke, limit, condition, deny, or prevent the renewal of a license. *See* 3 V.S.A. § 129(a). A license may be summarily suspended pending further proceedings, consistent with 3 V.S.A. § 814(c), upon a finding that public health, safety, or welfare imperatively requires emergency action.