

Guidance Document: 150-7

Reaffirmed: March 11, 2021

## Virginia Board of Veterinary Medicine

### Guidance for Disposition of Cases Involving Failure of Veterinarian-in-Charge to Notify Board of Veterinary Establishment Closure

#### Guidance

**Q: What will the Board accept as notification of closure?**

**A:** Notification must be in writing, and the Board must be notified 10 days prior to closure. Notification may be sent via email or mail. The [Notification for Closure of Veterinary Establishment](#) form is available to utilize to notify the Board of the closure of a veterinary establishment.

#### Board Action for Non-Compliance

The Board adopted the following guidelines for resolution of cases of non-compliance by a veterinarian-in-charge's failure to provide prior notification to the Board of a veterinary establishment's closure in accordance with 18VAC150-20-181:

#### **Veterinarian-in-Charge**

Cause	Possible Action
First offense: 90 days or less after closure	Advisory Letter
First offense: 91 days or more	Confidential Consent Agreement
Second offense	Consent Order; Reprimand

#### Applicable Law, Regulation and Guidance

##### Code of Virginia

#### **§ 54.1-3804. Specific powers of Board.**

*In addition to the powers granted in § [54.1-2400](#), the Board shall have the following specific powers and duties:*

*3. To regulate, inspect, and register all establishments and premises where veterinary medicine is practiced.*

#### **§ 54.1-2405. Transfer of patient records in conjunction with closure, sale, or relocation of practice; notice required.**

*A. No person licensed, registered, or certified by one of the health regulatory boards under the Department shall transfer records pertaining to a current patient in conjunction with the closure,*

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*sale or relocation of a professional practice until such person has first attempted to notify the patient of the pending transfer, by mail, at the patient's last known address, and by publishing prior notice in a newspaper of general circulation within the provider's practice area, as specified in § 8.01-324.*

*The notice shall specify that, at the written request of the patient or an authorized representative, the records or copies will be sent, within a reasonable time, to any other like-regulated provider of the patient's choice or provided to the patient pursuant to § 32.1-127.1:03. The notice shall also disclose whether any charges will be billed by the provider for supplying the patient or the provider chosen by the patient with the originals or copies of the patient's records. Such charges shall not exceed the actual costs of copying and mailing or delivering the records.*

*B. For the purposes of this section:*

*"Current patient" means a patient who has had a patient encounter with the provider or his professional practice during the two-year period immediately preceding the date of the record transfer.*

*"Relocation of a professional practice" means the moving of a practice located in Virginia from the location at which the records are stored at the time of the notice to another practice site that is located more than 30 miles away or to another practice site that is located in another state or the District of Columbia.*

#### [Regulations Governing the Practice of Veterinary Medicine](#)

#### ***18VAC150-20-181. Requirements for veterinarian-in-charge.***

*A. The veterinarian-in-charge of a veterinary establishment is responsible for:*

- 1. Regularly being on site as necessary to provide routine oversight to the veterinary establishment for patient safety and compliance with law and regulation.*
- 2. Maintaining the facility within the standards set forth by this chapter.*
- 3. Performing the biennial controlled substance inventory and ensuring compliance at the facility with any federal or state law relating to controlled substances as defined in § 54.1-3404 of the Code of Virginia. The performance of the biennial inventory may be delegated to another licensee, provided the veterinarian-in-charge signs the inventory and remains responsible for its content and accuracy.*
- 4. Notifying the board in writing of the closure of the registered facility 10 days prior to closure.*
- 5. Notifying the board immediately if no longer acting as the veterinarian-in-charge.*
- 6. Ensuring the establishment maintains a current and valid registration issued by the board.*

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*B. Upon any change in veterinarian-in-charge, these procedures shall be followed:*

- 1. The veterinarian-in-charge registered with the board remains responsible for the establishment and the stock of controlled substances until a new veterinarian-in-charge is registered or for five days, whichever occurs sooner.*
- 2. An application for a new registration, naming the new veterinarian-in-charge, shall be made five days prior to the change of the veterinarian-in-charge. If no prior notice was given by the previous veterinarian-in-charge, an application for a new registration naming a new veterinarian-in-charge shall be filed as soon as possible, but no more than 10 days, after the change.*
- 3. The previous establishment registration is void on the date of the change of veterinarian-in-charge and shall be returned by the former veterinarian-in-charge to the board five days following the date of change.*
- 4. Prior to the opening of the business, on the date of the change of veterinarian-in-charge, the new veterinarian-in-charge shall take a complete inventory of all Schedules II through V drugs on hand. He shall date and sign the inventory and maintain it on premises for three years. That inventory may be designated as the official biennial controlled substance inventory.*

*C. Prior to the sale or closure of a veterinary establishment, the veterinarian-in-charge shall:*

- 1. Follow the requirements for transfer of patient records to another location in accordance with § 54.1-2405 of the Code of Virginia; and*
- 2. If there is no transfer of records upon sale or closure of an establishment, the veterinarian-in-charge shall provide to the board information about the location of or access to patient records and the disposition of all scheduled drugs.*