

December 17, 2020
Virtual Meeting
2:00 p.m.

Agenda
Virginia Board of Veterinary Medicine
Inspection Committee Meeting

VIRTUAL MEETING

******Refer to Page 2 of the Agenda for Meeting Access Information******

Call to Order – Tregel Cockburn, D.V.M., Chair

Page 3

- Welcome and Roll Call
- Mission Statement

Ordering of Agenda – Dr. Cockburn

Public Comment – Dr. Cockburn

The Board will receive all public comment related to agenda items at this time. The Board will not receive comment on any regulatory process for which a public comment period has closed or any pending or closed complaint or disciplinary matter. (See **instructions on page 2 for providing public comment during virtual meeting.**)

Approval of Minutes – Dr. Cockburn

Pages 4-6

- September 30, 2020 – Committee Meeting

Discussion Items – Dr. Cockburn/Leslie Knachel

Pages 7-38

- Veterinary Establishment Inspection Update (pages 7-21) – **Melody Morton**
- Review Working Draft of Guidance Document for Conducting and Responding to Routine Inspections (pages 22-28) – **Ms. Knachel**
- Review of Frequent Inspection Violations (pages 29-38) – **Ms. Knachel**

New Business – Dr. Cockburn

Meeting Adjournment – Dr. Cockburn

This information is in **DRAFT** form and is subject to change.

Instructions for Accessing December 17, 2020 Virtual Full Board Meeting and Providing Public Comment

- **Access:** Perimeter Center building access remains restricted to the public due to the COVID-19 pandemic. To observe this virtual meeting, use one of the joining options below. Participation capacity is limited and is on a first come, first serve basis due to the capacity of CISCO WebEx technology.
- **Written Public Comment:** Written comments are **strongly preferred** due to the limits of the electronic meeting platform and should be submitted by email to leslie.knachel@dhp.virginia.gov no later than 12:00 noon on December 16, 2020. The written comments will be made available to the committee members for review prior to the meeting.
- **Oral Public Comment:** Oral comments will be received during the full board meeting from persons who have submitted an email to leslie.knachel@dhp.virginia.gov no later than 12:00 noon on December 16, 2020, indicating they wish to offer oral comment at the board meeting. Comment may be offered by these individuals when their names are announced by the meeting chair.
- Public participation connections will be muted following the public comment periods.
- Should the Committee enter into a closed session, public participants will be blocked from seeing and hearing the discussion. When the Committee re-enters into open session, public participation connections to see and hear the committee meeting will be restored.
- Please call from a location without background noise.
- Dial (804) 597-4129 to report an interruption during the broadcast.
- FOIA Council *Electronic Meetings Public Comment* form for submitting feedback on this electronic meeting may be accessed at <http://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm>.

JOIN THE INTERACTIVE MEETING (NOTE: WebEx is a video and audio platform and best accessed by connecting with a mobile device which has a built-in microphone and camera. Laptops and desktop computers will work provided an external microphone and camera are available. However, audio and video quality may vary depending on internet speed and use of a web browser other than Internet Explorer is required.)

JOIN THE INTERACTIVE MEETING

To log-in to the Webex session click on the below link:

<https://virginia-dhp.my.webex.com/virginia-dhp.my/j.php?MTID=m0d939fe7273cb4925aa413f3206f9364>

To join by audio only:

Dial: 1-408-418-9388

When prompted enter access code/meeting number: 132 575 0664

When prompted enter password: 395 232 35

MISSION STATEMENT

Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.

**VIRGINIA BOARD OF VETERINARY MEDICINE
VIRTUAL VETERINARY ESTABLISHMENT INSPECTIONS COMMITTEE
MEETING MINUTES
SEPTEMBER 30, 2020**

- TIME AND PLACE:** A virtual meeting via WebEx of the Veterinary Establishment Inspections Committee (Committee) was called to order at 1:06 p.m.
- PRESIDING OFFICER:** Tregel Cockburn, DVM, Committee Chair (Virtual Participation)
- COMMITTEE MEMBERS PARTICIPATING VIRTUALLY:** Jason Bollenbeck, DVM, Virginia Veterinary Medical Association of Virginia
Bayard Rucker, DVM, Board Member
Wendy Ashworth, DHP Senior Inspector
- COMMITTEE MEMBERS NOT PRESENT:** Taryn Singleton, LVT
- STAFF PARTICIPATING ONSITE:** Leslie L. Knachel, Executive Director
Amy Davis, Executive Assistant
Celia Wilson, Operations Administrative Assistant
- STAFF PARTICIPATING VIRTUALLY:** Kelli Moss, Deputy Executive Director
Kelly Gottschalk, Veterinary Board Review Coordinator
Me-Lien Chung, Discipline Case Specialist
Temple Ross, Licensing Specialist
Elaine Yeatts, DHP Senior Policy Analyst
Melody Morton, Inspections Manager
- ESTABLISHMENT OF QUORUM:** Four out of five committee members were present constituting a quorum for conducting the Committee's business.
- ORDERING OF AGENDA:** No changes were made to the agenda.
- PUBLIC COMMENT:** No public comment was received.
- APPROVAL OF MINUTES:** Dr. Rucker moved to accept the minutes from the February 20, 2020, meeting as presented. The motion was properly seconded by Ms. Ashworth.

A roll call vote was taken by Ms. Knachel. The motion carried with a unanimous aye vote.
- DISCUSSION ITEMS:** **Veterinary Establishment Inspection Update**
Ms. Morton provided an overview of processes in place to conduct inspections during the pandemic taking into consideration precautions for the safety of all involved. She stated that from January 1, 2020 to present, 214 veterinary establishment inspections have been completed with 65 of those being completed virtually.
- Guidance Document 150-16: Protocol to follow upon discovery of a loss or theft of drugs**
Ms. Knachel reviewed the guidance document.
Dr. Bollenbeck moved to reaffirm Guidance Document 150-16 with no changes. The motion was properly seconded by Dr. Rucker.

A roll call vote was taken by Ms. Knachel. The motion carried with a unanimous aye vote.

Guidance Document 150-23: Disposal of deceased animals

Ms. Knachel reviewed the guidance document.

Dr. Rucker moved to reaffirm Guidance Document 150-23 with no changes. The motion was properly seconded by Dr. Bollenbeck.

A roll call vote was taken by Ms. Knachel. The motion carried with a unanimous aye vote.

Discussion for a Guidance Document for Conducting and Responding to Routine Inspections

Ms. Knachel provided an overview of a proposed guidance document that would focus on information related to conducting and responding to routine inspections. Based on information obtained during the discussion, the Committee asked Ms. Knachel to proceed with drafting a guidance document for presentation at the next meeting.

Review of Suggested Regulatory Changes

Ms. Knachel led the Committee through the suggested changes to the following:

- 18VAC150-20-30 Posting of licenses; accuracy of address
- 18VAC150-20-171 Specialty practice in a limited setting
- 18VAC150-20-180 Requirements to be registered as a veterinary establishment
- 18VAC150-20-181 Requirements for veterinarian-in-charge
- 18VAC150-20-190 Requirements for drug storage, dispensing, destruction and records for all establishments
- 18VAC150-20-200 Standards for stationary veterinary establishments

The Committee asked Ms. Knachel to proceed with finalizing the changes as discussed for inclusion in the document that will be recommended to the full board.

Strategic Planning for Future Meetings

Ms. Knachel presented a timeline of conducting two committee meetings prior to the board meeting scheduled for March 11, 2021. The first meeting would be scheduled for the beginning of December 2020 and the second meeting would be scheduled for February 2021. The Committee agreed with the proposed timeline and asked Ms. Knachel to proceed with scheduling the meetings.

NEW BUSINESS:

There was no new business.

ADJOURNMENT:

The meeting adjourned at 2:56 p.m.

T

Date

Date

DRAFT

Virginia Department of Health Professions

Thursday, December 10, 2020

50

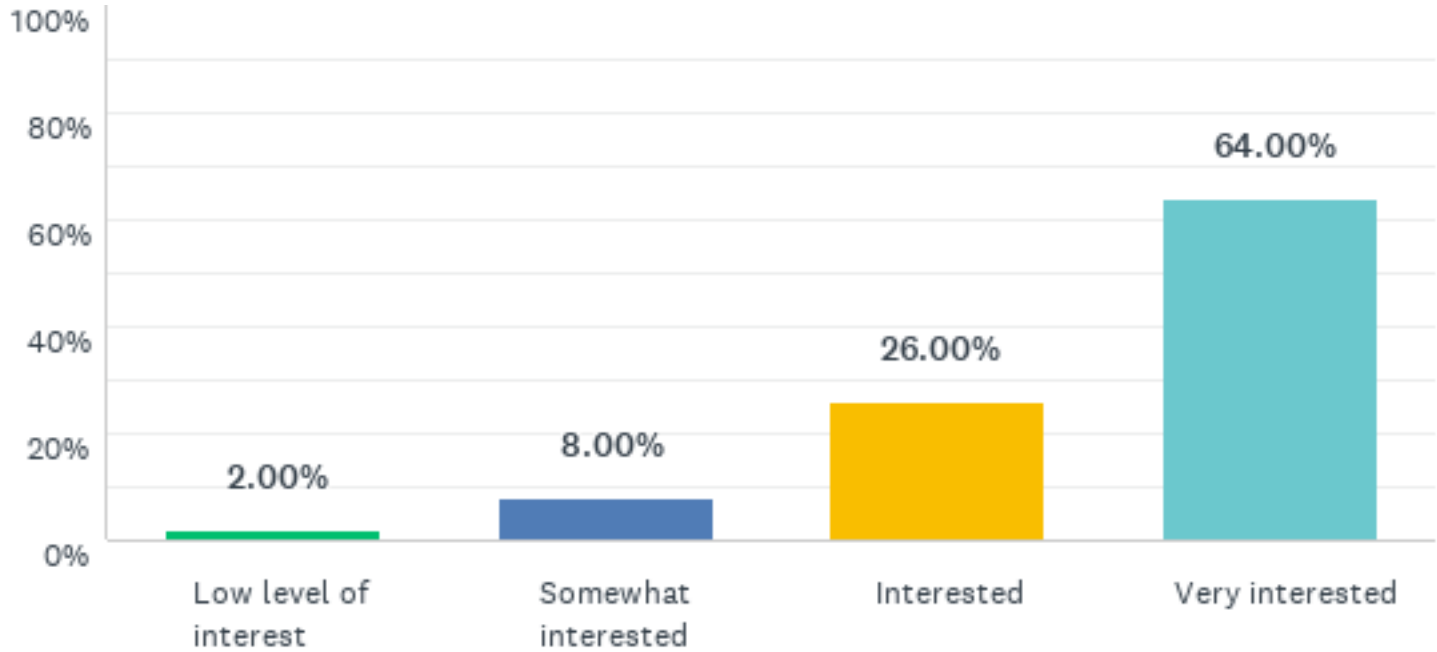
Total Responses

Date Created: Thursday, October 08, 2020

Complete Responses: 50

Q1: After you were contacted by the Department of Health Professions Inspector about participating in a virtual inspection instead of an in-person inspection, please describe your level of interest to take part in the virtual inspection process:

Answered: 50 Skipped: 0



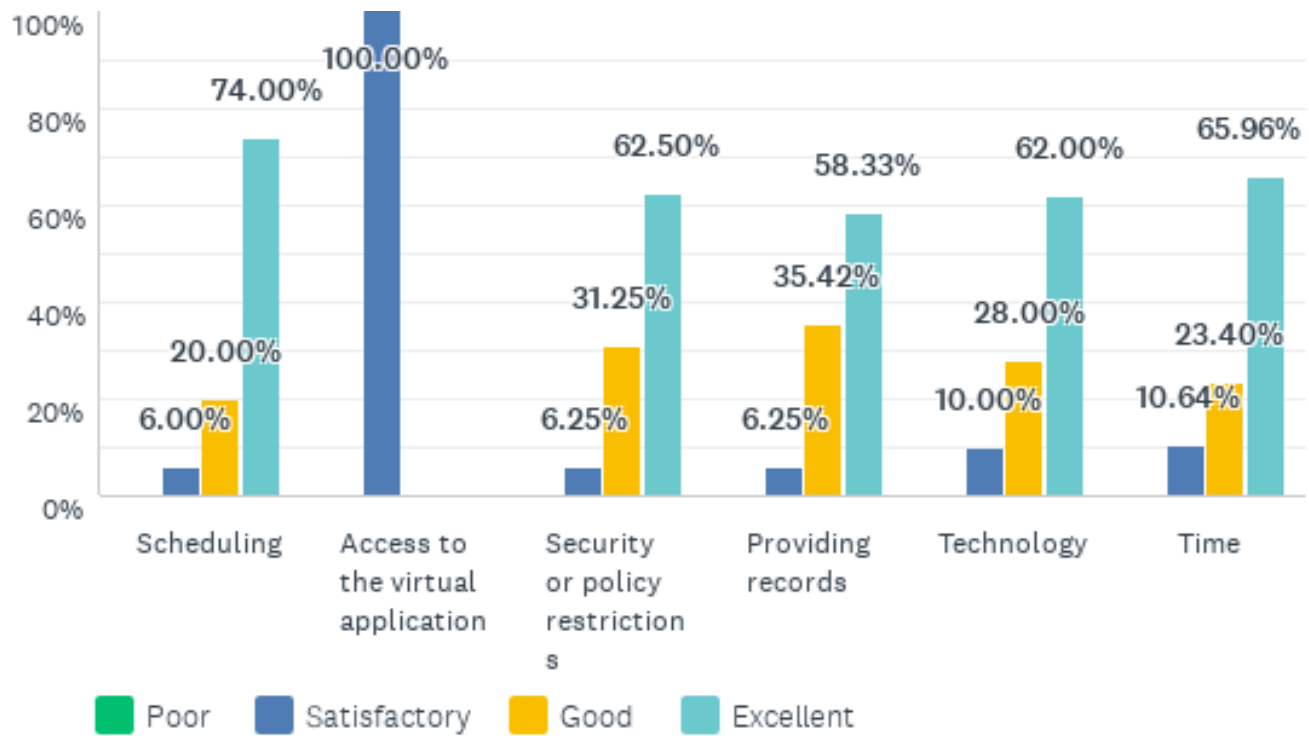
Q2: How would you rate your understanding of the virtual inspection process after it was explained to you by the inspector:

Answered: 49 Skipped: 1



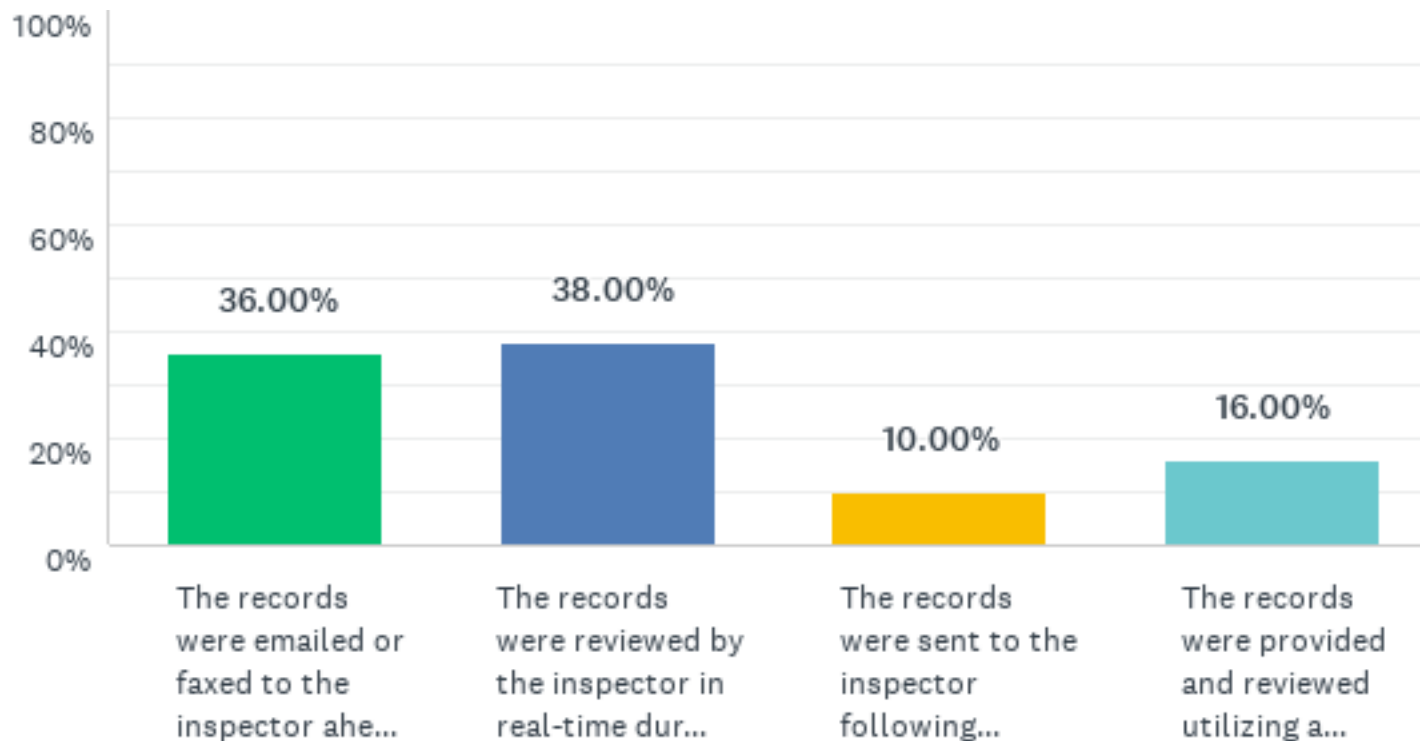
Q3: Considering the following factors, please rate the overall experience preparing for the virtual inspection process:

Answered: 50 Skipped: 0



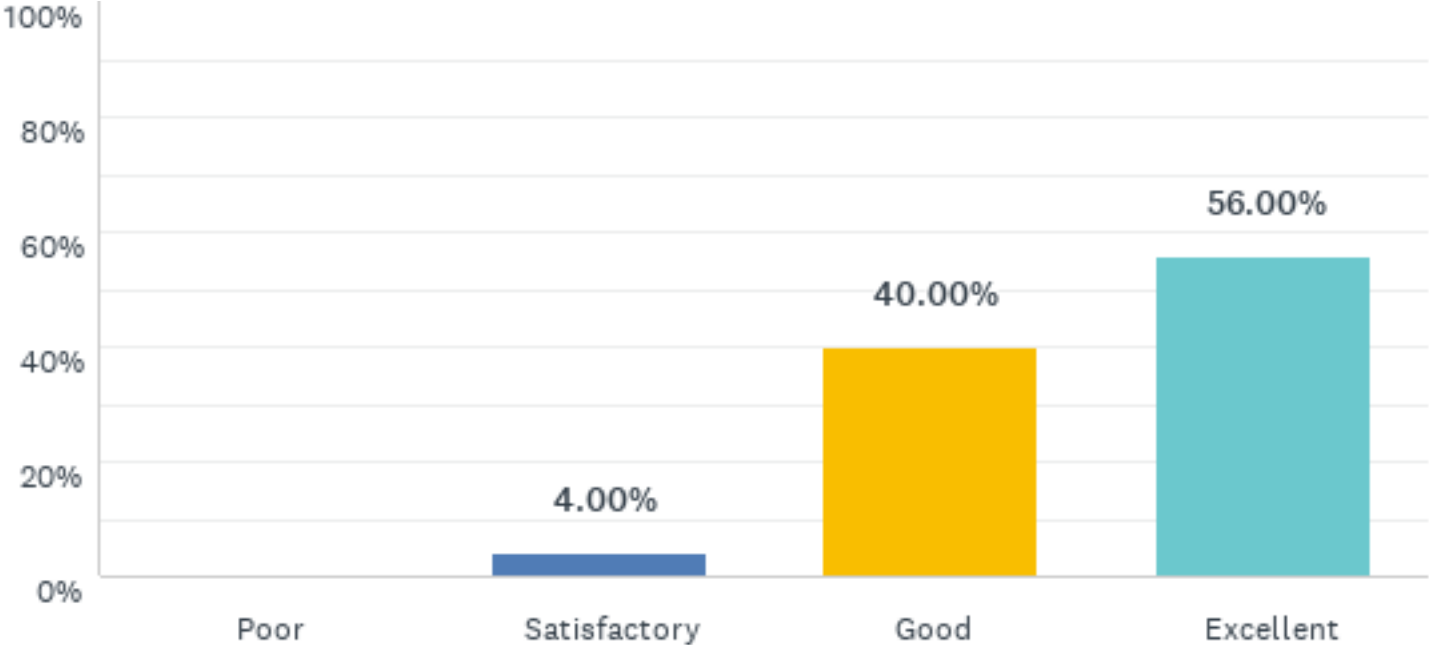
Q4: How were facility records provided to and reviewed by the DHP inspector:

Answered: 50 Skipped: 0



Q5: How would you rate your experience related to the review of facility records:

Answered: 50 Skipped: 0



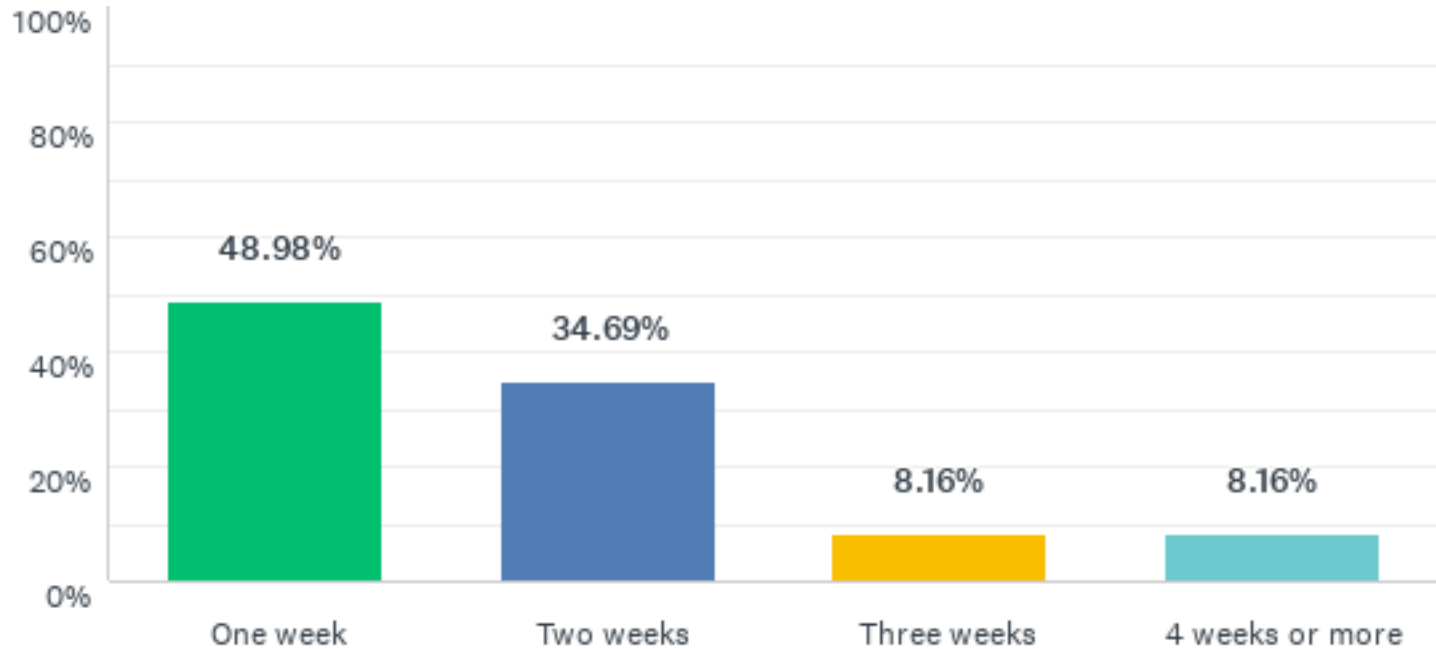
Q6: How would you rate inspector performance during the virtual inspection as it relates to:

Answered: 50 Skipped: 0



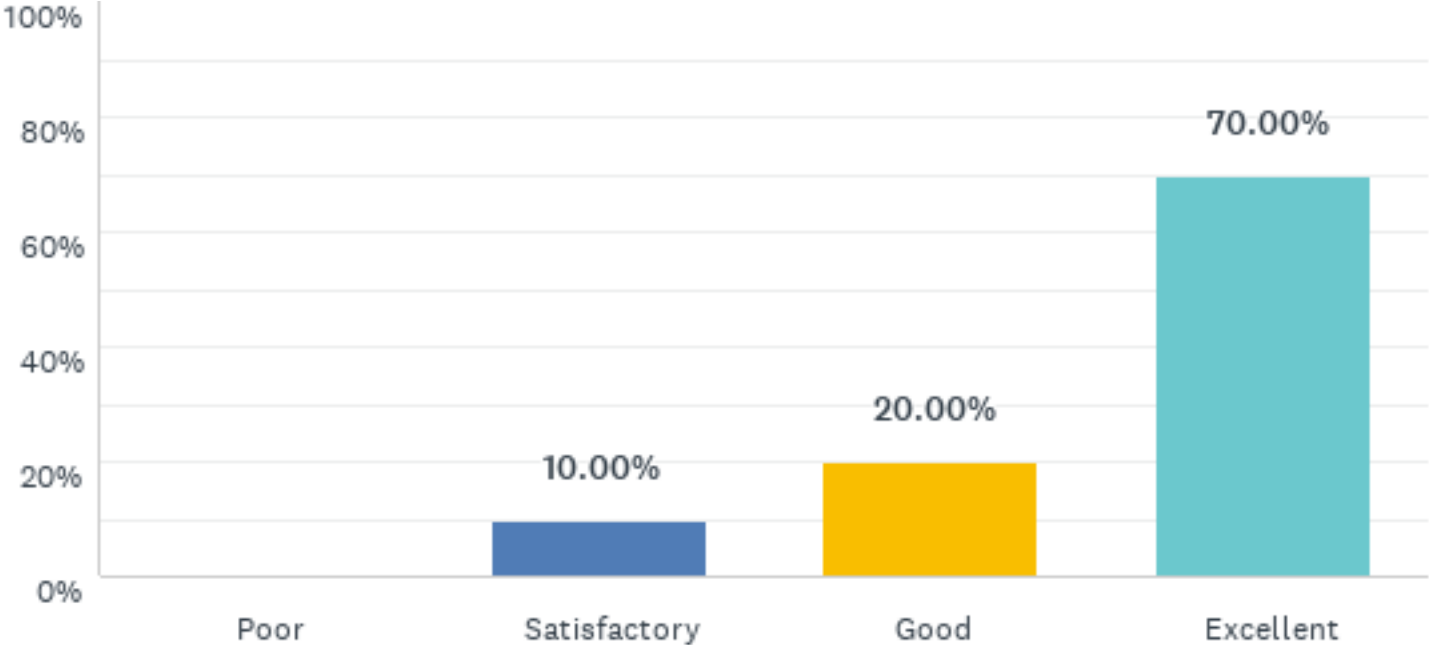
Q7: How long did it take from initial notification of a request to inspect to the completion of the inspection:

Answered: 49 Skipped: 1



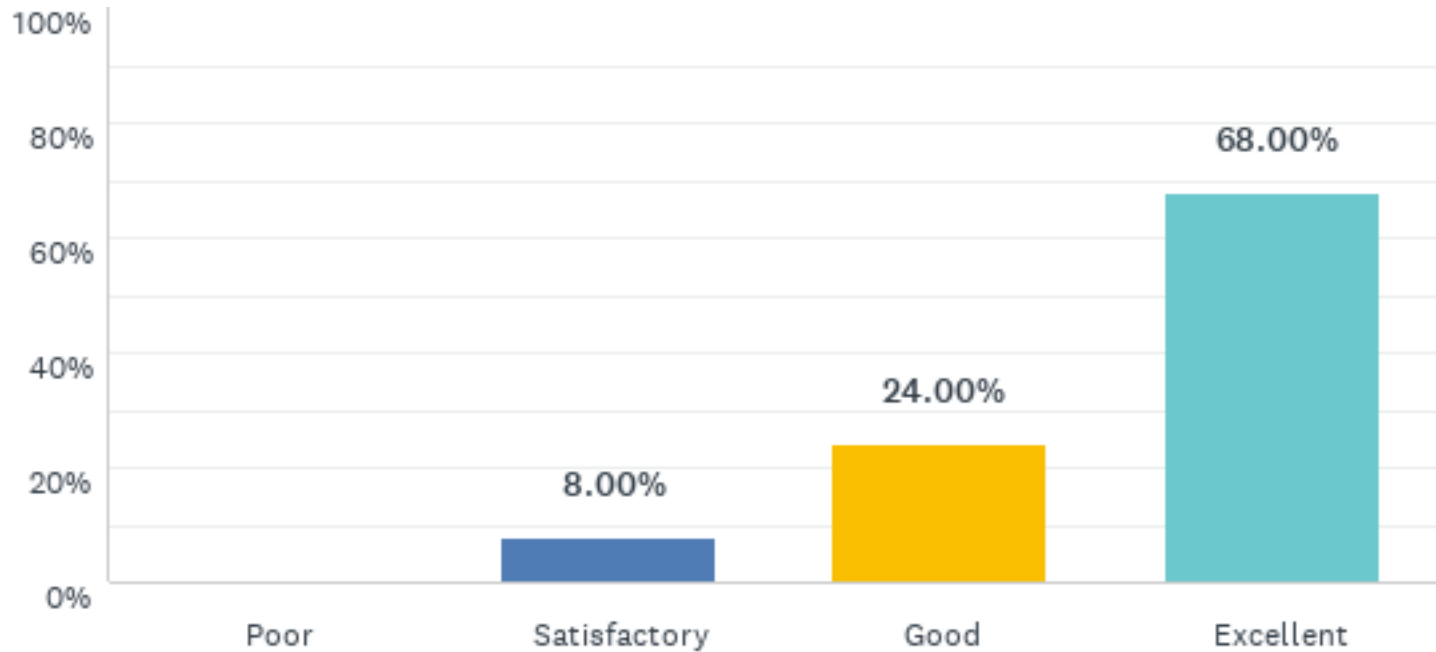
Q8: Please rate the appropriateness of the amount of time between notification to completion of the inspection:

Answered: 50 Skipped: 0



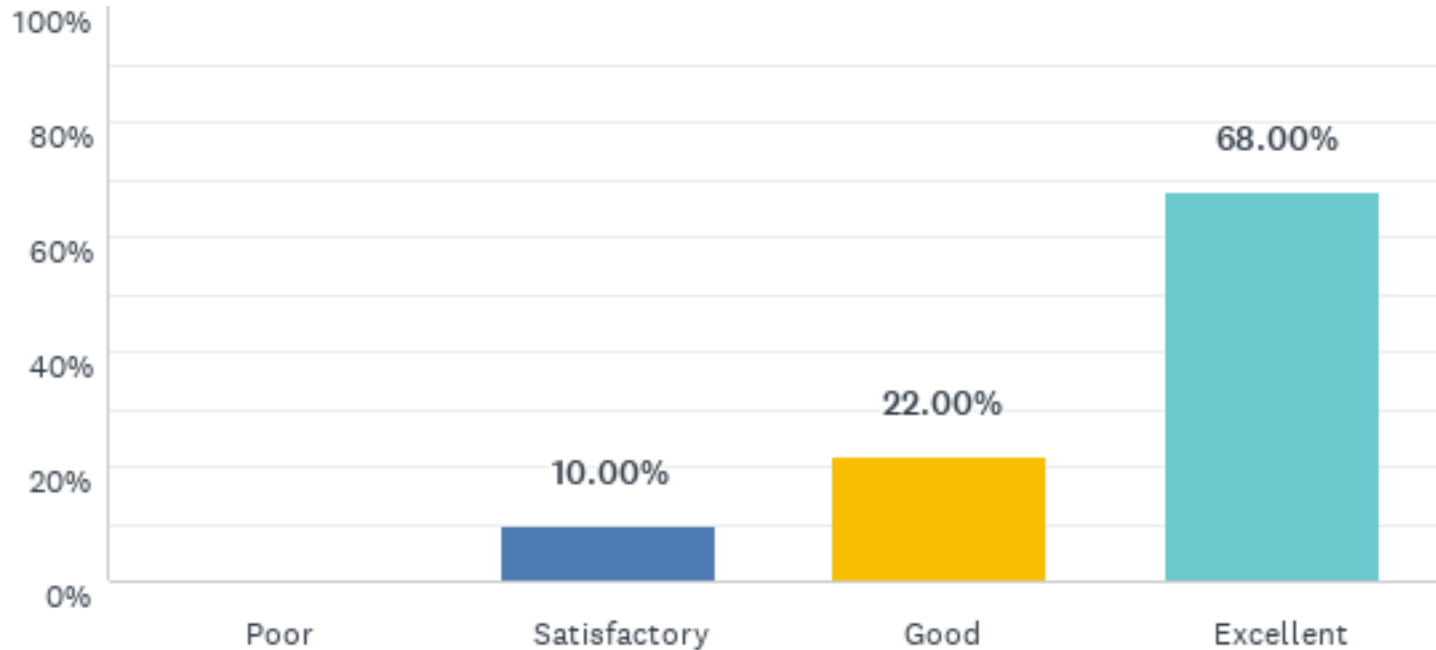
Q9: How organized was the inspection process:

Answered: 50 Skipped: 0



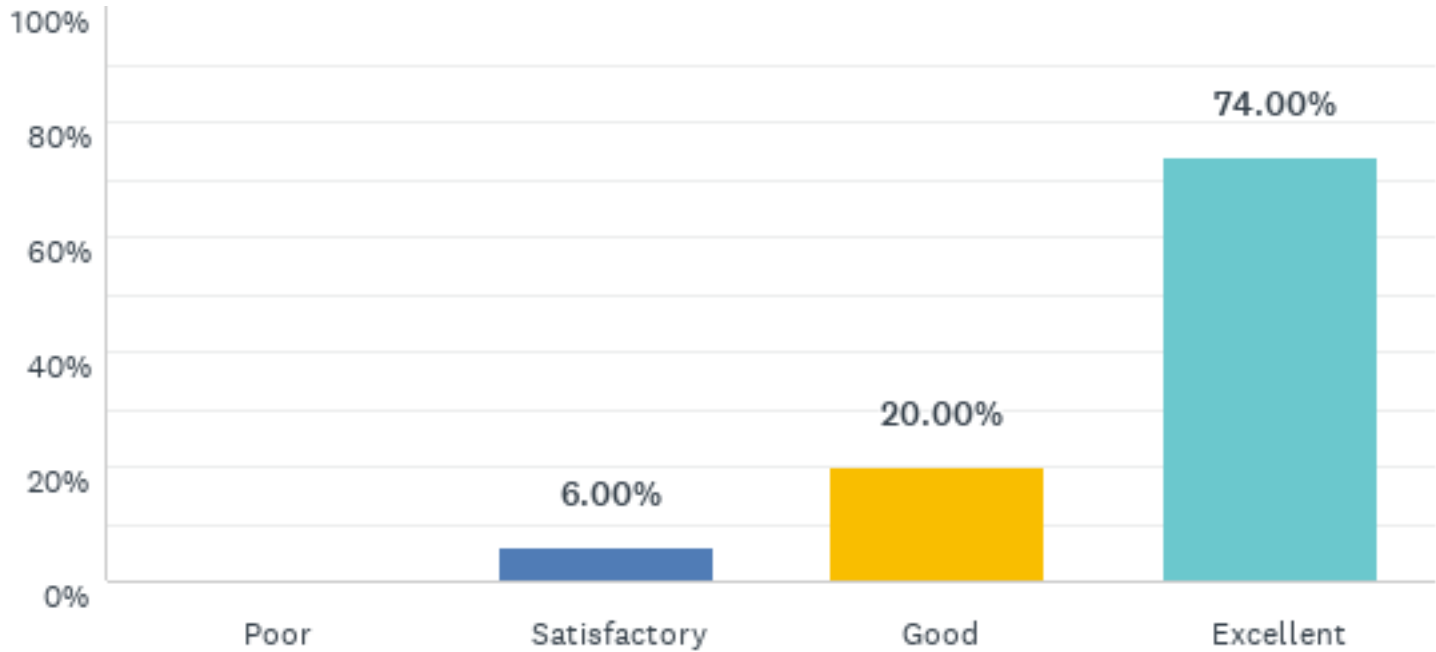
Q10: Please rate the overall experience in using the virtual inspection process:

Answered: 50 Skipped: 0



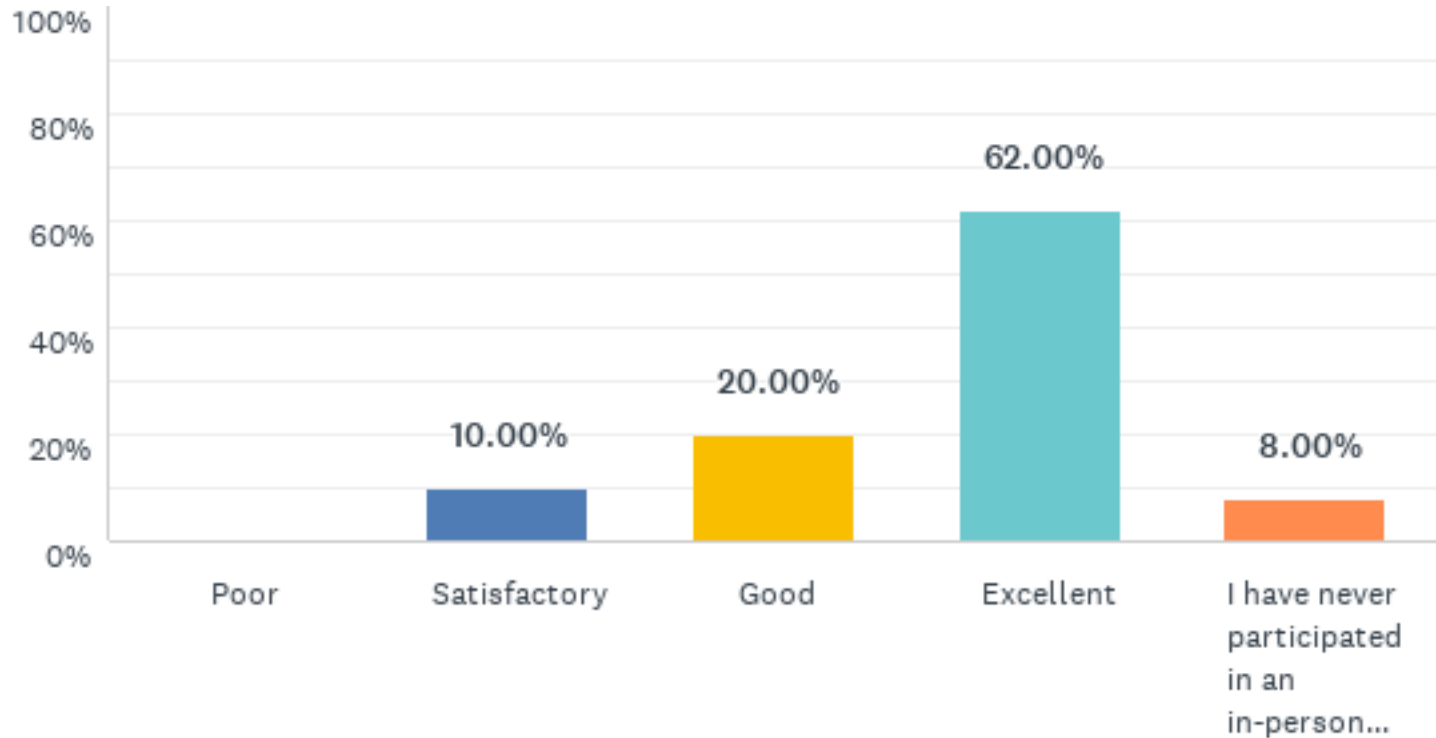
Q11: Please rate how well the inspector met your expectations at the conclusion of the virtual inspection process, based on how it was explained to you at the onset:

Answered: 50 Skipped: 0



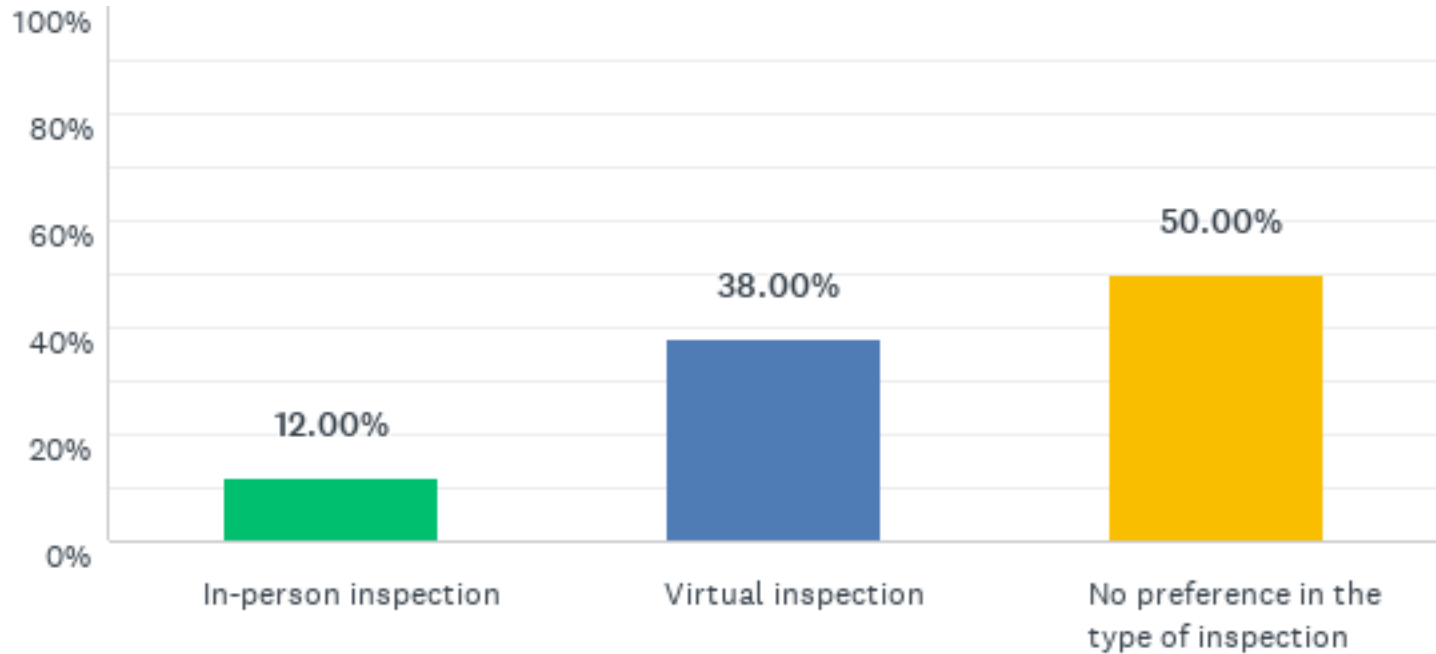
Q12: Compared to an in-person inspection, how would you rate the overall experience of the virtual inspection?

Answered: 50 Skipped: 0



Q13: Lastly, what is your preference regarding the type of inspection:

Answered: 50 Skipped: 0



Virginia Board of Veterinary Medicine

Guidelines for Inspection Process

1. Are veterinary establishments required to be registered with the Board?

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

A. Every veterinary establishment shall apply for registration on a form provided by the board and submit the application fee specified in 18VAC150-20-100. The board may issue a registration as a stationary or ambulatory 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 18VAC150-20-171. The injection of a microchip for identification purposes shall only be performed in a veterinary establishment, except personnel of public or private animal shelters may inject animals while in their possession.

2. An application for registration must be made to the board 45 days in advance of opening or changing the location of the establishment or requesting a change in the establishment category listed on the registration.

3. Any addition or renovation of a stationary establishment or an ambulatory establishment that involves changes to the structure or composition of a surgery room shall require reinspection by the board and payment of the required fee prior to use.

2. Who may own a veterinary establishment?

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

B. A veterinary establishment will be registered by the board when:

1. It is inspected by the board and is found to meet the standards set forth by 18VAC150-20-190 and 18VAC150-20-200 or 18VAC150-20-201 where applicable. If, during a new or routine inspection, violations or deficiencies are found necessitating a reinspection, the prescribed reinspection fee will be levied. Failure to pay the fee shall be deemed unprofessional conduct and, until paid, the establishment shall be deemed to be unregistered.

2. A veterinarian currently licensed by and in good standing with the board is registered with the board in writing as veterinarian-in-charge and ensures that the establishment registration fee has been paid.

The Board does not maintain information on ownership of a veterinary establishment.

3. How does an individual apply for a veterinary establishment registration?

Complete the [Application and Change Request for a Veterinary Establishment](#) form and submit with required fee to the Board by postal mail.

4. What types of veterinary establishments may be registered?***18VAC150-20-10. Definitions.***

"Veterinary establishment" or "establishment" means any stationary or ambulatory practice, veterinary hospital, animal hospital, or premises wherein or out of which veterinary medicine is being conducted.

To review the regulations for each type, go to the links provided:

[Stationary Veterinary Establishments](#)

[Ambulatory veterinary establishments](#)

5. May two veterinary establishments share the same space?**18VAC150-20-200. Standards for stationary veterinary establishments.**

D. A separate establishment registration is required for separate practices that share the same location.

18VAC150-20-201. Standards for ambulatory veterinary establishments.

D. A separate establishment registration is required for separate practices that share the same location.

6. Are veterinary establishments required to be inspected?

Need to address: Timeframe and information on in-person and virtual inspections and frequency for the following:

- a. Prior to opening
- b. Change of location
- c. Prior to use of new surgical unit
- d. Routine inspections
- e. Discipline/Compliance related

7. How can a veterinary establishment conduct a self-evaluation to determine its compliance with the regulatory requirements?

The [Veterinary Establishment Inspection Report](#) form is available to be used to conduct a self-evaluation.

8. What are the responsibilities of a veterinarian-in-charge?

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

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

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

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

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

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

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

9. How does a veterinary establishment change its veterinarian-in-charge?

Complete the [Change in Veterinarian-in-Charge](#) form and submit with required fee via postal mail.

10. Is a veterinary establishment required to notify the board when ownership changes?

If the name and veterinarian-in-charge remains the same, there is no notification requirement.

11. Will an inspection occur if the veterinarian-in-charge is not in the veterinary establishment?***18VAC150-20-210. Revocation or suspension of a veterinary establishment registration.***

The board may revoke or suspend or take other disciplinary action deemed appropriate against the registration of a veterinary establishment if it finds the establishment to be in violation of any provision of laws or regulations governing veterinary medicine or if:

- 1. The board or its agents are denied access to the establishment to conduct an inspection or investigation;*

There is no requirement that the veterinarian-in-charge be present during an inspection. However, the veterinary establishment and veterinarian-in-charge may be subject to disciplinary action if the inspector is denied access to the veterinary establishment to conduct the inspection.

12. Where can a veterinarian-in-charge find information on the controlled substances and the Prescription Monitoring Program?

Please review the following guidance documents

- [150-13](#) **Controlled Substances (Schedule II-VI) in Veterinary Practice**
- [150-21](#) **Frequently asked questions about reporting to the Prescription Monitoring Program**

13. What is the process if violations are found during an inspection?

Need to address: Leaving inspection report and responding to deficiencies

Initial inspection

Routine

Remodel

Discipline/Compliance related

After the inspection the veterinarian-in-charge is responsible for ensuring the following:

- Submission of written responses to **all** deficiencies noted on the Inspection Summary detailing the steps taken to correct each deficiency within 14 days.

18VAC150-20-140. Unprofessional conduct.

18. Failure to submit evidence of correction resulting from a violation noted in an inspection or reported by another agency within 14 days, unless an extension is granted by the board.

- *Proof of Corrective Action* must be submitted in addition to the written response for most deficiencies, unless they have been corrected on-site and noted by the inspector on the report.
 - o Use the Inspection Report to determine the deficiencies that require *Proof of Corrective Action*. If [Compliance: Form] is listed next to a deficiency, then *Proof of Corrective Action* must be submitted.
 - o *Proof of Corrective Action* can take the form of pictures, scans, receipts for purchases, or copies of the corrected deficiencies. Documentation that demonstrates steps have been taken to correct a deficiency may serve as *Proof of Corrective Action* (i.e. communications requesting X-ray certificate from VDH)

Steps taken to correct inspection deficiencies must be submitted to the Board of Veterinary Medicine:

- Email: vetbd@dhp.virginia.gov
- Fax: (804) 527-4471
- Mail: Board of Veterinary Medicine, 9960 Mayland Drive, Suite 300, Henrico, VA 23233-1463

If submitting documents through email (see example below):

- On subject line include:
 - o Facility, Registration number, Type of Inspection
- Body of email include:
 - o Purpose (e.g. Submitting responses to inspection deficiency)
 - o Any questions or concerns
- Attachments:
 - o Inspection Summary/Written Response to **all** deficiencies
 - o *Proof of Corrective Action* for the deficiencies that require additional documentation

vetbd@dhp.virginia.gov
Facility, Registration Number, Type of Inspection
Good morning,
Please see the attached response to routine inspection deficiencies noted on [date] at [facility]. Attached are the written responses and the <i>Proof of Corrective Action</i> for the deficiencies that warrant additional documentation.
Sincerely, [name]

If submitting through fax or mail:

- Written Responses to inspection deficiencies
- *Proof of Corrective Action* for the deficiencies that require additional documentation

14. Who signs the report following an inspection?

A signature from an employee of the veterinary establishment acknowledging receipt of the inspection report is usually obtained by the inspector. The signature does not acknowledge agreement with the findings, only receipt of the document. A signature is not required.

15. What is the process for closing a veterinary establishment?***18VAC150-20-181. Requirements for veterinarian-in-charge.***

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

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

Complete the [Notification for Closure of Veterinary Establishment](#) and submit to the Board via fax, email or postal mail.

16. What type of board action may be taken against a veterinary establishment for deficiencies found during a routine inspection?***18VAC150-20-210. Revocation or suspension of a veterinary establishment registration.***

The board may revoke or suspend or take other disciplinary action deemed appropriate against the registration of a veterinary establishment if it finds the establishment to be in violation of any provision of laws or regulations governing veterinary medicine or if:

- 1. The board or its agents are denied access to the establishment to conduct an inspection or investigation;*
- 2. The holder of a registration does not pay any and all prescribed fees or monetary penalties;*
- 3. The establishment is performing procedures beyond the scope of a limited stationary establishment registration; or*

4. The establishment has no veterinarian-in-charge registered with the board.

Guidance Document [150-15 Disposition of routine inspection violation](#) provides information on board actions related to routine inspections.

17. What type of board action may be taken against a veterinary veterinarian-in-charge for deficiencies found during a routine inspection?


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

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

- 1. Regularly being on site as necessary to provide routine oversight to the veterinary establishment for patient safety and compliance with law and regulation.*
- 2. Maintaining the facility within the standards set forth by this chapter.*

Guidance Document [150-15 Disposition of routine inspection violation](#) provides information on board actions related to routine inspections

Working Draft 12.17.20

	<p><i>Commonwealth of Virginia</i></p>	
<p>VIRGINIA BOARD OF VETERINARY MEDICINE</p> <p>REGULATIONS</p> <p>GOVERNING THE PRACTICE OF VETERINARY MEDICINE</p> <p>Title of Regulations: 18 VAC 150-20-10 et seq.</p> <p>Statutory Authority: § 54.1-2400 and Chapter 38 of Title 54.1 of the <i>Code of Virginia</i></p> <p>Effective Date: March 5, 2020</p>		
	<p>9960 Mayland Drive, Suite 300 Henrico, VA 23233-1463</p> <p>www.dhp.virginia.gov</p>	<p>Phone: (804) 597-4133 FAX: (804) 527-4471</p> <p>vetbd@dhp.virginia.gov (email)</p>

Most Frequent Veterinary Establishment Inspection Violations

18VAC150-20-30. Posting of licenses; accuracy of address.

7 A. All licenses and registrations issued by the board or printout from the board's recognized online verification system shall be posted in a place conspicuous to the public at the establishment where veterinary services are being provided or available for inspection at the location where an equine dental technician is working. Licensees who do relief or temporary work in an establishment shall carry a license or verification with them or post it at the establishment. Ambulatory veterinary practices that do not have an office accessible to the public shall carry their licenses and registrations or verifications in their vehicles.

B. It shall be the duty and responsibility of each licensee, registrant, and holder of a registration to operate a veterinary establishment to keep the board apprised at all times of his current address of record and the public address, if different from the address of record. All notices required by law or by this chapter to be mailed to any veterinarian, veterinary technician, registered equine dental technician, or holder of a registration to operate a veterinary establishment shall be validly given when mailed to the address of record furnished to the board pursuant to this regulation. All address changes shall be furnished to the board within 30 days of such change.

Part IV. Standards of Practice.

~~**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.~~

Part V. Veterinary Establishments.

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

2 A. Every veterinary establishment shall apply for registration on a form provided by the board and submit the application fee specified in 18VAC150-20-100. The board may issue a registration as a stationary or ambulatory 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 subdivision 4 of this subsection. The injection of a microchip for identification purposes shall only be performed in a veterinary establishment, except personnel of public or private animal shelters may inject animals while in their possession.

Most Frequent Veterinary Establishment Inspection Violations

2. An application for registration must be made to the board 45 days in advance of opening or changing the location of the establishment or requesting a change in the establishment category listed on the registration.
3. Any addition or renovation of a stationary establishment or an ambulatory establishment that involves changes to the structure or composition of a surgery room shall require reinspection by the board and payment of the required fee prior to use.

4. 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.

B. A veterinary establishment will be registered by the board when:

1. It is inspected by the board and is found to meet the standards set forth by 18VAC150-20-190 and 18VAC150-20-200 or 18VAC150-20-201 where applicable. If, during a new or routine inspection, violations or deficiencies are found necessitating a reinspection, the prescribed reinspection fee will be levied. Failure to pay the fee shall be deemed unprofessional conduct and, until paid, the establishment shall be deemed to be unregistered.
2. A veterinarian currently licensed by and in good standing with the board is registered with the board in writing as veterinarian-in-charge and ensures that the establishment registration fee has been paid.

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

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

1. Regularly being on site as necessary to provide routine oversight to the veterinary establishment for patient safety and compliance with law and regulation.
2. Maintaining the ~~facility~~ establishment within the standards set forth by this chapter.
3. Performing the biennial controlled substance inventory that meets the requirements in § 54.1-3404 and ensuring compliance at the ~~facility~~ establishment with any federal or state law relating to controlled substances as defined in ~~§ 54.1-3404~~ § 54.1-3401 of the Code of Virginia. The performance of the biennial inventory may be delegated to another licensee, provided the veterinarian-in-charge signs the inventory and remains responsible for its content and accuracy.
- 3** 4. Notifying the board in writing of the closure of the registered ~~facility~~ establishment 10 days prior to closure.
5. Notifying the board immediately if no longer acting as the veterinarian-in-charge.
6. Ensuring the establishment maintains a current and valid registration issued by the board.

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

1. The veterinarian-in-charge registered with the board remains responsible for the establishment and the stock of controlled substances until a new veterinarian-in-charge is registered or for five days, whichever occurs sooner.

Most Frequent Veterinary Establishment Inspection Violations

2. An application for a new registration, naming the new veterinarian-in-charge, shall be made five days prior to the change of the veterinarian-in-charge. If no prior notice was given by the previous veterinarian-in-charge, an application for a new registration naming a new veterinarian-in-charge shall be filed as soon as possible, but no more than 10 days, after the change.

3. The previous establishment registration is void on the date of the change of veterinarian-in-charge and shall be returned by the former veterinarian-in-charge to the board five days following the date of change.

4. Prior to the opening of the business, on the date of the change of veterinarian-in-charge, the new veterinarian-in-charge shall take a complete inventory of all Schedules II through V drugs on hand. He shall date and sign the inventory and maintain it on premises for three years. That inventory may be designated as the official biennial controlled substance inventory.

5. All Schedule II – V controlled substance must be properly transferred from the stocking DEA registrant to the incoming DEA registrant.

a. Completion of DEA Form 22 is required for the transfer of Schedule II controlled substances and kept in in chronological order for transfer.

b. Documentation by way of invoice creation for Schedule III-V Controlled substances.

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

1. Follow the requirements for transfer of patient records to another location in accordance with § 54.1-2405 of the Code of Virginia; and

2. If there is no transfer of records upon sale or closure of an establishment, the veterinarian-in-charge shall provide to the board information about the location of or access to patient records and the disposition of all scheduled drugs.

18VAC150-20-190. Requirements for drug storage, dispensing, destruction, and records for all establishments.

2A. All drugs shall be maintained, administered, dispensed, prescribed and destroyed in compliance with state and federal laws, which include § 54.1-3303 of the Code of Virginia, 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 USC § 801 et seq.), as well as applicable portions of Title 21 of the Code of Federal Regulations.

B. All repackaged tablets and capsules dispensed for companion animals shall be in approved safety closure containers, except safety caps shall not be required when any person who requests that the medication not have a safety cap, or in such cases in which the medication is of such form or size that it cannot be reasonably dispensed in such containers (e.g., topical medications, ophthalmic, or otic). An owner request for nonsafety packaging shall be documented in the patient record.

7C. All drugs dispensed for companion animals shall be labeled with the following:

1. Name and address of the ~~facility~~ establishment;

2. First and last name of owner;

Most Frequent Veterinary Establishment Inspection Violations

3. Animal identification and species;
4. Date dispensed;
5. Directions for use;
6. Name, strength (if more than one dosage form exists), and quantity of the drug; and
7. Name of the prescribing veterinarian.

D. All veterinary establishments shall maintain drugs in a secure manner with precaution taken to prevent theft or diversion. Only the veterinarian, veterinary technician, pharmacist, or pharmacy technician shall have access to Schedules II through V drugs, with the exception provided in subdivision 6 of this subsection.

21. In a stationary establishment, the general stock of Schedules II through V drugs shall be stored in a securely locked cabinet or safe that is not easily movable.

2. The establishment may also have a working stock of Schedules II through V drugs that shall be kept in (i) a securely locked container, cabinet, or safe when not in use or (ii) direct possession of a veterinarian or veterinary technician. A working stock shall consist of only those drugs that are necessary for use during a normal business day or 24 hours, whichever is less.

13. Whenever the establishment is closed, all general and working stock of Schedules II through V drugs and any dispensed prescriptions that were not delivered during normal business hours shall be securely stored as required for the general stock.

14. Prescriptions that have been dispensed and prepared for delivery shall be maintained under lock or in an area that is not readily accessible to the public and may be delivered to an owner by an unlicensed person, as designated by the veterinarian.

5. Whenever a theft or any unusual loss of Schedules II through V drugs is discovered, the veterinarian-in-charge, or in his absence, his designee, shall immediately report such theft or loss to the Board of Veterinary Medicine and the Board of Pharmacy and to the DEA. The report to the boards shall be in writing and sent electronically or by regular mail. The report to the DEA shall be in accordance with 21 CFR 1301.76(b). If the veterinarian-in-charge is unable to determine the exact kind and quantity of the drug loss, he shall immediately take a complete inventory of all Schedules II through V drugs.

16. Access to drugs by unlicensed persons shall be allowed only under the following conditions:

a. An animal is being kept at the establishment outside of the normal hours of operation, and a licensed practitioner is not present in the ~~facility~~ establishment;

b. The drugs are limited to those dispensed to a specific patient; and

Most Frequent Veterinary Establishment Inspection Violations

c. The drugs are maintained separately from the establishment's general drug stock and kept in such a manner so they are not readily available to the public.

1E. Schedules II through V drugs shall be destroyed by (i) transferring the drugs to another entity authorized to possess or provide for proper disposal of such drugs or (ii) destroying the drugs in compliance with applicable local, state, and federal laws and regulations. If Schedules II through V drugs are to be destroyed, a DEA drug destruction form shall be fully completed and used as the record of all drugs to be destroyed. A copy of the destruction form shall be retained at the veterinarian practice site with other inventory records.

12F. The drug storage area shall have appropriate provision for temperature control for all drugs and biologics. If drugs requiring refrigeration are maintained at the ~~facility establishment~~, the drugs shall be kept in a refrigerator with the interior thermometer maintained between 36°F and 46°F. If a refrigerated drug is in Schedules II through V, the drug shall be kept in a locked container secured to the refrigerator, or the refrigerator shall be locked. Drugs stored at room temperature shall be maintained between 59°F and 86°F.

30G. The stock of drugs shall be reviewed frequently, and expired drugs shall be removed from the working stock of drugs at the expiration date and shall not be administered or dispensed.

29H. A distribution record shall be maintained in addition to the patient's record, in chronological order, for the administration and dispensing of all Schedules II through V drugs. This record is to be maintained for a period of three years from the date of transaction. This distribution record shall include the following:

1. Date of transaction;
2. Drug name, strength, and the amount dispensed, administered, and wasted;
3. Owner and animal identification; and
4. Identification of the veterinarian authorizing the administration or dispensing of the drug.

30I. Original invoices for all Schedules II through V drugs received shall be maintained in chronological order on the premises where the stock of drugs is held, and the actual date of receipt shall be noted. All drug records shall be maintained for a period of three years from the date of transaction.

35J. A complete and accurate inventory of all Schedules II through V drugs shall be taken, dated, and signed on any date that is within two years of the previous biennial inventory. Drug strength must be specified. This inventory shall indicate if it was made at the opening or closing of business and shall be maintained on the premises where the drugs are held for three years from the date of taking the inventory.

16K. Inventories and records, including original invoices, of Schedule II drugs shall be maintained separately from all other records, and the establishment shall maintain a continuous inventory of all Schedule II drugs received, administered, or dispensed, with reconciliation at least

Most Frequent Veterinary Establishment Inspection Violations

monthly. Reconciliation requires an explanation noted on the inventory for any difference between the actual physical count and the theoretical count indicated by the distribution record. A continuous inventory shall accurately indicate the physical count of each Schedule II drug in the general and working stocks at the time of performing the inventory.

21 L. Veterinary establishments shall (i) maintain records of the dispensing of feline buprenorphine and canine butorphanol, (ii) reconcile such records monthly, and (iii) make such records available for inspection upon request.

2 M. Veterinary establishments in which bulk reconstitution of injectable, bulk compounding, or the repackaging or prepackaging of drugs is performed shall maintain adequate control records for a period of one year or until the expiration, whichever is greater. The records shall show the name of the drugs used; strength, if any; date reconstituted, repackaged or prepacked; quantity prepared; initials of the veterinarian verifying the process; the assigned lot or control number; the manufacturer's or distributor's name and lot or control number; and an expiration date determined by the veterinarian in accordance with USP guidelines.

N. If a limited stationary or ambulatory practice uses the facilities of another veterinary establishment, the drug distribution log shall clearly reveal whose Schedules II through V drugs were used. If the establishment's drug stock is used, the distribution record shall show that the procedure was performed by a visiting veterinarian who has the patient record. If the visiting veterinarian uses his own stock of drugs, he shall make entries in his own distribution record and in the patient record and shall leave a copy of the patient record at the other establishment.

18VAC150-20-195. Recordkeeping.

30 A. A legible, daily record of each patient treated shall be maintained by the veterinarian at the registered veterinary establishment and shall include at a minimum:

1. Name of the patient and the owner;
2. Identification of the treating veterinarian and of the person making the entry (Initials may be used if a master list that identifies the initials is maintained.);
3. Presenting complaint or reason for contact;
4. Date of contact;
5. Physical examination findings;
6. Tests and diagnostics performed and results;
7. Procedures performed, treatment given, and results;
8. Drugs administered, dispensed, or prescribed, including quantity, strength and dosage, and route of administration. For vaccines, identification of the lot and manufacturer shall be maintained;

Most Frequent Veterinary Establishment Inspection Violations

9. Radiographs or digital images clearly labeled with identification of the establishment, the patient name, date taken, and anatomic specificity. If an original radiograph or digital image is transferred to another establishment or released to the owner, a record of this transfer or release shall be maintained on or with the patient's records; and

10. Any specific instructions for discharge or referrals to other practitioners.

3B. An individual record 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 owner basis. Patient records, including radiographs or digital images, shall be kept for a period of three years following the last office visit or discharge of such animal from a veterinary establishment.

14C. An initial rabies certification 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."

2. Areas within building. The areas within the ~~facility establishment~~ shall include the following:

18VAC150-20-200. Standards for stationary veterinary establishments.

A. Stationary establishments. A stationary establishment shall provide surgery and encompass all aspects of health care for small or large animals, or both. All stationary establishments shall meet the requirements set forth in this subsection:

1. Buildings and grounds must be maintained to provide sanitary facilities for the care and medical well-being of patients.

a. Temperature, ventilation, and lighting must be consistent with the medical well-being of the patients.

b. There shall be on-premises:

(1) Hot and cold running water of drinking quality, as defined by the Virginia Department of Health;

(2) An acceptable method of disposal of deceased animals, in accordance with any local ordinance or state and federal regulations; and

(3) Refrigeration exclusively for carcasses of companion animals that require storage for 24 hours or more.

c. Sanitary toilet and lavatory shall be available for personnel and owners.

2. Areas within building. The areas within the ~~facility establishment~~ shall include the following:

a. A reception area separate from other designated rooms;

Most Frequent Veterinary Establishment Inspection Violations

b. Examination room or rooms containing a table or tables with nonporous surfaces;

1c. A room that is reserved only for surgery and used for no other purpose. In order that surgery can be performed in a manner compatible with current veterinary medical practice with regard to anesthesia, asepsis, life support, and monitoring procedures, the surgery room shall:

(1) Have walls constructed of nonporous material and extending from the floor to the ceiling;

(2) Be of a size adequate to accommodate a surgical table, anesthesia support equipment, surgical supplies, and all personnel necessary for safe performance of the surgery;

(3) Be kept so that storage in the surgery room shall be limited to items and equipment normally related to surgery and surgical procedures;

(4) Have a surgical table made of nonporous material;

(5) Have surgical supplies, instruments, and equipment commensurate with the kind of services provided;

11(6) Have surgical and automatic emergency lighting to facilitate performance of procedures; and

1(7) For establishments that perform surgery on small animals, have a door to close off the surgery room from other areas of the practice.

3. The veterinary establishment shall have, at a minimum, proof of use of either in-house laboratory service or outside laboratory services for performing lab tests, consistent with appropriate professional care for the species being treated.

4. For housing animals, the establishment shall provide:

1a. An animal identification system at all times when housing an animal;

b. Accommodations of appropriate size and construction to prevent residual contamination or injury;

c. Accommodations allowing for the effective separation of contagious and noncontagious patients; and

d. Exercise areas that provide and allow effective separation of animals or walking the animals at medically appropriate intervals.

5. A veterinary establishment shall either have radiology service in-house or documentation of outside services for obtaining diagnostic-quality radiographs. If radiology is in-house, the establishment shall:

Most Frequent Veterinary Establishment Inspection Violations

6a. Document that radiographic equipment complies with Part VI (12VAC5-481-1581 et seq.), Use of Diagnostic X-Rays in the Healing Arts, of the Virginia Radiation Protection Regulations of the Virginia Department of Health, which requirements are adopted by this board and incorporated herewith by reference in this chapter.

2b. Maintain and utilize lead aprons and gloves and individual radiation exposure badges for each employee exposed to radiographs.

6. Minimum equipment in the establishment shall include:

a. An appropriate method of sterilizing instruments;

1b. Internal and external sterilization monitors;

c. Stethoscope;

d. Equipment for delivery of assisted ventilation appropriate to the species being treated, including endotracheal tubes;

3e. Adequate means of determining patient's weight; and

f. Storage for records.

B. Additional requirements for stationary establishments.

1. A stationary establishment that is open to the public 24 hours a day shall have licensed personnel on premises at all times and shall be equipped to handle emergency critical care and hospitalization. The establishment shall have radiology/imaging and laboratory services available on site.

112. A stationary establishment that is not open to the public 24 hours a day shall have licensed personnel available during its advertised hours of operation and shall disclose to the public that the establishment does not have continuous staffing in compliance with § 54.1-3806.1 of the Code of Virginia.

3. All stationary establishments shall provide for continuity of care when a patient is transferred to another establishment.

C. Limited stationary establishments. When the scope of practice is less than full service, a specifically limited establishment registration shall be required. Upon submission of a completed application, satisfactory inspection, and payment of the veterinary establishment registration fee, a limited establishment registration may be issued. Such establishments shall have posted in a conspicuous manner the specific limitations on the scope of practice on a form provided by the board.

D. A separate establishment registration is required for separate practices that share the same location.