

**VIRGINIA BOARD OF VETERINARY MEDICINE  
FULL BOARD MEETING  
COMMONWEALTH CONFERENCE CENTER, TRAINING ROOM 2  
HENRICO, VA  
December 16, 2016  
AGENDA**

**TIME**

9:00 a.m.

**CALL TO ORDER** – Bayard Rucker, DVM, President

**ORDERING OF AGENDA** – Dr. Rucker

**INTRODUCTION OF NEW BOARD MEMBERS** – Dr. Rucker

**CALL FOR PUBLIC COMMENT** – Dr. Rucker

The Board will receive all public comment related to agenda items at this time. The Board will not receive comment on any regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

**APPROVAL OF MINUTES** – Dr. Rucker

Consideration of Block Approval

- Inspection Committee Meeting – April 28, 2015
- Board Meeting – July 21, 2016
- Formal Hearings – July 21, 2016
- Telephone Conference Call – August 9, 2016
- Formal Hearing – September 7, 2016
- Consideration of Settlement – September 7, 2016

**DIRECTOR'S REPORT** – David E. Brown, D.C.

**LEGISLATIVE/REGULATORY UPDATE** – Elaine Yeatts

Regulatory Update

- Periodic Review
- Public Participation Guidelines
- Volunteer Hours for Continuing Education – HB319 (Action Required)
- Process for Developing Regulations for Faculty and Intern/Resident Licenses – HB1058

**DISCUSSION ITEMS** –

- Healthcare Workforce Data Survey – Elizabeth Carter
- Guidance Documents – Leslie Knachel
  - Notification of revision to 76-21.2:1 Veterinary Establishment Inspection Report
  - Revision of 150-11 Guidance for acceptable CE, CE audits and sanctioning for failure to complete
  - Revision of 150-12 Administration of rabies vaccine by students or in preceptorships
- Follow-up from February 16, 2016 meeting – Leslie Knachel
  - Administration of controlled drugs by and unlicensed assistant
  - Administration of controlled drugs during boarding/hospitalization
- Transcripts for applicants with PAVE or ECFVG certificates – Leslie Knachel

**EXECUTIVE DIRECTOR'S REPORT – Leslie Knachel**

- Statistics
- Budget
- Outreach Activities
- Discipline Update
- 2017 Calendar Review

**NEW BUSINESS – Dr. Rucker**

- Officer Elections

**CLOSED SESSION – Dr. Rucker**

Case Nos. 161907, 161620, and 163355 (Confidential Documents)

**ADJOURNMENT – Dr. Rucker**

**VIRGINIA BOARD OF VETERINARY MEDICINE  
MINUTES  
INSPECTION COMMITTEE  
DEPARTMENT OF HEALTH PROFESSIONS  
HEARING ROOM 3  
HENRICO, VA  
APRIL 28, 2015**

**TIME AND PLACE:** The Inspection Committee (Committee) meeting was called to order at 12:14 p.m. at the Department of Health Professions (DHP), 9960 Mayland Drive, 2<sup>nd</sup> Floor, Hearing Room 3, Henrico, Virginia

**MEMBERS PRESENT:** Kelly Gottschalk, DVM – Chair  
Karen Schaller, Inspector  
Marta Ishmael, LVT, Inspector  
Leslie Knachel, Executive Director  
Terri Behr, Operations Manager

**MEMBERS NOT PRESENT:** Taryn Singleton, LVT

**STAFF PRESENT:** Brandy Gasparotto, Administrative Assistant  
Elaine Yeatts, Policy Analyst

**OTHERS PRESENT:** Robin Schmitz, Virginia Veterinary Medical Association

**ORDERING OF AGENDA:** The agenda was amended to reverse the review order of the discussion items.

**PUBLIC COMMENT:** No public comment was received.

**APPROVAL OF MINUTES:** On properly seconded motion by Ms. Knachel, the Committee voted unanimously to approve the minutes of the meeting of October 22, 2014, as presented.

It was noted that Ms. Ishmael is retiring on April 30, 2015, and Ms. Schaller will serve as the veterinary establishment inspector on the Committee.

**DISCUSSION ITEMS:** **Review of Guidance Document 76-21.2:1, Veterinary Establishment Inspection Report**

Ms. Knachel explained the need to make several changes to the guidance document based on input from veterinary establishment inspectors and a review of multiple inspection reports. It was noted that the executive director has delegated authority to make changes to the guidance document after consultation with the board president. However, the changes being made are substantive and it was recommended that committee make a formal recommendation to the board regarding the changes.

On properly seconded motion by Ms. Schaller, the Committee voted

unanimously to recommend that the full board approve the changes to Guidance Document 76-21.2:1.

**Update on suggested regulatory changes related to veterinary establishments**

Ms. Yeatts and Ms. Knachel reviewed the draft of regulatory changes for veterinary establishments that was based on the discussion during the last meeting. The Committee discussed the changes and made further revisions. The draft will be further discussed during the Legislative/Regulatory Committee meeting scheduled for May 5, 2015.

Ms. Yeatts reviewed the draft of regulatory changes recommended by the Drug Control Act Committee because the controlled drug regulations are in Part V. Veterinary Establishment in the regulations. Additional revisions were suggested. The draft will be further discussed during the Legislative/Regulatory Committee meeting scheduled for May 5, 2015.

**NEW BUSINESS:**

No new business was presented.

**ADJOURNMENT:**

The meeting adjourned at 2:30 p.m.

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Kelly Gottschalk, DVM  
Chair

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Leslie L. Knachel, M.P.H  
Executive Director

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Date

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Date

**UNAPPROVED DRAFT**  
**VIRGINIA BOARD OF VETERINARY MEDICINE**  
**MINUTES OF FULL BOARD**  
**DEPARTMENT OF HEALTH PROFESSIONS**  
**BOARD ROOM 1**  
**HENRICO, VA**  
**JULY 21, 2016**

- TIME AND PLACE:** A quorum of the Board of Veterinary Medicine (Board) was called to order at 9:01 a.m., at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 1, Henrico, Virginia.
- PRESIDING OFFICER:** Bayard A. Rucker, III, D.V.M., President
- MEMBERS PRESENT:** Kelly J. Gottschalk, D.V.M.  
Autumn Halsey, L.V.T.  
Ellen G. Hillyer, D.V.M.  
Joseph A. May, D.V.M.  
Mary Yancey Spencer, J.D., Citizen Member
- MEMBERS NOT PRESENT:** Mark A. Johnson, D.V.M.
- QUORUM:** With six members of the Board present, a quorum was established.
- STAFF PRESENT:** Leslie L. Knachel, Executive Director  
Amanda E. M. Blount, Deputy Executive Director  
Elaine Yeatts, Senior Policy Analyst  
Terri Behr, Discipline/Compliance Operations Manager  
Carol Stamey, Licensing Operations Manager  
David E. Brown, D.C., DHP Director
- OTHERS PRESENT:** Lee Henkel  
Susan Seward, Virginia Veterinary Medical Association (VVMA)  
Taryn Singleton, L.V.T.  
Edna Whittier  
Robin Schmitz, VVMA  
Paul Dalby, DHP
- ORDERING OF AGENDA:** Ms. Blount requested to add an item under the Executive Director's Report to address items identified for follow-up by the Executive Director during the February Board meeting. On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to add the additional item to the agenda as requested.
- PUBLIC COMMENT:** Public comment was received from Ms. Lee Henkel expressing her continued displeasure with the Board's final regulations regarding permitting veterinary students to practice before their fourth year of veterinary school. She also commented that notifying clients by placing a sign in the office that a veterinary practice has students working in the practice is inadequate.

**APPROVAL OF MINUTES:**

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to approve the minutes of the following meetings:

- Board Meeting – October 22, 2015
- Special Session – Conference Call – February 4, 2016
- Board Meeting – February 16, 2016
- Formal Hearings – March 17, 2016
- Consideration of Possible Resolution of Case No. 171453 – May 26, 2016
- Formal Hearing – May 26, 2016
- Special Session – Conference Call – June 14, 2016

**DIRECTOR'S REPORT:**

Dr. Brown recognized Dr. May and Dr. Gottschalk for their eight years of service as members of the Board of Veterinary Medicine and thanked them for their service to the Board and to the Commonwealth.

Dr. Brown provided an update on the agency's internal training activities and plans for the fall board member training day. In addition, he mentioned the agency's continued efforts in activities related to reduction of opiate abuse. He appreciates the Board's willingness to discuss issues related to opiate use and security of drugs in veterinary practices.

**LEGISLATIVE/REGULATORY UPDATE:**

**Regulatory Update – Elaine Yeatts**

Ms. Yeatts stated that the proposed regulations from the periodic review are with the Department of Planning and Budget undergoing an economic impact review.

Ms. Yeatts reported the following final regulatory actions will take effect in the next several weeks:

- Elimination of restriction on practical training only in final year of veterinary school becomes effective on July 27, 2016.
- Use of the term specialist becomes effective on July 27, 2016.
- Increase in continuing education (CE) hours for veterinary technicians becomes effective on August 10, 2016. Ms. Yeatts discussed the implementation plan for this regulatory action and suggested the Board wait until January 1, 2017, which is the beginning of a new annual licensure period to require the increased number of CE hours.

On properly seconded motion by Dr. May, the Board voted unanimously to implement the increase in CE for veterinary technicians for the annual licensure period starting on January 1, 2017.

Ms. Yeatts stated that approximately 60 additional comments on the elimination of the restriction on practical training only in final year of veterinary school. She indicated that the comments objected to this regulation in its current form and asked for another comment period.

She indicated that the Board could consider an action related to this final regulatory action and take no action. There was no motion by the Board to take any action.

#### Legislative Update – Elaine Yeatts

- **Volunteer Hours for CE:** Ms. Yeatts stated that HB319 requires boards to promulgate regulations that allow CE for volunteer services to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. Ms. Yeatts proposed draft language for the Board's consideration which would allow up to two hours of CE to be used for volunteer services for veterinarians and up to one hour for veterinary technicians. Ms. Yeatts stated that the Board did not need to take any action today and might want to take some time to think about it and add some other possible volunteer opportunities that they would allow to be used for CE. The consensus of the Board was to further discuss this issue at its next board meeting.
- **Public Participation Guidelines Revision:** Ms. Yeatts stated that the Administrative Process Act was amended in 2012 and that it is recommended that all boards amend their Public Participation Guidelines to reflect the changes. She stated this could be done as a fast track action.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to move forward with amending the Public Participation Guidelines as presented by fast track action.

- **Faculty Licensure:** Ms. Yeatts discussed HB1058 which amends licensure exceptions to now require licensure for veterinary faculty and interns/resident who are engaged in the practice of veterinary medicine, pursuant to § 54.1-2800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth. Ms. Yeatts stated the Board would need to adopt of a Notice of Intended Regulatory Action (NOIRA) to begin promulgation of regulations for this new licensure requirement.

On properly seconded motion by Dr. May, the Board voted unanimously to move forward with the NOIRA.

- **Presentation of Deceased Animal to Owner:** Ms. Yeatts discussed proposed legislation (HB312), which did not pass, that dealt with acceptable methods of presentation of a deceased companion animal to its owner and that such methods shall include the use of an appropriate container. Delegate Orrock sent a letter requesting the Board consider

this matter. The Board discussed the issue and agrees that there needs to be some kind of educational information to veterinarians to be compassionate in explaining to owners about disposal when an animal is euthanized. They asked that Ms. Knachel consider drafting a guidance document with this information and also to reach out to the VVMA to further help with disseminating this information.

**DISCUSSION ITEMS:**

**Guidance Document Updates**

**Disposition of Routine Inspection Violations – Guidance**

**Document 150-15:** Ms. Blount stated that in the section under veterinary establishments, it says Confidential Consent Order, but it should say Confidential Consent Agreement.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to amend Guidance Document 150-15 as discussed.

**Consideration of Guidelines for Processing Applications for**

**Licensure:** Ms. Blount stated that this proposed new guidance document addresses issues related to processing licensure applications. Currently, the Executive Director has been delegated authority to issue an initial license and renew or reinstate a license to applicants who meet the qualifications as set forth in the law and regulations provided no grounds exist to refuse to grant. She added that the proposed guidance document states that an affirmative response to any question on an application for licensure related to grounds for the Board to refuse to issue a license shall be referred to the Board President to determine how to proceed. This includes those instances where action was taken against the applicant by another state.

Dr. Gottschalk suggested that the language in the first sentence be changed from “has delegated authority” to “has been delegated the authority.”

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the proposed guidance document with the suggested amendment.

**EXECUTIVE DIRECTOR’S  
REPORT:**

**Statistics and Budget**

Ms. Blount updated the Board on the current numbers for licensees in all categories and the current revenue and expenditure figures.

**Discipline Update**

Ms. Blount provided the Board with the number of cases currently in investigation, probable cause, Administrative Proceedings Division, and the number closed since the February Board meeting.

**Follow-up from Board meeting held on 2/16/16**



- **Information from the Federal Wildlife Service (FWS) Disposal of Deceased Animals** – Ms. Blount reported that at the request of the FWS, a mass email was sent to veterinary licensees regarding that contained information on how to avoid secondary pentobarbital poisoning of wildlife.
- **Guidance Document 150-13: Controlled Substances (Schedule II-VI) in Veterinary Practice** – Ms. Blount reported that Ms. Knachel made the suggested amendments to Guidance Document 150-13 following the last board meeting.
- **Other follow-up items from Board meeting held on 2/16/16** – Ms. Blount reported that the other items identified for follow-up by the Executive Director from the last Board meeting will be addressed by Ms. Knachel at the fall meeting.

**NEW BUSINESS:**

Ms. Blount presented Dr. May and Dr. Gottschalk with plaques to honor their eight years of service to the Commonwealth of Virginia as members of the Board of Veterinary Medicine.

Ms. Stamey reported that 4% of the Board of Veterinary Medicine's licensees are being audited for the CE audit and that the notices will be sent out the following week.

**ADJOURNMENT:**

The meeting adjourned at 10:24 a.m.

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 Bayard A. Rucker, III, D.V.M.  
 Chair

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 Leslie L. Knachel, M.P.H.  
 Executive Director

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Date

**UNAPPROVED DRAFT**  
**VIRGINIA BOARD OF VETERINARY MEDICINE**  
**FORMAL HEARING MINUTES**  
**DEPARTMENT OF HEALTH PROFESSIONS**  
**BOARD ROOM 1**  
**HENRICO, VA**  
**JULY 21, 2016**

**CALL TO ORDER:** The meeting of the Virginia Board of Veterinary Medicine (Board) was called to order at 1:04 p.m., on July 21, 2016, at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 1, Henrico, Virginia.

**PRESIDING OFFICER:** Bayard A. Rucker, III, D.V.M., President

**MEMBERS PRESENT:** Kelly J. Gottschalk, D.V.M.  
Autumn N. Halsey, L.V.T  
Joseph A. May, D.V.M.  
Mary Yancey Spencer, J.D.

**MEMBERS ABSENT:** Ellen G. Hillyer, D.V.M.  
Mark A. Johnson, D.V.M.

**QUORUM:** With five members of the Board present, a quorum was established.

**STAFF PRESENT:** Amanda E. M. Blount, Deputy Executive Director  
Carol Stamey, Licensing Operations Manager

**BOARD COUNSEL:** Erin Barrett, Assistant Attorney General

**COURT REPORTER:** Andrea Pegram, Court Reporting Services, LLC

**PARTIES ON BEHALF OF THE COMMONWEALTH:** Emily E. Tatum, Adjudication Specialist

**COMMONWEALTH WITNESSES:** None

**RESPONDENT WITNESSES:** None

**MATTER SCHEDULED:** Rohan Rajapakse, Veterinarian

**License No.: 0301-203945**

**Case No.: 170370**

Dr. Rajapakse appeared before the Board in accordance with an Amended Notice of Formal Hearing dated May 24, 2016. Dr. Rajapakse was represented by counsel, Nancy R. Schlichting, Esquire. The Board received evidence from Ms. Tatum and Ms. Schlichting regarding the allegations in the Notice.

**CLOSED SESSION:**

Ms. Halsey moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code") for the purpose of deliberation to reach a decision in the matter of **Rohan Rajapakse, Veterinarian**. Additionally, she moved that Erin Barrett and Amanda Blount attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

**RECONVENE:**

Ms. Halsey moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**DECISION:**

Ms. Halsey moved to accept the Findings of Facts and Conclusions of Law as presented by the Commonwealth, amended by the Board, and read by Ms. Barrett. Ms. Halsey also moved to accept the decision as read by Ms. Barrett. The motion was seconded and passed.

Ms. Barrett reported that the Board voted to take no action at this time, contingent upon Dr. Rajapakse taking and receiving a passing score on the North American Veterinary Licensure Examination by December 31, 2018.

**ADJOURNMENT:**

The Formal Hearing adjourned at 2:45 p.m.

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Bayard A. Rucker, III, D.V.M. –President

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Amanda E. M. Blount, Deputy Executive Director

DRAFT

**VIRGINIA BOARD OF VETERINARY MEDICINE  
DEPARTMENT OF HEALTH PROFESSIONS  
BOARD ROOM 1  
HENRICO, VA  
FORMAL HEARING MINUTES  
JULY 21, 2016**

**CALL TO ORDER:** The meeting of the Virginia Board of Veterinary Medicine (Board) was called to order at 3:00 p.m., on July 21, 2016, at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 1, Henrico, Virginia.

**PRESIDING OFFICER:** Bayard A. Rucker, III, D.V.M., President

**MEMBERS PRESENT:** Kelly J. Gottschalk, D.V.M.  
Autumn N. Halsey, L.V.T  
Joseph A. May, D.V.M.  
Mary Yancey Spencer, J.D.

**MEMBERS ABSENT:** Ellen G. Hillyer, D.V.M.  
Mark A. Johnson, D.V.M.

**QUORUM:** With five members of the Board present, a quorum was established.

**STAFF PRESENT:** Amanda E. M. Blount, Deputy Executive Director  
Carol Stamey, Licensing Operations Manager

**BOARD COUNSEL:** Erin Barrett, Assistant Attorney General

**COURT REPORTER:** Andrea Pegram, Court Reporting Services, LLC

**PARTIES ON BEHALF OF THE COMMONWEALTH:** Emily E. Tatum, Adjudication Specialist

**COMMONWEALTH WITNESSES:** None

**RESPONDENT WITNESSES:** None

**MATTER SCHEDULED:** **Punya Kumari Andarawewa, Veterinarian  
License No.: 0301-203931**

**Case No.: 170371**

Dr. Andarawewa appeared before the Board in accordance with an Amended Notice of Formal Hearing dated May 24, 2016. Dr. Andarawewa was represented by counsel, Nancy R. Schlichting, Esquire. During the discussion of preliminary matters, Ms. Schlichting and Ms. Tatum proposed that a Consent Order be considered in the matter of Dr. Andarawewa consistent with the Board Order for Rohan Rajapakse, Case No. 170370, in lieu of proceeding with the formal hearing.

**CLOSED SESSION:**

Ms. Halsey moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code") for the purpose of deliberation to reach a decision in the matter of the proposed Consent Order for **Punya Kumari Andarawewa, Veterinarian**. Additionally, she moved that Erin Barrett and Amanda Blount attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

**RECONVENE:**

Ms. Halsey moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**DECISION:**

Ms. Halsey moved that the Board accept the Consent Order proposed by Ms. Schlichting and Ms. Tatum. She also moved that Ms. Schlichting and Ms. Tatum draft the Consent Order consistent with the Board Order for Rohan Rajapakse, Case No. 170370, and submit the draft to Board staff for determination of consistency with Dr. Rajapakse's Board Order. The motion was seconded and passed.

**ADJOURNMENT:**

The Formal Hearing adjourned at 3:12 p.m.

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Bayard A. Rucker, III, D.V.M. --President

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Amanda E. M. Blount, Deputy Executive Director

DRAFT

**UNAPPROVED DRAFT**  
**VIRGINIA BOARD OF VETERINARY MEDICINE**  
**SPECIAL SESSION – TELEPHONE CONFERENCE CALL**  
**AUGUST 9, 2016**  
**MINUTES**

- CALL TO ORDER:** Pursuant to § 54.1-2400(13) of the Code of Virginia, a telephone conference call of the Virginia Board of Veterinary Medicine (“Board”) was called to order on August 9, 2016, at 11:00 a.m., to consider a Consent Order for possible resolution of Case No. 152916.
- PRESIDING:** Ellen G. Hillyer, D.V.M. - Chair
- MEMBERS PRESENT:** Autumn N. Halsey, L.V.T.  
Mark A. Johnson, D.V.M.  
Mary Yancey Spencer, J.D.
- MEMBERS EXCUSED:** Tregel Cockburn, D.V.M.  
Steven B. Karras, D.V.M.
- QUORUM:** With four members of the Board participating, a quorum was established.
- STAFF PRESENT:** Leslie L. Knachel, Executive Director  
Amanda E. M. Blount, Deputy Executive Director  
Terri H. Behr, Discipline/Compliance Specialist
- MEREDITH BARLOW, EDT  
CASE NO. 152916** The Board received information from Ms. Blount regarding a Consent Order signed by Ms. Barlow for the resolution of her case in lieu of proceeding with a formal administrative hearing.
- CLOSED SESSION:** Ms. Spencer moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia (“Code”) for the purpose of deliberation to reach a decision in the matter of **Meredith Barlow, EDT**. Additionally, she moved that Ms. Blount and Ms. Knachel attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.
- RECONVENE:** Ms. Spencer moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.



The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**DECISION:**

Ms. Halsey moved that the Board accept the Consent Order that was signed by Ms. Barlow in lieu of proceeding with a formal administrative hearing. Following a second, a roll call vote was taken. The motion passed unanimously.

**ADJOURNMENT:**

The meeting was adjourned at 11:10 a.m.

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Ellen G. Hillyer, D.V.M., Chair

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Amanda E. M. Blount, Deputy Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**UNAPPROVED DRAFT**  
**VIRGINIA BOARD OF VETERINARY MEDICINE**  
**FORMAL HEARING MINUTES**  
**DEPARTMENT OF HEALTH PROFESSIONS**  
**BOARD ROOM 1**  
**HENRICO, VA**  
**SEPTEMBER 7, 2016**

**CALL TO ORDER:** The meeting of the Virginia Board of Veterinary Medicine (Board) was called to order at 9:16 a.m., on September 7, 2016, at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 1, Henrico, Virginia.

**PRESIDING OFFICER:** Ellen G. Hillyer, M.P.H., D.V.M., Vice-President

**MEMBERS PRESENT:** Autumn N. Halsey, L.V.T.  
Mark A. Johnson, D.V.M.  
Mary Yancey Spencer, J.D.

**MEMBERS ABSENT:** Tregel Cockburn, D.V.M.  
Steven B. Karras, D.V.M.  
Bayard A. Rucker, III, D.V.M.

**QUORUM:** With four members of the Board present, a quorum was established.

**STAFF PRESENT:** Leslie L. Knachel, Executive Director  
Amanda E. M. Blount, Deputy Executive Director  
Terri H. Behr, Discipline/Compliance Specialist

**BOARD COUNSEL:** Charis A. Mitchell, Assistant Attorney General

**COURT REPORTER:** Andrea Pegram, Court Reporting Services, LLC

**PARTIES ON BEHALF OF THE COMMONWEALTH:** James E. Schliessmann, Sr. Assistant Attorney General  
Amy E. Weiss, Adjudication Specialist

**COMMONWEALTH WITNESSES:** Naima Fellers, Senior Investigator  
Kelly Knox, L.V.T.  
Meghan Johnson, D.V.M.  
Officer Beth Gardner

**RESPONDENT WITNESSES:** None

**MATTER SCHEDULED:** **Nicole L. Lamond, L.V.T.**  
**License No.: 0302-000667**  
**Case No.: 169776**

The Chair noted that Ms. Lamond was noticed to appear before the Board at 9:00 a.m., and that the time was now 9:16 a.m. Mr. Schliessmann presented an affidavit attesting that the Amended Notice dated August 10, 2016, had been sent to Ms. Lamond's address of record via certified and first class mail. Mr. Schliessmann also noted that Ms. Lamond contacted Board staff by e-mail regarding the hearing. The Chair ruled that proper notice of the proceeding was provided to Ms. Lamond and the formal hearing proceeded in her absence.

The Board received evidence and sworn testimony from the witnesses called by the Commonwealth.

**CLOSED SESSION:**

Ms. Spencer moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code") for the purpose of deliberation to reach a decision in the matter of **Nicole L. Lamond, L.V.T.** Additionally, she moved that Ms. Mitchell, Ms. Knachel, Ms. Blount, and Ms. Behr attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and carried unanimously.

**RECONVENE:**

Ms. Spencer moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**DECISION:**

Ms. Spencer moved to accept the Findings of Fact and Conclusions of Law as presented by the Commonwealth, amended by the Board, and read by Ms. Mitchell. Ms.

Spencer also moved to accept the decision, as read by Ms. Mitchell, which was to revoke Ms. Lamond's license. Following a second, a roll call vote was taken. The motion passed unanimously.

**ADJOURNMENT:**

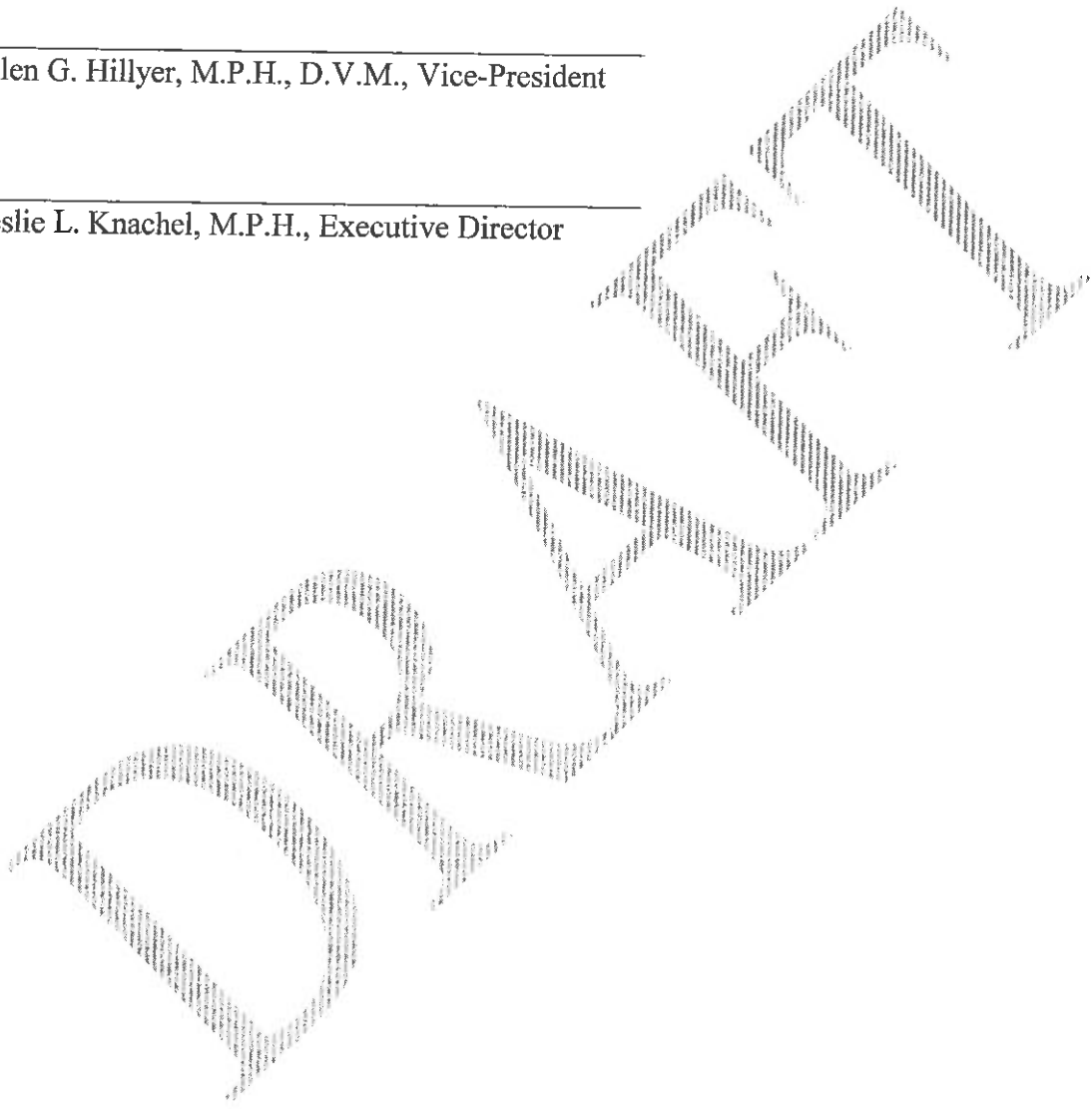
The Formal Hearing adjourned at 10:41 a.m.

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Ellen G. Hillyer, M.P.H., D.V.M., Vice-President

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Leslie L. Knachel, M.P.H., Executive Director



**UNAPPROVED DRAFT**  
**VIRGINIA BOARD OF VETERINARY MEDICINE**  
**FORMAL HEARING MINUTES**  
**DEPARTMENT OF HEALTH PROFESSIONS**  
**BOARD ROOM 1**  
**HENRICO, VA**  
**SEPTEMBER 7, 2016**

**CALL TO ORDER:** The meeting of the Virginia Board of Veterinary Medicine (Board) was called to order at 11:00 a.m., on September 7, 2016, at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 1, Henrico, Virginia.

**PRESIDING OFFICER:** Ellen G. Hillyer, M.P.H., D.V.M., Vice-President

**MEMBERS PRESENT:** Autumn N. Halsey, L.V.T  
Mark A. Johnson, D.V.M.  
Mary Yancey Spencer, J.D.

**MEMBERS ABSENT:** Tregel Cockburn, D.V.M.  
Steven B. Karras, D.V.M.  
Bayard A. Rucker, III, D.V.M.

**QUORUM:** With four members of the Board present, a quorum was established.

**STAFF PRESENT:** Leslie L. Knachel, Executive Director  
Amanda E. M. Blount, Deputy Executive Director  
Terri H. Behr, Discipline/Compliance Specialist

**BOARD COUNSEL:** Charis A. Mitchell, Assistant Attorney General

**COURT REPORTER:** Andrea Pegram, Court Reporting Services, LLC

**PARTIES ON BEHALF OF THE COMMONWEALTH:** Amy E. Weiss, Adjudication Specialist

**COMMONWEALTH WITNESSES:** None

**RESPONDENT WITNESSES:** Daniel Barrett

**MATTER SCHEDULED:**

**Sharon D. Vaturi, L.V.T. Applicant**  
**Case No.: 172161**

Ms. Vaturi appeared before the Board in accordance with a Notice of Formal Hearing dated August 10, 2016. The Board received evidence from Ms. Vaturi and Ms. Weiss regarding the allegations in the Notice.

**CLOSED SESSION:**

Ms. Spencer moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code") for the purpose of deliberation to reach a decision in the matter of **Sharon D. Vaturi, L.V.T. Applicant**. Additionally, she moved that Ms. Mitchell, Ms. Knachel, and Ms. Behr attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and carried unanimously.

**RECONVENE:**

Ms. Spencer moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. Following a second, a roll call vote was taken. The motion passed unanimously.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**DECISION:**

Ms. Spencer moved to accept the Findings of Fact and Conclusions of Law as presented by the Commonwealth, amended by the Board, and read by Ms. Mitchell. Ms. Spencer also moved to accept the decision as read by Ms. Mitchell. Following a second, a roll call vote was taken. The motion passed unanimously.

Ms. Mitchell reported that the Board voted to deny Ms. Vaturi's application for licensure to practice as a veterinary technician in the Commonwealth of Virginia.

**ADJOURNMENT:**

The Formal Hearing adjourned at 12:25 p.m.

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Ellen G. Hillyer, M.P.H., D.V.M., Vice-President

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Leslie L. Knachel, M.P.H., Executive Director

DRAFT

**Agenda Item: Regulatory Actions - Chart of Regulatory Actions  
As of December 1, 2016**

<b>Board</b>		<b>Board of Veterinary Medicine</b>
<b>Chapter</b>	<b>Action / Stage Information</b>	
[18 VAC 150 - 11]	Public participation guidelines	<p><u>CH 0011 Conforming to Code</u> [Action 4612]</p> <p>Fast-Track - Register Date: 10/31/16 Effective: 12/15/16</p>
[18 VAC 150 - 20]	Regulations Governing the Practice of Veterinary Medicine	<p><u>Faculty and intern/resident license</u> [Action 4616]</p> <p>NOIRA - Register Date: 10/17/16 Comment period closed: 11/16/16</p>
[18 VAC 150 - 20]	Regulations Governing the Practice of Veterinary Medicine	<p><u>Periodic review</u> [Action 4428]</p> <p>Proposed - At Governor's Office for 21 days</p>



**Agenda Item: Board action on Continuing Education Regulations**

**Included in your agenda package are:**

A copy of HB319 of the 2016 General Assembly

A copy of the statutory authority in Chapter 38 of Title 54.1 to establish continuing education requirements

A copy of the DRAFT regulations

**Staff Note:**

The legislation requires promulgation of regulations to allow some volunteer service time to count towards meeting CE requirements. The mandate takes effect January 1, 2017.

**Board action:**

**To adopt the amendments to Chapter 20 by fast-track action.**

Code of Virginia  
Title 54.1. Professions and Occupations  
Chapter 38. Veterinary Medicine

§ 54.1-3805.2. Continuing education.

The Board shall adopt regulations which provide for continuing education requirements for relicensure and licensure by endorsement of veterinarians and veterinary technicians. After January 1, 1997, a veterinarian shall be required to complete a minimum of fifteen hours, and a veterinary technician shall be required to complete a minimum of six hours of approved continuing education annually as a condition for renewal of a license. Continuing education courses shall be approved by the Board or by a Board-approved organization. Regulations of the Board adopted pursuant to this section may provide for the waiver of such continuing education requirements upon conditions as the Board deems appropriate.

1995, c. 99.

# VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

## CHAPTER 82

*An Act to amend and reenact § 54.1-2400 of the Code of Virginia, relating to continuing education requirements; volunteer health services.*

Approved March 1, 2016

[H 319]

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2400 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2400. General powers and duties of health regulatory boards.

The general powers and duties of health regulatory boards shall be:

1. To establish the qualifications for registration, certification, licensure or the issuance of a multistate licensure privilege in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.
2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.
3. To register, certify, license or issue a multistate licensure privilege to qualified applicants as practitioners of the particular profession or professions regulated by such board.
4. To establish schedules for renewals of registration, certification, licensure, and the issuance of a multistate licensure privilege.
5. To levy and collect fees for application processing, examination, registration, certification or licensure or the issuance of a multistate licensure privilege and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.
6. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which that are reasonable and necessary to administer effectively the regulatory system, which shall include provisions for the satisfaction of board-required continuing education for individuals registered, certified, licensed, or issued a multistate licensure privilege by a health regulatory board through delivery of health care services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.) of this title.
7. To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate, license or multistate licensure privilege which such board has authority to issue for causes enumerated in applicable law and regulations.
8. To appoint designees from their membership or immediate staff to coordinate with the Director and the Health Practitioners' Monitoring Program Committee and to implement, as is necessary, the provisions of Chapter 25.1 (§ 54.1-2515 et seq.) of this title. Each health regulatory board shall appoint one such designee.
9. To take appropriate disciplinary action for violations of applicable law and regulations, and to accept, in their discretion, the surrender of a license, certificate, registration or multistate licensure privilege in lieu of disciplinary action.
10. To appoint a special conference committee, composed of not less than two members of a health regulatory board or, when required for special conference committees of the Board of Medicine, not less than two members of the Board and one member of the relevant advisory board, or, when required for special conference committees of the Board of Nursing, not less than one member of the Board and one member of the relevant advisory board, to act in accordance with § 2.2-4019 upon receipt of information that a practitioner or permit holder of the appropriate board may be subject to disciplinary action or to consider an application for a license, certification, registration, permit or multistate licensure privilege in nursing. The special conference committee may (i) exonerate; (ii) reinstate; (iii) place the practitioner or permit holder on probation with such terms as it may deem appropriate; (iv) reprimand; (v) modify a previous order; (vi) impose a monetary penalty pursuant to § 54.1-2401, (vii) deny or grant an application for licensure, certification, registration, permit or multistate licensure privilege; and (viii) issue a restricted license, certification, registration, permit or multistate licensure privilege subject to terms and conditions. The order of the special conference committee shall become final 30 days after service of the order unless a written request to the board for a hearing is received within such time. If service of the decision to a party is accomplished by mail, three days shall be added to the 30-day period. Upon receiving a timely written request for a hearing, the board or a panel of the board shall then proceed with a hearing as provided in § 2.2-4020, and the action of the committee shall be vacated.

This subdivision shall not be construed to limit the authority of a board to delegate to an appropriately qualified agency subordinate, as defined in § 2.2-4001, the authority to conduct informal fact-finding proceedings in accordance with § 2.2-4019, upon receipt of information that a practitioner may be subject to a disciplinary action. The recommendation of such subordinate may be considered by a panel consisting of at least five board members, or, if a quorum of the board is less than five members, consisting of a quorum of the members, convened for the purpose of issuing a case decision. Criteria for the appointment of an agency subordinate shall be set forth in regulations adopted by the board.

11. To convene, at their discretion, a panel consisting of at least five board members or, if a quorum of the board is less than five members, consisting of a quorum of the members to conduct formal proceedings pursuant to § 2.2-4020, decide the case, and issue a final agency case decision. Any decision rendered by majority vote of such panel shall have the same effect as if made by the full board and shall be subject to court review in accordance with the Administrative Process Act. No member who participates in an informal proceeding conducted in accordance with § 2.2-4019 shall serve on a panel conducting formal proceedings pursuant to § 2.2-4020 to consider the same matter.

12. To issue inactive licenses or certificates and promulgate regulations to carry out such purpose. Such regulations shall include, but not be limited to, the qualifications, renewal fees, and conditions for reactivation of licenses or certificates.

13. To meet by telephone conference call to consider settlement proposals in matters pending before special conference committees convened pursuant to this section, or matters referred for formal proceedings pursuant to § 2.2-4020 to a health regulatory board or a panel of the board or to consider modifications of previously issued board orders when such considerations have been requested by either of the parties.

14. To request and accept from a certified, registered or licensed practitioner or person holding a multistate licensure privilege to practice nursing, in lieu of disciplinary action, a confidential consent agreement. A confidential consent agreement shall be subject to the confidentiality provisions of § 54.1-2400.2 and shall not be disclosed by a practitioner. A confidential consent agreement shall include findings of fact and may include an admission or a finding of a violation. A confidential consent agreement shall not be considered either a notice or order of any health regulatory board, but it may be considered by a board in future disciplinary proceedings. A confidential consent agreement shall be entered into only in cases involving minor misconduct where there is little or no injury to a patient or the public and little likelihood of repetition by the practitioner. A board shall not enter into a confidential consent agreement if there is probable cause to believe the practitioner has (i) demonstrated gross negligence or intentional misconduct in the care of patients or (ii) conducted his practice in such a manner as to be a danger to the health and welfare of his patients or the public. A certified, registered or licensed practitioner who has entered into two confidential consent agreements involving a standard of care violation, within the 10-year period immediately preceding a board's receipt of the most recent report or complaint being considered, shall receive public discipline for any subsequent violation within the 10-year period unless the board finds there are sufficient facts and circumstances to rebut the presumption that the disciplinary action be made public.

15. When a board has probable cause to believe a practitioner is unable to practice with reasonable skill and safety to patients because of excessive use of alcohol or drugs or physical or mental illness, the board, after preliminary investigation by an informal fact-finding proceeding, may direct that the practitioner submit to a mental or physical examination. Failure to submit to the examination shall constitute grounds for disciplinary action. Any practitioner affected by this subsection shall be afforded reasonable opportunity to demonstrate that he is competent to practice with reasonable skill and safety to patients. For the purposes of this subdivision, "practitioner" shall include any person holding a multistate licensure privilege to practice nursing.

2. That the provisions of this act shall become effective on January 1, 2017.

**DRAFT amendment for HB319 (for board discussion)**

**18VAC150-20-70. Licensure Renewal Requirements.**

A. Every person licensed by the board shall, by January 1 of every year, submit to the board a completed renewal application and pay to the board a renewal fee as prescribed in 18VAC150-20-100. Failure to renew shall cause the license to lapse and become invalid, and practice with a lapsed license may subject the licensees to disciplinary action by the board. Failure to receive a renewal notice does not relieve the licensee of his responsibility to renew and maintain a current license.

B. Veterinarians shall be required to have completed a minimum of 15 hours, and veterinary technicians shall be required to have completed a minimum of eight hours, of approved continuing education for each annual renewal of licensure. Continuing education credits or hours may not be transferred or credited to another year.

1. Approved continuing education credit shall be given for courses or programs related to the treatment and care of patients and shall be clinical courses in veterinary medicine or veterinary technology or courses that enhance patient safety, such as medical recordkeeping or compliance with requirements of the Occupational Health and Safety Administration (OSHA).

2. An approved continuing education course or program shall be sponsored by one of the following:

- a. The AVMA or its constituent and component/branch associations, specialty organizations, and board certified specialists in good standing within their specialty board;
- b. Colleges of veterinary medicine approved by the AVMA Council on Education;
- c. International, national, or regional conferences of veterinary medicine;
- d. Academies or species specific interest groups of veterinary medicine;
- e. State associations of veterinary technicians;
- f. North American Veterinary Technicians Association;
- g. Community colleges with an approved program in veterinary technology;
- h. State or federal government agencies;
- i. American Animal Hospital Association (AAHA) or its constituent and component/branch associations;

j. Journals or veterinary information networks recognized by the board as providing education in veterinary medicine or veterinary technology; or

k. An organization or entity approved by the Registry of Approved Continuing Education of the American Association of Veterinary State Boards.

3. A licensee is exempt from completing continuing education requirements and considered in compliance on the first renewal date following his initial licensure by examination.

4. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

5. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such an extension shall not relieve the licensee of the continuing education requirement.

6. Licensees are required to attest to compliance with continuing education requirements on their annual license renewal and are required to maintain original documents verifying the date and subject of the program or course, the number of continuing education hours or credits, and certification from an approved sponsor. Original documents must be maintained for a period of two years following renewal. The board shall periodically conduct a random audit to determine compliance. Practitioners selected for the audit shall provide all supporting documentation within 10 days of receiving notification of the audit.

7. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

8. Up to two hours of the 15 hours required for annual renewal of a veterinarian license and up to one hour of the eight required for annual renewal of a veterinary technician license may be satisfied through delivery of veterinary services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for three hours of providing such volunteer services, as documented by the health department or free clinic.

C. A licensee who has requested that his license be placed on inactive status is not authorized to perform acts that are considered the practice of veterinary medicine or veterinary technology and, therefore, shall not be required to have continuing education for annual renewal. To reactivate a license, the licensee is required to submit evidence of completion of continuing education hours as required by § 54.1-3805.2 of the Code of Virginia equal to the number of years in which the license has not been active for a maximum of two years.

# VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

## CHAPTER 306

*An Act to amend and reenact §§ 54.1-3801 and 54.1-3804 of the Code of Virginia, relating to practice of veterinary medicine.*

Approved March 7, 2016

[H 1058]

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-3801 and 54.1-3804 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-3801. Exceptions.**

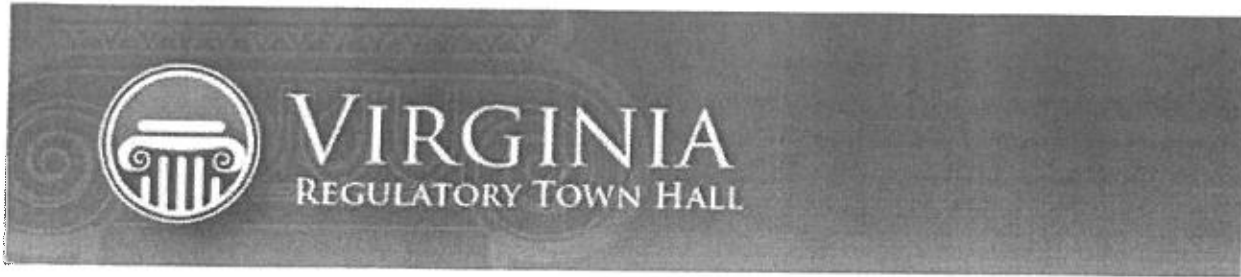
This chapter shall not apply to:

1. The owner of an animal and the owner's full-time, regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the requirements of this chapter;
2. Veterinarians licensed in other states called in actual consultation or to attend a case in this Commonwealth who do not open an office or appoint a place to practice within ~~this~~ *the* Commonwealth;
3. Veterinarians employed by the United States or by ~~this~~ *the* Commonwealth while actually engaged in the performance of their official duties, *with the exception of those engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth;*
4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary medicine in another state, territory, district, or possession of the United States, (iii) volunteer to provide free care in an underserved area of ~~this~~ *the* Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board, (v) notify the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license has been previously suspended or revoked, who has been convicted of a felony, or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state; or
5. Persons purchasing, possessing, and administering drugs in a public or private shelter as defined in § 3.2-6500, provided that such purchase, possession, and administration is in compliance with § 54.1-3423.

**§ 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:

1. To establish essential requirements and standards for approval of veterinary programs.
  2. To establish and monitor programs for the practical training of qualified students of veterinary medicine or veterinary technology in college or university programs of veterinary medicine or veterinary technology.
  3. To regulate, inspect, and register all establishments and premises where veterinary medicine is practiced.
  4. *To establish requirements for the licensure of persons engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth.*
- 2. That the provisions of this act that amend § 54.1-3801 shall become effective on July 1, 2018.**
- 3. That the Board of Veterinary Medicine shall adopt regulations for the licensure of veterinarians employed by the United States or the Commonwealth who are engaged in the practice of veterinary medicine, pursuant to § 54.1-3801, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth by July 1, 2018.**



[townhall.virginia.gov](http://townhall.virginia.gov)

## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Veterinary Medicine, Department of Health Professions
<b>Virginia Administrative Code (VAC) citation(s)</b>	18VAC150-20
<b>Regulation title(s)</b>	Regulations Governing the Practice of Veterinary Medicine
<b>Action title</b>	Licensure for faculty and residents at the veterinary college
<b>Date this document prepared</b>	August 2, 2016

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Subject matter and intent

*Please describe briefly the subject matter, intent, and goals of the planned regulatory action.*

In accordance with provisions of Chapter 306 of the 2016 Acts of the Assembly, the Board intends to promulgate regulations for a faculty license and an intern/resident license for persons providing clinical care to animals at the veterinary college at Virginia Tech.

### Legal basis

*Please identify the (1) the agency (includes any type of promulgating entity) and (2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*



**Chapter 24 of Title 54.1** establishes the general powers and duties of health regulatory boards, including the Board of Veterinary Medicine, the responsibility to promulgate regulations:

*§ 54.1-2400. General powers and duties of health regulatory boards.--The general powers and duties of health regulatory boards shall be:*

*6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 and Chapter 25 of this title...*

The specific authority of the Board relating to establishment of faculty/resident licensure is found in the amendment to § 54.1-3801 (3) and the powers and duties of the Board in § 54.1-3804:

§ 54.1-3801. Exceptions.

This chapter shall not apply to:

1. The owner of an animal and the owner's full-time, regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the requirements of this chapter;
2. Veterinarians licensed in other states called in actual consultation or to attend a case in this Commonwealth who do not open an office or appoint a place to practice within ~~this the~~ Commonwealth;
3. Veterinarians employed by the United States or by ~~this the~~ Commonwealth while actually engaged in the performance of their official duties, *with the exception of those engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth;*
4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary medicine in another state, territory, district, or possession of the United States, (iii) volunteer to provide free care in an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board, (v) notify the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license has been previously suspended or revoked, who has been convicted of a felony, or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian who meets the above criteria to provide volunteer services without prior

notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state; or

5. Persons purchasing, possessing, and administering drugs in a public or private shelter as defined in § 3.2-6500, provided that such purchase, possession, and administration is in compliance with § 54.1-3423.

§ 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:

1. To establish essential requirements and standards for approval of veterinary programs.
2. To establish and monitor programs for the practical training of qualified students of veterinary medicine or veterinary technology in college or university programs of veterinary medicine or veterinary technology.
3. To regulate, inspect, and register all establishments and premises where veterinary medicine is practiced.
4. *To establish requirements for the licensure of persons engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth.*

### Purpose

*Please describe the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.*

The proposed action is mandated by the third enactment on HB1058 adopted by the 2016 General Assembly: *That the Board of Veterinary Medicine shall adopt regulations for the licensure of veterinarians employed by the United States or the Commonwealth who are engaged in the practice of veterinary medicine, pursuant to §54.1-3801, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth by July 1, 2018.*

The intent of the Board is to establish licensure for persons who are engaged in the practice of veterinary medicine at the veterinary college or any of its subsidiary clinics, so those individuals who provide clinical care to animals will be accountable to the Board. The ability to discipline those practitioners, if they are found in violation of law or regulation, will protect the health and safety of patients and the welfare of their owners.

## Substance

*Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

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The substance of the faculty and resident/intern license will follow similar licenses under the Board of Dentistry and the Board of Medicine. Section 54.1-2711.1 of the Code of Virginia authorizes the Board of Dentistry to issue temporary licenses to persons enrolled in advanced dental education programs, and § 54.1-2713 authorizes issuance of licenses to teach dentistry. Regulations of the Board of Dentistry (18VAC60-21-230) specify the qualifications and scope of practice consistent with the provisions of the Code.

Authority for the Board of Medicine is found in § 54.1-2937 of the Code of Virginia, which provides for issuance of temporary licenses to interns and residents in hospitals and other organizations, and in 18VAC85-20-220 of the regulations. Such licenses authorize practice only during the residency or internship.

The Board of Veterinary Medicine intends to adopt similar provisions to these faculty and intern/resident licenses.

## Alternatives

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.*

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Given the mandate of the General Assembly to promulgate regulations for licensure, there are no alternatives.

## Public participation

The agency is seeking comments on this regulatory action, including but not limited to: ideas to be considered in the development of this proposal, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation.

The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: projected reporting, recordkeeping, and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to Elaine Yeatts, Agency Regulatory Coordinator, 9960 Mayland Drive, Henrico, VA 23233 or at [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time. A regulatory advisory panel will not be used; the Board will consult with the veterinary college and any other interested parties in the promulgation of this regulation.

Virginia.gov Agencies | Governor


**Agency** Department of Health Professions

**Board** Board of Veterinary Medicine

**Chapter** Regulations Governing the Practice of Veterinary Medicine [18 VAC 150 - 20]

<b>Action</b>	<b>Faculty and intern/resident license</b>
<b>Stage</b>	<b>NOIRA</b>
<b>Comment Period</b>	Ends 11/16/2016

[Back to List of Comments](#)
**Commenter:** Martin B. Betts D.V.M. \*

10/28/16 9:57 am

**Faculty licensing**

This change is very important as it allows qualified veterinarians to join the faculty VMRCVM and be licensed in Virginia. Many highly regarded veterinarians would choose to teach elsewhere if we do not support this change.

\* Nonregistered public user

# VETERINARY ESTABLISHMENT INSPECTION REPORT

<b>Name of Facility</b>	<b>Date</b>	<b>Time</b>	<b>Inspection Hours</b>
<b>Street Address</b>	<b>Permit No</b> <input type="checkbox"/> PENDING	<b>Expiration Date</b>	
<b>Hours of Operation</b>	<b>City</b>	<b>State</b> VIRGINIA	<b>ZIP</b>
<b>Veterinarian-in-Charge</b>	<b>Phone No</b>	<b>Fax No</b>	
<b>Other Staff</b>	<b>License No</b>	<b>Expiration Date</b>	
<b>Type of Practice</b>	<b>Type of Inspection</b> <input type="checkbox"/> New <input type="checkbox"/> Routine <input type="checkbox"/> Reinspection <input type="checkbox"/> Other (Describe)		

**C = Compliant**

**NC = Not Compliant**

**NA = Not Applicable or Not reviewed**

C/ NC/ NA	#	Major/ Minor / Points	Law/Regulation	Description
	1	Minor 1 point	18VAC150-20-30(A)	<p><b>Licenses and Permits</b></p> <p>All licenses and permits issued by the board shall be posted in a place conspicuous to the public or available at the establishment where veterinary services are being provided. Licensees who do relief work in an establishment shall carry a license with them or post at the establishment. Ambulatory veterinary practices or equine dental technicians that do not have an office accessible to the public shall carry their licenses and permits in their vehicles.</p> <p><u>Guidance</u>                      A license or permit is considered to be in a "place conspicuous to the public" when it is hung in an area that is easily accessed and read by the public. The original license or permit (not a photocopy) should be posted or available for inspection. Duplicate copies of a license can be obtained through the Board of Veterinary Medicine's office for a small fee. Any license or permit that is expired will be reported and documentation of practicing without a valid license or permit will be obtained.</p> <p>No person shall practice veterinary medicine or as a veterinary technician in this Commonwealth unless such person has been licensed by the Board.</p>
	2	Major 5 points	§ 54.1-3805	All individual licenses are current. Failure to renew an individual license shall cause the license to lapse and become invalid.
	3	Major 5 points	18VAC150-20-70(A)	All veterinary establishment permits are current. Failure to renew a veterinary establishment permit shall cause the permit to lapse and become invalid.
	4	Major 5 points	18VAC150-20-185(B)	

			<b>Veterinarian-in-Charge (VIC)</b>
5	Major 5 points	18VAC150-20-180(A)	Every veterinary establishment shall have a veterinarian-in-charge (VIC) who is registered with the Board.
6	Major 5 points	<del>18VAC150-20-181(A)</del>	<del>VIC is responsible for:                  -Regularly being on site no less than monthly;                  -Maintaining the facility within the standards set forth by the regulations;                  -Notifying the boards in writing of the closure of the permitted facility 10 days prior to closure;                  -Notifying the board immediately if no longer acting as the veterinarian in charge;                  -Ensuring the establishment maintains a current and valid permit issued by the board.</del>
			<u>Guidance</u> The VIC may be subject to disciplinary action for violations of the laws and regulations found during an inspection.
7	Major 5 points	18VAC150-20-190(A)	<b>Requirements for drug storage, dispensing, destruction, and records for all establishments, full service and restricted.</b> All drugs shall be maintained, administered, dispensed, prescribed and destroyed in compliance with state and federal laws which include the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia), applicable parts of the federal Food, Drug, and Cosmetic Control Act (21 USC § 301 et seq.), the Prescription Drug Marketing Act (21 USC § 301 et seq.), and the Controlled Substances Act (21 § 801 et seq.) as well as applicable portions of Title 21 of the Code of Federal Regulations.
8	Minor 1 point	§ 54.1-3461 § 54.1-3462 18VAC150-20-190(B)	Repackaged tablets and capsules dispensed for companion animals are in approved safety closure containers, except safety caps are not required when medication cannot be reasonably dispensed in such containers. A client requesting non-safety packaging shall be documented in the patient record. <u>Guidance</u> When drugs are taken from a stock bottle and put into another container at the time of dispensing, the drugs are considered to be <b>repackaged</b> . As provided in § 54.1-3300, the definition of “dispense” means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling or compounding necessary to prepare the substance for delivery.
9	Major 5 points 2 points See guidance	§ 54.1-3410 18VAC150-20-190(C)	All drugs dispensed for companion animals shall be labeled with the following: 1. Name and address of the facility. 2. Name of the client. 3. Animal identification 4. Date dispensed 5. Directions for use 6. Name, strength (if more than one dosage form exists) and quantity of the drug 7. Name of prescribing veterinarian <u>Guidance</u> The last name of the client satisfies item #2 above. Animal identification is satisfied by including the animal’s name and species. For drugs that do not have a pharmaceutical insert, consider providing information to clients about drug reactions, interactions and side effects. An uninformed client may receive misinformation from friends or the internet regarding a drug. Points assigned: 5 points for no label; or 2 points for an incomplete label.

## Virginia Board of Veterinary Medicine

### Guidance for Continuing Education (CE) Audits and Sanctioning for Failure to Complete CE

#### Applicable Law, Regulation and Guidance

Code of Virginia: § 54.1-3805.2

Regulations Governing the Practice of Veterinary Medicine: 18 VAC 105-20-70

#### Guidance

##### **CE Extension Request**

CE extensions may be granted for good cause of up to one year for the completion of CE requirements. Requests for extensions must be received prior to the licensure renewal date of December 31 of each year. Licensees who have not completed the CE requirements and submit a request after December 31 may be subject to disciplinary action.

##### **CE Exemptions**

The Board may grant an exemption for all or part of the CE requirements due to circumstances beyond the control of the licensee, such as temporary disability, mandatory military service or officially declared disasters. Requests for an exemption should be submitted prior to licensure renewal date of December 31 of each year.

A licensee is exempt from completing CE requirements on the first renewal date following his initial licensure by examination. This does not apply for those licensees initially licensed in Virginia by endorsement.

##### **CE Audit Procedures**

- After each renewal cycle, the Board may audit the following licensees for compliance with CE requirements:
  - Licensees who fail to respond or respond “no” to the CE renewal question on the annual license renewal form; and
  - Licensees selected for random audit using a statistically valid audit sample and a method that ensures randomness of those selected.
- For those selected for the audit
  - Board staff will notify licensees that they are being audited via email if an address is available or by postal carrier if an email address is not available.
  - The licensee is required to submit documentation of completion of required CE credits. Documentation must include:
    - Date of CE
    - Subject of the program or course
    - Number of CE credits
    - Certification from an approved sponsor
  - Documentation submitted to verify CE completion will be reviewed for compliance with the regulations. **NOTE: Veterinarians are required to complete a minimum of 15 CE hours and veterinary technicians are required to complete a minimum of six CE hours. Approved CE credit is given for**



**courses or programs related to the treatment and care of patients and shall be clinical courses in veterinary medicine or veterinary technology or courses that enhance patient safety, such as medical recordkeeping or Occupational Health and Safety Administration (OSHA) requirements. The Board accepts CE that is related to disaster or emergency preparedness, the U. S. Department of Agriculture’s National Veterinary Accreditation Program and communication development to strengthen the veterinarian-client-patient relationships, including but not limited to grief counseling. Courses in practice management related to improving business efficiency or profitability would not be considered clinical courses or courses that enhance patient safety.**

- Licensees who have not completed required CE will be referred for possible disciplinary action

**Disciplinary Action for Non-Compliance with CE Requirements**

The Board adopted the following guidelines for resolution of cases of non-compliance with CE requirements:

**Veterinarian**

Cause	Possible Action
First offense; short 4 hours or less	Confidential Consent Agreement; 45 days to make up missing hours
First offense: short more than 4 hours	Consent Order; Monetary Penalty of \$500; 45 days to make up missing hours
Second offense; short up to 15 hours	Consent Order; Reprimand; Monetary Penalty of \$250 <b>per missing hour</b> up to a maximum of \$2000; 60 days to make up missing hours
No response to audit notifications or three or more offenses	Informal Fact-Finding Conference

**Veterinary Technician**

Cause	Possible Action
First offense; short 2 hours or less	Confidential Consent Agreement; 45 days to make up missing hours
First offense: short more than 2 hours	Consent Order; Monetary Penalty of \$200; 45 days to make up missing hours
Second offense; short up to 6 hours	Consent Order; Reprimand; Monetary Penalty of \$100 <b>per missing hour</b> up to a maximum of \$1000; 60 days to make up missing hours
No response to audit notifications or three or more offenses	Informal Fact-Finding Conference

Note: When probable cause is found that a licensee has falsely certified completion of the required CE for renewal of his license, the Board may offer a pre-hearing consent order or hold an informal fact finding conference.

Current

## Virginia Board of Veterinary Medicine

### Guidance for Continuing Education (CE) Audits and Sanctioning for Failure to Complete CE

#### Applicable Law, Regulation and Guidance

##### Code of Virginia

##### **§ 54.1-3805.2. Continuing education.**

The Board shall adopt regulations which provide for continuing education requirements for licensure and licensure by endorsement of veterinarians and veterinary technicians. After January 1, 1997, a veterinarian shall be required to complete a minimum of fifteen hours, and a veterinary technician shall be required to complete a minimum of six hours of approved continuing education annually as a condition for renewal of a license. Continuing education courses shall be approved by the Board or by a Board-approved organization. Regulations of the Board adopted pursuant to this section may provide for the waiver of such continuing education requirements upon conditions as the Board deems appropriate.

##### Regulations Governing the Practice of Veterinary Medicine

##### **18VAC150-20-70. Licensure renewal requirements.**

A. Every person licensed by the board shall, by January 1 of every year, submit to the board a completed renewal application and pay to the board a renewal fee as prescribed in 18VAC150-20-100. Failure to renew shall cause the license to lapse and become invalid, and practice with a lapsed license may subject the licensee to disciplinary action by the board. Failure to receive a renewal notice does not relieve the licensee of his responsibility to renew and maintain a current license.

B. Veterinarians shall be required to have completed a minimum of 15 hours, and veterinary technicians shall be required to have completed a minimum of eight hours, of approved continuing education for each annual renewal of licensure. Continuing education credits or hours may not be transferred or credited to another year.

1. Approved continuing education credit shall be given for courses or programs related to the treatment and care of patients and shall include clinical courses in veterinary medicine or veterinary technology or courses that enhance patient safety, such as medical recordkeeping or compliance with requirements of the Occupational Health and Safety Administration (OSHA).

2. An approved continuing education course or program shall be sponsored by one of the following:

- a. The AVMA or its constituent and component/branch associations, specialty organizations, and board certified specialists in good standing within their specialty board;
- b. Colleges of veterinary medicine approved by the AVMA Council on Education;
- c. International, national or regional conferences of veterinary medicine;
- d. Academies or species specific interest groups of veterinary medicine;
- e. State associations of veterinary technicians;
- f. North American Veterinary Technicians Association;
- g. Community colleges with an approved program in veterinary technology;
- h. State or federal government agencies;
- i. American Animal Hospital Association (AAHA) or its constituent and component/branch associations;
- j. Journals or veterinary information networks recognized by the board as providing education in veterinary medicine or veterinary technology; or

- k. An organization or entity approved by the Registry of Approved Continuing Education of the American Association of Veterinary State Boards.*
- 3. A licensee is exempt from completing continuing education requirements and considered in compliance on the first renewal date following his initial licensure by examination.*
  - 4. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.*
  - 5. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such an extension shall not relieve the licensee of the continuing education requirement.*
  - 6. Licensees are required to attest to compliance with continuing education requirements on their annual license renewal and are required to maintain original documents verifying the date and subject of the program or course, the number of continuing education hours or credits, and certification from an approved sponsor. Original documents must be maintained for a period of two years following renewal. The board shall periodically conduct a random audit to determine compliance. Practitioners selected for the audit shall provide all supporting documentation within 10 days of receiving notification of the audit.*
  - 7. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.*

*C. A licensee who has requested that his license be placed on inactive status is not authorized to perform acts which are considered the practice of veterinary medicine or veterinary technology and, therefore, shall not be required to have continuing education for annual renewal. To reactivate a license, the licensee is required to submit evidence of completion of continuing education hours as required by §54.1-3805.2 of the Code of Virginia equal to the number of years in which the license has not been active for a maximum of two years.*

#### Guidance

**Q:** How do I request a CE extension?

**A:** A written request for an extension must be received prior to the licensure renewal date of December 31 of each year. The Board will provide a written response indicating approval or disapproval of the extension request.

**Q:** How do I request a CE exemption?

**A:** A written request for an exemption should be submitted prior to licensure renewal date of December 31 of each year. The Board will provide a written response indicating approval or disapproval of the exemption request.

**Q:** What are the CE audit procedures?

**A:** After each renewal cycle, the Board may audit the following licensees for compliance with CE requirements:

- Licensees who fail to respond or respond “no” to the CE renewal question on the annual license renewal form; and
- Licensees selected for random audit using a statistically valid audit sample and a method that ensures randomness of those selected.
- For those selected for the audit
  - Board staff will notify licensees that they are being audited via email if an address is available or by postal carrier if an email address is not available.
  - The licensee is required to submit documentation of completion of required CE credits. Documentation must include:
    - Date of CE
    - Subject of the program or course

- Number of CE credits
  - Certification from an approved sponsor
- Documentation submitted to verify CE completion will be reviewed for compliance with the regulations. **NOTE: Veterinarians are required to complete a minimum of 15 CE hours and veterinary technicians are required to complete a minimum of six eight CE hours. Approved CE credit is given for courses or programs related to the treatment and care of patients and shall be clinical courses in veterinary medicine or veterinary technology or courses that enhance patient safety, such as medical recordkeeping or Occupational Health and Safety Administration (OSHA) requirements. The Board accepts CE that is related to disaster or emergency preparedness, the U. S. Department of Agriculture’s National Veterinary Accreditation Program and communication development to strengthen the veterinarian-client-patient relationships, including but not limited to grief counseling. Courses in practice management related to improving business efficiency or profitability would not be considered clinical courses or courses that enhance patient safety.**
- Licensees who have not completed required CE will be referred for possible board action.

**Board Action for Non-Compliance with CE Requirements**

The Board adopted the following guidelines for resolution of cases of non-compliance with CE requirements:

**Veterinarian**

Cause	Possible Action
First offense; short 4 hours or less	Confidential Consent Agreement; 45 days to make up missing hours
First offense: short more than 4 hours	Consent Order; Monetary Penalty of \$500; 45 days to make up missing hours
Second offense; short up to 15 hours	Consent Order; Reprimand; Monetary Penalty of \$250 per missing hour up to a maximum of \$2000; 60 days to make up missing hours
No response to audit notifications or three or more offenses	Informal Fact-Finding Conference

**Veterinary Technician**

Cause	Possible Action
First offense; short 2 hours or less	Confidential Consent Agreement; 45 days to make up missing hours
First offense: short more than 2 hours	Consent Order; Monetary Penalty of \$200; 45 days to make up missing hours
Second offense; short up to 8 hours	Consent Order; Reprimand; Monetary Penalty of \$100 per missing hour up to a maximum of \$1000; 60 days to make up missing hours
No response to audit notifications or three or more offenses	Informal Fact-Finding Conference

Note: When probable cause is found that a licensee has falsely certified completion of the required CE for renewal of his license, the Board may offer a pre-hearing consent order or hold an informal fact finding conference.

**VIRGINIA BOARD OF VETERINARY MEDICINE**

**Administration of Rabies Vaccinations during Preceptorships and Externships for Veterinary and Veterinary Technician Students**

**Applicable Law:**

*§ 3.2-6521. Rabies inoculation of companion animals; availability of certificate; rabies clinics.*

*A. The owner or custodian of all dogs and cats four months of age and older shall have such animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The supervising veterinarian on the premises shall provide the owner or custodian of the dog or the cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. The owner or custodian of the dog or the cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species. At the discretion of the local health director, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.*

**Q:** May a student of veterinary medicine or veterinary technology participating in a preceptorship or externship administer the rabies vaccinations?

**A:** Pursuant to Virginia Code § 3.2-6521, a rabies vaccination is to be administered by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. A student of veterinary medicine or veterinary technology is unlicensed and may not administer a rabies vaccination.

Adopted: June 3, 2013

## VIRGINIA BOARD OF VETERINARY MEDICINE

### Administration of Rabies Vaccinations

**Q: Who is authorized to administer a rabies vaccination?**

**A:** Pursuant to Virginia Code § 3.2-6521, a rabies vaccination is to be administered by a *licensed* veterinarian or *licensed* veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises.

Code of Virginia – Comprehensive Animal Care

**§ 3.2-6521. Rabies inoculation of companion animals; availability of certificate; rabies clinics.**  
*A. The owner or custodian of all dogs and cats four months of age and older shall have such animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The supervising veterinarian on the premises shall provide the owner or custodian of the dog or the cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. The owner or custodian of the dog or the cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species. At the discretion of the local health director, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.*

**Q: Where may rabies vaccination clinics occur?**

**A:** Pursuant to 18VAC150-20-180 of the *Regulations Governing the Practice of Veterinary Medicine*, veterinary medicine may only be practiced out of a registered veterinary establishment except in emergency situations as provided in 18VAC150-20-171. Rabies vaccination clinics may be offered outside of a registered veterinary establishment if the requirements found in § 3.2-6521 of the *Code of Virginia* are met which includes approval by the appropriate local health department and governing body.

Regulations Governing the Practice of Veterinary Medicine

**18VAC150-20-180. Requirements to be registered as a veterinary establishment.**

*1. Every veterinary establishment shall apply for registration on a form provided by the board and may be issued a permit as a full-service or restricted service establishment. Every veterinary establishment shall have a veterinarian-in-charge registered with the board in order to operate.*

*1. Veterinary medicine may only be practiced out of a registered establishment except in emergency situations or in limited specialized practices as provided in 18 VAC 150-20-171. The injection of a microchip for identification purposes shall only be performed in a veterinary establishment, except personnel of animal shelters or pounds may inject animals while in their possession.*

**18VAC150-20-171. Specialty practice in a limited setting.**

*A licensed veterinarian may conduct drug testing at animal shows and events or examine any animal and express a professional judgment as to its health at (i) genetic screening clinics where animals are examined for cardiac, ophthalmic and auditory diseases, (ii) agricultural fairs, (iii) 4-H or other youth organization competitions, (iv) livestock auctions, (v) horse races, (vi) hunt club events, (vii) pet adoption events, or (viii) animal shows including, but not limited to dog, cat, and horse shows.*

**Code of Virginia – Comprehensive Animal Care****§ 3.2-6521. Rabies inoculation of companion animals; availability of certificate; rabies clinics.**

*B. All rabies clinics require the approval by the appropriate local health department and governing body... However, the county or city shall ensure that a clinic is conducted to serve its jurisdiction at least once every two years.*

**Q: What are the recordkeeping requirements for rabies vaccinations administered in a registered veterinary establishment?**

**A:** The recordkeeping requirements for patients receiving rabies vaccinations administered in a registered veterinary establishment are found in the Regulations.

**Regulations Governing the Practice of Veterinary Medicine****18VAC150-20-195. Recordkeeping.**

*A. A daily record of each patient treated shall be maintained by the veterinarian at the veterinary establishment and shall include pertinent medical data such as drugs administered, dispensed or prescribed, and all relevant medical and surgical procedures performed. Records should contain at a minimum:*

- 1. Presenting complaint/reason for contact;*
- 2. Physical examination findings, if appropriate;*
- 3. Tests performed and results;*
- 4. Procedures performed/treatment given and results; and*
- 5. Drugs (and their dosages) administered, dispensed or prescribed.*

*B. Individual records shall be maintained on each patient, except that records for economic animals or litters of companion animals under the age of four months may be maintained on a per client basis. Client records shall be kept for a period of three years following the last office visit or discharge of such animal from a veterinary establishment.*

*C. An animal identification system must be used by the establishment.*

*D. Upon the sale or closure of a veterinary establishment involving the transfer of patient records to another location, the veterinarian shall follow the requirements for transfer of patient records in accordance with § 54.1-2405 of the Code of Virginia.*

*E. An initial rabies certificate for an animal receiving a primary rabies vaccination shall clearly display the following information: "An animal is not considered immunized for at least 28 days after the initial or primary vaccination is administered."*



**Q: What are the recordkeeping requirements for rabies vaccinations administered in a rabies clinic approved by the appropriate health department and governing body?**

**Code of Virginia – Comprehensive Animal Care**

**§ 3.2-6521. Rabies inoculation of companion animals; availability of certificate; rabies clinics.**  
 B. ...*The licensed veterinarian who administers rabies vaccinations at the clinic shall (i) provide the owner or custodian a rabies vaccination certificate for each vaccinated animal and (ii) ensure that a licensed veterinary facility retains a copy of the rabies vaccination certificate. The sponsoring organization of a rabies clinic shall, upon the request of the owner or custodian, an animal control officer, a humane investigator, a law-enforcement officer, a State Veterinarian's representative, a licensed veterinarian, or an official of the Department of Health, provide the name and contact information of the licensed veterinary facility where a copy of the rabies vaccination certificate is retained...*

**§ 3.2-6529. Veterinarians to provide treasurer with rabies certificate information; civil penalty.**  
 A. *Each veterinarian who vaccinates a dog against rabies or directs a veterinary technician in his employ to vaccinate a dog against rabies shall provide the owner a copy of the rabies vaccination certificate. The veterinarian shall forward within 45 days a copy of the rabies vaccination certificate or the relevant information contained in such certificate to the treasurer of the locality where the vaccination occurs.*

*The rabies vaccination certificate shall include at a minimum the signature of the veterinarian, the animal owner's name and address, the species of the animal, the sex, the age, the color, the primary breed, whether or not the animal is spayed or neutered, the vaccination number, and expiration date. The rabies vaccination certificate shall indicate the locality where the animal resides...*

*Any veterinarian that willfully fails to provide the treasurer of any locality with a copy of the rabies vaccination certificate or the information contained in such certificate may be subject to a civil penalty not to exceed \$10 per certificate. Monies raised pursuant to this subsection shall be placed in the locality's general fund for the purpose of animal control activities including spay or neuter programs.*

**Q: Who should be contacted for questions about rabies vaccination clinics that are held in the community?**

**A:** For more information contact your local health department at <http://www.vdh.virginia.gov/LHD/index.htm>.



# Steps of the ECFVG Certification Program

## ECFVG Policies and Procedures

January 2015

- Step 1 — Registration and Proof of Graduation
- Step 2 — English Language Ability
- Step 3 — Basic and Clinical Sciences Knowledge
- Step 4 — Clinical Skills Assessment

### Step 1 — Registration and Proof of Graduation

To register in the ECFVG certification program, an applicant must complete the online application and submit the payment of \$1,400.00 (USD; \$675.00 ECFVG program application fee; \$725.00 ECFVG Quality Assurance Program [QAP] fee). This payment can be made by credit card (Visa, MasterCard, Discover, or American Express) online at the end of the application. Payment can also be submitted to the ECFVG office as a personal check from a US bank only, or by cashier's check or money order made payable to the AVMA. Candidates must also submit the following to the ECFVG office within 7 business days of submitting the online application:

1. A completed and notarized ECFVG confirmation page available at the end of the online application.
2. Two passport-sized photographs of the applicant.
3. Certified, notarized, photocopies or official (issued directly by school) of the applicant's veterinary college diploma and final transcripts (for each year of study), both in the language of issuance and as a certified English translation if necessary. Provisional Certificates and Certificates of Graduation are unacceptable for ECFVG program purposes.
  1. If the applicant is a final-year student at an AVMA-listed veterinary college, transcripts, as described above, for those years of study completed and a letter from an official of the veterinary college stating that the applicant will graduate within the year must be submitted with the ECFVG application form. After graduating from the AVMA-listed veterinary college, such candidates will need to submit certified, notarized, or official (issued directly by school) photocopies of their veterinary college diploma and final transcripts before Step 1 can be considered complete.
4. Request to return original or official diploma and transcripts will result in a \$25.00 document processing fee which is non-refundable.

All items must be sent to: ECFVG, American Veterinary Medical Association, 1931 N Meacham Road, Suite 100, Schaumburg, IL 60173-4360, USA.

**Refunds:** The \$675.00 ECFVG program application fee is nonrefundable. However, if a candidate wishes to withdraw from the ECFVG certification program within 60 days after initially applying, the \$725.00 ECFVG Quality Assurance Program (QAP) fee will be refunded upon request to the ECFVG office. Requests must be done online through ECFVG Online (the online candidate database) or by written request. No fees will be refunded for withdrawal requests received more than 60 days after initially applying to the program.

**Re-registration:** The original registration fee is valid for two years. To remain active in the program, candidates must re-register every two years. Candidates will be notified 60 days prior to their re-registration deadline by email and through their online status. Files of candidates who do not re-register in the ECFVG certification program will be made inactive. An inactive file may be reactivated within eight years upon the written request of the candidate and payment of all past-due re-registration fees. Inactive candidate files older than eight years will be destroyed. Future entrance into the ECFVG certification program would require new registration according to guidelines currently in effect.

**Verification of educational credentials:** The ECFVG verifies all applicants' educational credentials. The ECFVG Coordinator sends a "certification of graduation" form (Appendix 1) with the applicant's photograph to the dean of the veterinary college from which the applicant graduated. The dean or other college official must verify the applicant's identification and graduation date and return the completed form with the college seal affixed to the ECFVG office. Applicants may proceed with Steps 2 and 3 of the certification program while verification is being obtained. However, Step 1 will not be considered completed until such verification is obtained, and applicants will not be eligible to apply for Step 4 of the certification program (the CPE) until Steps 1, 2, and 3 are completed. The time required to verify Step 1 credentials of a candidate is variable and depends on school, country or language of communication. Sometimes, it may take a long time – weeks, perhaps, even months or longer – to receive the necessary information about individual candidates. Candidates interested in registering for the ECFVG certification program should plan well in advance as the time required for some aspects of the certification process is beyond the control of ECFVG.

Once enrolled, candidates can make address, telephone numbers, or E-mail address changes through ECFVG Online (the online candidate database). Name changes are not able to be completed online. Candidate name changes must be submitted in writing along with a copy of appropriate notarized legal documents.

### Step 2 — English Language Ability

To complete Step 2, candidates must provide the ECFVG with proof of comprehension and ability to communicate in the English language by meeting the minimum requirements established by the ECFVG on one of the following assessment tools: the TOEFL internet-based test (TOEFL iBT), the IELTS, the CAEL Assessment, or Waiver policy.

#### TOEFL iBT

The TOEFL iBT is offered by Educational Testing Service (ETS P.O. Box 6151, Princeton, NJ 08541; Web site: [www.toefl.org](http://www.toefl.org); telephone: 609-771-7100). Candidates must contact ETS for information regarding the TOEFL iBT, including dates and location of examinations, fees, and application procedures. For ECFVG program purposes, candidates choosing to take the TOEFL iBT **MUST** take each subsection of the TOEFL iBT. The minimum required scores on the TOEFL iBT are 25 in listening, 22 in writing, 22 in speaking, and 23 in reading; no minimum overall score is required. The ECFVG requires original score reports directly from ETS. All candidates **MUST** pass all sections of the TOEFL iBT in a single examination administration.

# PAVE Program AAVSB.org

Candidates must request that their scores to be sent directly to AAVSB. For further information and to register for IELTS, go to [www.ielts.org](http://www.ielts.org).

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## Alternative to English Proficiency Examinations

PAVE candidates now have another option to complete Step Two: English Proficiency for the PAVE Program.

**Candidates must provide substantiation that they have attended at least three (3) years at a secondary high school under which the complete language of instruction was English. A degree from a English speaking college or university is not considered adequate proof of English proficiency for PAVE candidates.**

Acceptable documentation includes:

1. a letter received by PAVE directly from school officials stating the dates of attendance and verifying that the complete language of instruction was English, or,
2. for graduates of such high schools, a certified, notarized, or official copy of the final diploma or transcript.
3. PAVE candidates who were homeschooled for all or part of their high school education (grades 9–12) may submit a letter from a school district official who had oversight on their home school curriculum to substantiate that the primary language of instruction was English.

*NOTE: PAVE candidates must substantiate English language proficiency prior to sitting for the Qualifying Science Examination (QSE). English language proficiency may be established by one of the above options.*

## STEP 1: Apply Online

### Initial Fees

PAVE Application Fee	\$375
Qualifying Science Examination Fee	\$1500

## STEP 2: Submitting Required Documentation

After submitting your application online, you must mail the required documentation. Documents do not have to arrive together. ALL documents required for application to the PAVE Program must be RECEIVED by the posted application deadline. The AAVSB requests potential PAVE candidates send an email with contact information to [pave@aavsb.org](mailto:pave@aavsb.org) when documents are being sent and when the candidate expects to apply for the PAVE program.

<b>Required documents for ALL applicants:</b>	
1.	An original or certified copy of your birth certificate or a notarized copy of your passport.
2.	An Affidavit for Release of Information. Click here to print the Affidavit for Release of Information (pdf).
3.	Documentation of successful completion of the TOEFL examination or the IELTS examination, OR documentation that English was the primary language of instruction at your high school (grades 9-12). Click here for more information on PAVE's English proficiency requirements.
4.	<b>If graduated:</b> Official proof of veterinary degree or qualification from a veterinary school.
5.	<b>If graduated:</b> Official final veterinary transcripts sent DIRECTLY from the veterinary school.
6.	<b>If currently enrolled:</b> submit a letter from the Dean or Principal indicating your academic standing and the anticipated date of your graduation.
7.	<b>If currently enrolled:</b> submit an unofficial transcript or grade report detailing courses and grades from each veterinary school attended.
<b>Required documents IF APPLICABLE:</b>	
8.	A notarized copy of your marriage license or a notarized copy of your divorce decree or a notarized copy of your name-change document (if your name is different from your passport or birth certificate).

Any document (including all seals and/or stamps) not in English must be prepared and certified by a professional translation service. Candidates are required to submit original documents in addition to the certified translations.

The AAVSB refers to the AVMA Listed Veterinary Colleges of the World (pdf) which includes all schools that were listed by the World Health Organization in its 1991 World Veterinary Directory and in the 1983 Pan American Health Organization publication, Diagnosis of Animal Health in the Americas. Additional schools are listed here only after correspondence with the national government ensures that the school is officially recognized by that government as a professional school of veterinary medicine and its graduates are qualified to practice veterinary medicine within that country.

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### **STEP 3: Qualifying Science Examination**

Step 3 of the PAVE Program assesses basic veterinary science proficiency. The Qualifying Science Examination (QSE) was designed and developed exclusively for the PAVE Program and is required for all PAVE candidates. It covers basic science or pre-clinical subjects taught in the first three years of the curriculum of accredited veterinary schools. The QSE is offered three times per year, in January, May and

**Criteria for this report:**

License Status = Current Active, Current Inactive, Probation - Current Active, Adverse Findings - Current Active,  
 Current Active-RN Privilege and Expiration Date >= Today or is null.

**License Count Report for Veterinary Medicine**

Board	Occupation	State	License Status	License Count
<b>Veterinary Medicine</b>				
<b>Equine Dental Technician</b>				
	Equine Dental Technician	Virginia	Current Active	17
	Equine Dental Technician	Out of state	Current Active	8
	Total for Equine Dental Technician			25
<b>Veterinarian</b>				
	Veterinarian	Virginia	Current Active	3,132
	Veterinarian	Virginia	Current Inactive	46
	Veterinarian	Virginia	Probation - Current Active	1
	Veterinarian	Out of state	Current Active	882
	Veterinarian	Out of state	Current Inactive	246
	Total for Veterinarian			4,307
<b>Veterinary Establishment - Full Service</b>				
	Veterinary Establishment - Full Service	Virginia	Current Active	763
	Veterinary Establishment - Full Service	Out of state	Current Active	12
	Total for Veterinary Establishment - Full Service			775
<b>Veterinary Establishment - Restricted</b>				
	Veterinary Establishment - Restricted	Virginia	Current Active	330
	Veterinary Establishment - Restricted	Out of state	Current Active	13
	Total for Veterinary Establishment - Restricted			343
<b>Veterinary Technician</b>				
	Veterinary Technician	Virginia	Current Active	1,788
	Veterinary Technician	Virginia	Current Inactive	31
	Veterinary Technician	Out of state	Current Active	251
	Veterinary Technician	Out of state	Current Inactive	26
	Total for Veterinary Technician			2,096
Total for Veterinary Medicine				7,546

Virginia Department of Health Professions  
Cash Balance  
As of June 30, 2015

	106- Veterinary Medicine
<b>Board Cash Balance as of June 30, 2014</b>	\$ 36,218
<b>YTD FY15 Revenue</b>	1,095,187
<b>Less: YTD FY15 Direct and In-Direct Expenditures</b>	751,309
<b>Board Cash Balance as of June 30, 2015</b>	\$ 380,095

Virginia Department of Health Professions  
Cash Balance  
As of June 30, 2016

	106- Veterinary Medicine
<b>Board Cash Balance as of June 30, 2015</b>	\$ 380,095
<b>YTD FY16 Revenue</b>	1,116,829
<b>Less: YTD FY16 Direct and In-Direct Expenditures</b>	924,668
<b>Board Cash Balance as June 30, 2016</b>	572,256

From: Virginia Board of Veterinary Medicine  
To:  
Subject: News You Need: Effective Dates for Three Regulatory Actions  
Date: Wednesday, August 10, 2016 4:08:09 PM



## Virginia Department of Health Professions



### Board of Veterinary Medicine

#### Effective Dates for Three Regulatory Actions

The following two regulatory actions became effective on **July 27, 2016**:

**Elimination of restriction on practical training only in final year of veterinary school:** [Click Here](#) to review final text related to the change. Please note that a veterinary student who is enrolled and in good standing in an accredited veterinary college or school accredited or approved by the AVMA may now be engaged in a veterinary preceptorship or externship prior to the final year of school.

A "Preceptorship or externship" means a *formal arrangement* between an AVMA accredited college of veterinary medicine or an AVMA accredited veterinary technology program and a veterinarian who is licensed by the board and responsible for the practice of the preceptee. A preceptorship or externship must be overseen by faculty of the college or program. A veterinary preceptee or extern may perform duties that constitute the practice of veterinary medicine *for which he has received adequate instruction by the college or school and only under the on-premises supervision of a licensed veterinarian.*

Also note the requirements for disclosure to the public when a veterinary preceptee or extern is practicing in a veterinary establishment and for informed consent for surgery.

**Use of the term specialist:** [Click Here](#) to review final text related to the change.

The following regulatory action became effective on August 10, 2016:

**Increase in continuing education hours for veterinary technicians:** [Click Here](#) to review final text related to the change. Please note that the increase in continuing education hours will not be implemented until the 2017 calendar year.

To review the full text of the *Regulations Governing the Practice of Veterinary Medicine*, please go to [http://www.dhp.virginia.gov/vet/vet\\_laws\\_regs.htm](http://www.dhp.virginia.gov/vet/vet_laws_regs.htm). Questions may be directed to [vetbd@dhp.virginia.gov](mailto:vetbd@dhp.virginia.gov)

From: Virginia Board of Veterinary Medicine  
To:  
Subject: News You Need: Secondary Pentobarbital Poisoning of Wildlife  
Date: Wednesday, July 14, 2016 4:56:24 PM



## Virginia Department of Health Professions



### Board of Veterinary Medicine

#### Secondary Pentobarbital Poisoning of Wildlife

Due to several cases of bald eagles dying in Virginia from secondary pentobarbital poisoning, the U.S. Fish & Wildlife Service (FWS) has asked the Virginia Board of Veterinary Medicine to send out a link to the [Secondary Pentobarbital Poisoning of Wildlife](#) fact sheet published by the FWS. Please click on the fact sheet link for information on which animals are affected, how to prevent accidental poisoning, and penalties for non-compliance.

If you have any questions regarding this issue please contact the U.S. Fish and Wildlife Service, Office of Law Enforcement Resident Agent in Charge, at the Richmond District Office at 804-771-2883.



**BOARD OF VETERINARY MEDICINE**  
**2017 CALENDAR**

<b>INFORMAL CONFERENCES</b>	<b>JANUARY 19, 2017</b> <b>BOARD ROOM (BR) 1, HEARING</b> <b>ROOM (HR)2</b>
<b>BOARD MEETING</b>	<b>FEBRUARY 8, 2017</b> <b>BR1</b>
<b>INFORMAL CONFERENCES</b>	<b>FEBRUARY 9, 2017</b> <b>TRAINING ROOM (TR) 2 &amp; HR6</b>
<b>INFORMAL CONFERENCES</b>	<b>MARCH 23, 2017</b> <b>TR2, HR6</b>
<b>INFORMAL CONFERENCES</b>	<b>APRIL 26, 2017</b> <b>BR3, HR6</b>
<b>BOARD MEETING</b>	<b>JUNE 13, 2017</b> <b>TR2</b>
<b>INFORMAL CONFERENCES</b>	<b>JUNE 14, 2017</b> <b>BR3</b>
<b>INFORMAL CONFERENCES</b>	<b>JULY 11, 2017</b> <b>TR2 &amp; HR6</b>
<b>INFORMAL CONFERENCES</b>	<b>AUGUST 24, 2017</b> <b>BR3 &amp; HR6</b>
<b>INFORMAL CONFERENCES</b>	<b>SEPTEMBER 12, 2017</b> <b>TR2 &amp; HR6</b>
<b>BOARD MEETING</b>	<b>OCTOBER 24, 2017</b> <b>BR3</b>
<b>INFORMAL CONFERENCES</b>	<b>OCTOBER 25, 2017</b> <b>BR1 &amp; HR4</b>
<b>INFORMAL CONFERENCES</b>	<b>NOVEMBER 16, 2017</b> <b>TR2, HR 6</b>