

Proposed Rule Change

R156-28-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 28, as used in Title 58, Chapters 1 and 28 or this rule:

- (1) "In association with licensed veterinarians", as used in Subsection 58-28-307(6), means the out of state licensed veterinarian is performing veterinarian services in this state as the result of a request for assistance or consultation initiated by a Utah licensed veterinarian regarding a specific client or patient and the services provided by the out of state licensed veterinarian are limited to that specific request.
- (2) "NBEC" means the National Board Examination Committee of the American Veterinary Medical Association.
- (3) "Patient" means any animal receiving veterinarian services.
- (4) "Practice of veterinary medicine, surgery, and dentistry" as defined in Subsection 58-28-102(11) does not include the implantation of any electronic device for the purpose of establishing or maintaining positive identification of animals.
- (5) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 28, is further defined in accordance with Subsection 58-1-203(1)(e) in Section R156-28-502.
- (6) "Working under" as used in Subsection 58-28-102(13), means an individual:
 - (a) who performs services in Utah as unlicensed assistive personnel while employed by a licensed veterinarian;
 - (b) whose manner and means of work performance are subject to the right of control of, or are controlled by, a licensed veterinarian;
 - (c) whose compensation for federal income tax purposes is reported, or is required to be reported, on a W-2 form; and
 - (d) who is entitled to workers compensation and unemployment insurance provided by the individual's employer under state or federal law.

R156-28-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the experience requirements for licensure in Subsection 58-28-302 are defined, clarified, or established as follows.

- (1) Each applicant for licensure as a veterinarian shall:
 - (a) complete 1,000 hours of experience while licensed as a veterinarian intern under the supervision of a licensed veterinarian in accordance with the following.
 - (i) Experience shall be earned in not less than six months and completed within two years of the date of the application.

(ii) Experience in the following settings is not acceptable to fulfill this experience requirement:

(A) temporary employment experiences of less than eight weeks in duration; ~~or~~

(B) part time experience of less than 20 hours per week ~~or~~;

~~(iii)~~ (C) ~~experience completed while employed as unlicensed assistive personnel (is not acceptable to fulfill this experience requirement).~~

~~(iv)~~ (iii) If the experience is completed in a jurisdiction outside of Utah which does not issue ~~licensure as a~~ veterinarian, ~~or as a~~ veterinarian intern, or comparable licenses, or else was completed in a setting which does not require licensure, the applicant shall demonstrate that the experience was:

(A) lawfully obtained;

(B) obtained after the applicant met the education requirement specified in Section R156-28-302a;

(C) supervised by a competent supervisor who was licensed as a veterinarian, or who was exempted from licensure ~~except if the supervisor was exempted from licensure, the applicant must demonstrate the~~ but possessed substantially equivalent qualifications (and competence of the supervisor); and

(D) comparable to experience that would be obtained in a standard veterinarian practice setting in Utah.

(v) Supervision of the intern by the licensed veterinarian may be obtained by "indirect supervision" as defined in Section 58-28-102 provided that the supervisor supplements the indirect supervision with routine face to face contact as the licensed veterinarian deems appropriate using professional judgment.

(vi) Each applicant shall demonstrate completion of the experience required by submitting a verification of experience signed by the applicant and the applicant's supervising veterinarian on forms approved by the Division.

(vii) ~~In the event the~~ If a supervisor is unavailable or refuses to provide a certification of qualifying experience, the applicant shall submit a complete explanation of why the supervisor is unavailable and submit verification of the experience by alternative means acceptable to the board, which shall demonstrate that the work was profession-related work, competently performed, and sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety, or welfare.

(b) In accordance with Subsections 58-37-6(1)(a), 58-37-6(5)(b)(i) and R156-37-305(1), a veterinary intern is not eligible to obtain a controlled substance license during the internship.

R156-28-302c. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the examination requirements for licensure in Subsection 58-28-302(1)(b) are defined, clarified, or established as follows:

(1) Applicants who passed ~~[the]~~ examinations ~~[listed in this subsection]~~ prior to May 1, 2000, shall submit documentation showing they passed:

(a) the National Board Examination (NBE) of the National Board Examination Committee (NBEC) of the American Veterinary Medical Association (AVMA) with a minimum passing score as determined by the NBEC; and

(b) the Clinical Competency Test (CCT) of the NBEC with a minimum passing score as determined by the NBEC.

(2) Applicants who ~~[did not]~~ passed ~~[the]~~ examinations ~~[listed in Subsection (1) prior to]~~ after May 1, 2000, shall submit documentation showing they passed the North American Veterinarian Licensing Examination (NAVLE) with a score as determined by the NBEC.

(3) To be eligible to sit for the NAVLE ~~[examination]~~, an applicant shall submit the following ~~to the International Council for Veterinary Assessment (ICVA)~~, in the manner directed by the ICVA:

(a) an application for approval to sit for the NAVLE ~~[examination]~~;

(b) the application fee; and

~~[(c) documentation showing the applicant has met the education requirement specified in Section R156-28-302a or will complete the education requirement at the end of the semester or quarter in which the applicant is currently enrolled. If the applicant is enrolled in the final semester or quarter before obtaining the degree, documentation of the applicant's student status shall be provided by a letter from the dean or registrar of the educational institution confirming the applicant is a student in good standing and will graduate with the next graduating class.]~~

(c) documentation showing that the applicant:

(i) has graduated from, or is enrolled in, a school or college of veterinary medicine accredited by the Council on Education of the American Veterinary Medical Association (AVMA);
or

(ii) holds a certificate issued by, or is enrolled in and has completed the Step 3 examination requirement for, one of the following programs:

(A) the Educational Commission for Foreign Veterinary Graduates (ECFVG); or

(B) the Program for the Assessment of Veterinary Education Equivalence (PAVE).

(4) An applicant who has not graduated from veterinary school at the time of application must have an expected graduation date no later than ten months from the last date of the applicable testing window.

(5) The following conditions apply to retaking the NAVLE:

- (a) an applicant may not sit for the NAVLE more than five (5) times;
- (b) an applicant may not sit for the NAVLE at a date that is later than five (5) years after the applicant's initial attempt; and
- (c) each of the applicant's final two attempts must be at least one year from the previous attempt.

R156-28-304. Continuing Professional Education.

In accordance with Section 58-28-306, there is created a continuing professional education requirement as a condition for renewal or reinstatement of licenses issued under Title 58, Chapter 28. ~~(The~~ [e]Continuing professional education ~~[requirement]~~ shall comply with the following criteria[.]:

(1) During each two-year period commencing on September 30 of each even-numbered year, a licensee shall be required to complete ~~[not less than]~~ at least 24 hours of qualified continuing professional education directly related to the licensee's professional practice.

(2) ~~[The required number of hours of continuing professional education for an individual who first becomes licensed during the two-year period shall be decreased by a pro-rata amount equal to the part of that two-year period preceding the date on which that individual first became licensed.]~~ If a licensee first becomes licensed during the two-year period, the licensee's required number of continuing professional education hours shall be decreased proportionately according to the date of licensure.

(3) Qualified continuing professional education under this section shall:

- (a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a veterinarian;
- (b) be relevant to the licensee's professional practice;
- (c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;
- (d) be prepared and presented by individuals who are qualified by education, training, and experience; and
- (e) have ~~[associated with it]~~ a competent method of registration of individuals who actually completed the professional education program, with ~~[and]~~ records of that registration and completion ~~[are]~~ available for review.

(4) Credit for continuing professional education shall be recognized in accordance with the following:

(a) Unlimited hours shall be recognized for continuing professional education as a student or presenter, completed in blocks of time of not less than one hour in formally established classroom courses, seminars, lectures, wet labs, or specific veterinary conferences approved or sponsored by one or more of the following:

- (i) the American Veterinary Medical Association;

- (ii) the Utah Veterinary Medical Association;
- (iii) the American Animal Hospital Association;
- (iv) the American Association of Equine Practitioners;
- (v) the American Association of Bovine Practitioners;
- (vi) certifying boards recognized by the AVMA;
- (vii) other state veterinary medical associations or state licensing boards; or
- (viii) the Registry of Continuing Education (RACE) of the AASVB.

(b) No more than five continuing professional education hours may be counted for being the primary author of an article published in a peer reviewed scientific journal, and no more than two continuing professional education hours may be counted for being a secondary author.

(c) No more than six continuing professional education hours may be in practice management courses.

(d) Any continuing professional education where there is no instructor or where the instructor is not physically present, shall assure the licensee's participation and acquisition of the knowledge and skills intended by means of an examination. These types of continuing professional education courses include internet, audio/visual recordings, broadcast seminars, mail and other correspondence courses.

(5) A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after close of the two-year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.

(6) A licensee who is unable to complete the continuing professional education requirement for reasons such as a medical or related condition, humanitarian or ecclesiastical services, or extended presence in a geographical area where continuing education is not available, may be excused from the requirement for a period of up to three years as provided in Section R156-1-308d.

R156-28-502. Unprofessional Conduct.

Unprofessional conduct includes:

- (1) deviating from the minimum standards of veterinary practice set forth in Section R156-28-503;
- (2) permitting unlicensed assistive personnel to perform duties that the individual is not competent by education, training, or experience to perform; and
- (3) failing to conform to the generally accepted and recognized standards and ethics of the profession, including:

(i) ~~(those established in)~~ the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA), as approved by the AVMA Executive Board, ~~(July 1999, revised November 2003)~~ revised April 2016, which are hereby incorporated by reference ("Principles"); and

(ii) ~~[-except that]~~ if a licensee fails to establish the veterinarian-client-patient relationship as required in Section ~~(III-A) II~~ of ~~(those)~~ the P[ri]nciples, such failure ~~[does]~~ shall not excuse the veterinarian from complying with all other duties that would be ~~[a part of the duties that would be]~~ imposed on ~~[a]~~ the veterinarian if the veterinarian had properly established the veterinarian-client-patient relationship.

VETERINARY PRACTICE ACT RULE

R156-28

Utah Administrative Code

Issued May 27, 2015

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R156. Commerce, Occupational and Professional Licensing.

R156-28. Veterinary Practice Act Rule.

R156-28-101. Title.

This rule is known as the "Veterinary Practice Act Rule".

R156-28-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 28, as used in Title 58, Chapters 1 and 28 or this rule:

(1) "In association with licensed veterinarians", as used in Subsection 58-28-307(6), means the out of state licensed veterinarian is performing veterinarian services in this state as the result of a request for assistance or consultation initiated by a Utah licensed veterinarian regarding a specific client or patient and the services provided by the out of state licensed veterinarian are limited to that specific request.

(2) "NBEC" means the National Board Examination Committee of the American Veterinary Medical Association.

(3) "Patient" means any animal receiving veterinarian services.

(4) "Practice of veterinary medicine, surgery, and dentistry" as defined in Subsection 58-28-102(11) does not include the implantation of any electronic device for the purpose of establishing or maintaining positive identification of animals.

(11) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 28, is further defined in accordance with Subsection 58-1-203(1)(e) in Section R156-28-502.

R156-28-103. Authority - Purpose.

This rule is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 28.

R156-28-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-28-302a. Qualifications for Licensure - Education Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the education requirements for licensure in Subsection 58-28-302 are defined, clarified, or established as follows.

(1) Each applicant for licensure as a veterinarian shall comply with one of the following:

(a) an official transcript demonstrating that the applicant has graduated from a veterinary college which held current accreditation by the Council on Education of the American Veterinary Medical Association (AVMA) at the time of the applicant's graduation; or

(b) if the applicant received a veterinary degree in a foreign country, demonstrate that the applicant's foreign education is equivalent to the requirements of Subsection R156-28-302a(1)(a) by submitting a Certificate of Competence issued by the AVMA Educational Commission for Foreign Veterinary Graduates (ECFVG) or the American Association of Veterinary State Boards (AAVSB) Program for Assessment of Veterinary Education Equivalence (PAVE).

(2) Each applicant for licensure as a veterinarian intern shall demonstrate that the applicant has met the education provided in Subsection R156-28-302a(1); however, if the applicant has graduated, but the educational institution has not yet posted the degree on the official transcript, the applicant may submit the official transcript together with a notarized letter from the dean or registrar of the educational institution, which certifies that the applicant has obtained the degree but it is not yet posted to the official transcript.

R156-28-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the experience requirements for licensure in Subsection 58-28-302 are defined, clarified, or established as follows.

(1) Each applicant for licensure as a veterinarian shall:

(a) complete 1000 hours of experience while licensed as a veterinarian intern under the supervision of a licensed veterinarian in accordance with the following.

(i) Experience shall be earned in not less than six months and completed within two years of the date of the application.

(ii) Experience in the following settings is not acceptable to fulfill this experience requirement:

(A) temporary employment experiences of less than eight weeks in duration; or

(B) part time experience of less than 20 hours per week.

(iii) Experience completed while employed as unlicensed assistive personnel is not acceptable to fulfill this experience requirement.

(iv) If the experience is completed in a jurisdiction outside of Utah which does not issue licensure as a veterinarian or as a veterinarian intern or comparable licenses or was completed in a setting which does not require licensure, the applicant shall demonstrate that the experience was:

- (A) lawfully obtained;
- (B) obtained after the applicant met the education requirement specified in Section R156-28-302a;
- (C) supervised by a competent supervisor who was licensed as a veterinarian or exempted from licensure, except if the supervisor was exempted from licensure, the applicant must demonstrate the qualifications and competence of the supervisor; and
- (D) comparable to experience that would be obtained in a standard veterinarian practice setting in Utah.
- (v) Supervision of the intern by the licensed veterinarian may be obtained by "indirect supervision" as defined in Section 58-28-102 provided that the supervisor supplements the indirect supervision with routine face to face contact as the licensed veterinarian deems appropriate using professional judgment.
- (vi) Each applicant shall demonstrate completion of the experience required by submitting a verification of experience signed by the applicant and the applicant's supervising veterinarian on forms approved by the Division.
- (vii) In the event the supervisor is unavailable or refuses to provide a certification of qualifying experience, the applicant shall submit a complete explanation of why the supervisor is unavailable and submit verification of the experience by alternative means acceptable to the board, which shall demonstrate that the work was profession-related work, competently performed, and sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety or welfare.
- (b) In accordance with Subsections 58-37-6(1)(a), 58-37-6(5)(b)(i) and R156-37-305(1), a veterinary intern is not eligible to obtain a controlled substance license during the internship.

R156-28-302c. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the examination requirements for licensure in Subsection 58-28-302(1)(b) are defined, clarified, or established as follows:

- (1) Applicants who passed the examinations listed in this subsection prior to May 1, 2000 shall submit documentation showing they passed:
 - (a) the National Board Examination (NBE) of the National Board Examination Committee (NBEC) of the American Veterinary Medical Association (AVMA) with a minimum passing score as determined by the NBEC; and
 - (b) the Clinical Competency Test (CCT) of the NBEC with a minimum passing score as determined by the NBEC.
- (2) Applicants who did not pass the examinations listed in Subsection (1) prior to May 1, 2000 shall submit documentation showing they passed the North American Veterinarian Licensing Examination (NAVLE) with a score as determined by the NBEC.
- (3) To be eligible to sit for the NAVLE examination, an applicant shall submit the following:
 - (a) an application for approval to sit for the NAVLE examination;
 - (b) the application fee; and
 - (c) documentation showing the applicant has met the education requirement specified in Section R156-28-302a or will complete the education requirement at the end of the semester or quarter in which the applicant is currently enrolled. If the applicant is enrolled in the final semester or quarter before obtaining the degree, documentation of the applicant's student status shall be provided by a letter from the dean or registrar of the educational institution confirming the applicant is a student in good standing and will graduate with the next graduating class.

R156-28-303. Renewal Cycle - Procedures.

- (1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 28 is established by rule in Section R156-1-308a(1).
- (2) Renewal procedures shall be in accordance with Section R156-1-308c.
- (3) Applicants for renewal shall meet the continuing education requirements specified in Section R156-28-304.

R156-28-304. Continuing Professional Education.

In accordance with Section 58-28-306, there is created a continuing professional education requirement as a condition for renewal or reinstatement of licenses issued under Title 58, Chapter 28. The continuing professional education requirement shall comply with the following criteria.

- (1) During each two year period commencing on September 30 of each even numbered year, a licensee shall be required to complete not less than 24 hours of qualified continuing professional education directly related to the licensee's professional practice.
- (2) The required number of hours of continuing professional education for an individual who first becomes licensed during the two year period shall be decreased by a pro-rata amount equal to the part of that two year period preceding the date on which that individual first became licensed.
- (3) Qualified continuing professional education under this section shall:
 - (a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a veterinarian;
 - (b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience; and

(e) have associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review.

(4) Credit for continuing professional education shall be recognized in accordance with the following:

(a) Unlimited hours shall be recognized for continuing professional education as a student or presenter, completed in blocks of time of not less than one hour in formally established classroom courses, seminars, lectures, wet labs, or specific veterinary conferences approved or sponsored by one or more of the following:

(i) the American Veterinary Medical Association;

(ii) the Utah Veterinary Medical Association;

(iii) the American Animal Hospital Association;

(iv) the American Association of Equine Practitioners;

(v) the American Association of Bovine Practitioners;

(vi) certifying boards recognized by the AVMA;

(vii) other state veterinary medical associations or state licensing boards; or

(viii) the Registry of Continuing Education (RACE) of the AASVB.

(b) No more than five continuing professional education hours may be counted for being the primary author of an article published in a peer reviewed scientific journal, and no more than two continuing professional education hours may be counted for being a secondary author.

(c) No more than six continuing professional education hours may be in practice management courses.

(d) Any continuing professional education where there is no instructor or where the instructor is not physically present, shall assure the licensee's participation and acquisition of the knowledge and skills intended by means of an examination. These types of continuing professional education courses include internet, audio/visual recordings, broadcast seminars, mail and other correspondence courses.

(5) A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.

(6) A licensee who is unable to complete the continuing professional education requirement for reasons such as a medical or related condition, humanitarian or ecclesiastical services, or extended presence in a geographical area where continuing education is not available, may be excused from the requirement for a period of up to three years as provided in Section R156-1-308d.

R156-28-502. Unprofessional Conduct.

Unprofessional conduct includes:

(1) deviating from the minimum standards of veterinary practice set forth in Section R156-28-503;

(2) permitting unlicensed assistive personnel to perform duties that the individual is not competent by education, training or experience to perform; and

(3) failing to conform to the generally accepted and recognized standards and ethics of the profession including those established in the Principles of Veterinary Medical Ethics of the American Veterinarian Medical Association (AVMA), as approved by the AVMA Executive Board, July 1999, revised November 2003, which are hereby incorporated by reference, except that if a licensee fails to establish the veterinarian-client-patient relationship as required in Section III A. of those principles, such failure does not excuse the veterinarian from complying with all other duties that would be a part of the duties that would be imposed on a veterinarian if the veterinarian had properly established the veterinarian-client-patient relationship.

R156-28-503. Minimum Standards of Practice.

In accordance with Subsection 58-28-102(14) and Section 58-28-603, a veterinarian shall comply with the following minimum standards of practice in addition to the generally recognized standards and ethics of the profession:

(1) A veterinarian shall compile and maintain records on each patient to minimally include:

(a) client's name, address and phone number, if telephone is available;

(b) patient's identification, such as name, number, tag, species, age and gender, except for herds, flocks or other large groups of animals which may be more generally defined;

(c) veterinarian's diagnosis or evaluation of the patient;

(d) treatments rendered including drugs used and dosages; and

(e) date of service.

(2) A veterinarian shall:

(a) maintain veterinary medical records under Subsection (1) above so that any veterinarian coming into a veterinary practice may, by reading the veterinary medical record of a particular animal, be able to proceed with the proper care and treatment of the animal; and

(b) maintain veterinary medical records under Subsection (1) above for a minimum of five years from the date that the animal was last treated by the veterinarian.

(3) A veterinarian shall maintain a sanitary environment to avoid sources and transmission of infection to include the proper routine disposal of waste materials and proper sterilization or sanitation of all equipment used in diagnosis and treatment.

KEY: veterinary medicine, licensing, veterinarian

Date of Enactment or Last Substantive Amendment: May 27, 2015

Notice of Continuation: November 3, 2016

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-28-101

Chapter 28 Veterinary Practice Act

Part 1 General Provisions

58-28-101 Short title.

This chapter is known as the "Veterinary Practice Act."

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Abandonment" means to forsake entirely or to refuse to provide care and support for an animal placed in the custody of a licensed veterinarian.
- (2) "Administer" means:
 - (a) the direct application by a person of a prescription drug or device by injection, inhalation, ingestion, or by any other means, to the body of an animal that is a patient or is a research subject; or
 - (b) a veterinarian providing to the owner or caretaker of an animal a prescription drug for application by injection, inhalation, ingestion, or any other means to the body of the animal by the owner or caretaker in accordance with the veterinarian's written directions.
- (3) "Animal" means any animal other than a human.
- (4) "AVMA" means American Veterinary Medical Association.
- (5) "Board" means the Veterinary Board established in Section 58-28-201.
- (6) "Client" means the patient's owner, the owner's agent, or other person responsible for the patient.
- (7) "Direct supervision" means a veterinarian licensed under this chapter is present and available for face-to-face contact with the patient and person being supervised, at the time the patient is receiving veterinary care.
- (8) "Extra-label use" means actual use or intended use of a drug in an animal in a manner that is not in accordance with approved labeling.
- (9) "Immediate supervision" means the veterinarian licensed under this chapter is present with the individual being supervised, while the individual is performing the delegated tasks.
- (10) "Indirect supervision" means a veterinarian licensed under this chapter:
 - (a) has given either written or verbal instructions for veterinary care of a patient to the person being supervised; and
 - (b) is available to the person being supervised by telephone or other electronic means of communication during the period of time in which the veterinary care is given to the patient.
- (11) "Practice of veterinary medicine, surgery, and dentistry" means to:
 - (a) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or physical condition of any animal;
 - (b) administer, prescribe or dispense any drug, medicine, treatment, method, or practice, perform any operation or manipulation, apply any apparatus or appliance for the cure, relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise practice any veterinary medicine, dentistry, or surgery on any animal;

- (c) represent by verbal or written claim, sign, word, title, letterhead, card, or any other manner that one is a licensed veterinarian or qualified to practice veterinary medicine, surgery, or dentistry;
 - (d) hold oneself out as able to practice veterinary medicine, surgery, or dentistry;
 - (e) solicit, sell, or furnish any parenterally administered animal disease cures, preventions, or treatments, with or without the necessary instruments for the administration of them, or any and all worm and other internal parasitic remedies, upon any agreement, express or implied, to administer these cures, preventions, treatments, or remedies; or
 - (f) assume or use the title or designation, "veterinary," "veterinarian," "animal doctor," "animal surgeon," or any other title, designation, words, letters, abbreviations, sign, card, or device tending to indicate that such person is qualified to practice veterinary medicine, surgery, or dentistry.
- (12) "Unlawful conduct" is defined in Sections 58-1-501 and 58-28-501.
- (13) "Unlicensed assistive personnel":
- (a) means any unlicensed person, regardless of title, to whom tasks are delegated by a veterinarian licensed under this chapter as permitted by administrative rule and in accordance with the standards of the profession; and
 - (b) includes:
 - (i) a veterinary assistant, if working under immediate supervision;
 - (ii) a veterinary technician who:
 - (A) has graduated from a program of veterinary technology accredited by the AVMA that is at least a two-year program; and
 - (B) who is working under direct supervision; and
 - (iii) a veterinary technologist who:
 - (A) has graduated from a four-year program of veterinary technology accredited by the AVMA; and
 - (B) is working under indirect supervision.
- (14) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-28-502 and may be further defined by rule.
- (15) "Veterinarian-client-patient relationship" means:
- (a) a veterinarian licensed under this chapter has assumed responsibility for making clinical judgements regarding the health of an animal and the need for medical treatment of an animal, and the client has agreed to follow the veterinarian's instructions;
 - (b) the veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, including knowledge of the keeping and care of the animal as a result of recent personal examination of the animal or by medically appropriate visits to the premises where the animal is housed; and
 - (c) the veterinarian has arranged for emergency coverage for follow-up evaluation in the event of adverse reaction or the failure of the treatment regimen.

Amended by Chapter 189, 2010 General Session

Part 2 Board

58-28-201 Veterinary Board created -- Duties.

- (1) There is created a Veterinary Board consisting of four veterinarians who have practiced in the state for not less than five years and one member of the general public.
- (2) The board shall be appointed and serve in accordance with the provisions of Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.
- (4)
 - (a) The board shall designate one of its members to assist and advise the division with reviewing complaints concerning unlawful or unprofessional conduct under this chapter.
 - (b) A board member shall be recused from any adjudicative proceeding held by the board concerning a complaint for which the board member advised the division under Subsection (4)(a).

Renumbered and Amended by Chapter 109, 2006 General Session

Part 3 Licensing

58-28-301 Licensure required.

- (1)
 - (a) A license is required to engage in the practice of veterinary medicine, except as specifically provided in Sections 58-1-307 and 58-28-307.
 - (b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be licensed under this chapter as a veterinary intern in order to engage in a program of indirectly supervised clinical training with a veterinarian licensed under this chapter, and as necessary to meet licensing requirements under Subsection 58-28-302(1)(d).
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of:
 - (a) veterinarian; or
 - (b) veterinarian intern.

Enacted by Chapter 109, 2006 General Session

58-28-302 License qualifications.

- (1) Every applicant for a license to practice veterinary medicine, surgery, and dentistry shall:
 - (a) be of good moral character as it relates to the functions and duties of a licensed veterinarian;
 - (b) pass an examination approved by the board on the theory and practice of the science of veterinary medicine, surgery, dentistry, and other subjects determined by the board, knowledge of which is generally required of veterinarians;
 - (c)
 - (i) graduate from a veterinary college accredited by the AVMA; or
 - (ii) obtain a certificate issued by the Educational Commission for Foreign Veterinary Graduates issued by the AVMA;
 - (d)
 - (i) have practiced under the supervision of a veterinarian licensed to practice in this state for a period of at least six months;

- (ii) have participated in veterinary investigational, educational, or sanitary control work of a nature and duration as to be the equivalent of the experience of Subsection (1)(d)(i);
 - (iii) have practiced as a licensed veterinarian outside Utah for a period of at least six months; or
 - (iv) have practiced as a veterinarian while employed by the United States government, its agencies, or the state or its political subdivisions for a period of at least six months; and
 - (e) pay a fee to the Department of Commerce determined by it pursuant to Section 63J-1-504 for the examination, for an initial license, and for a renewal license.
- (2)
- (a) An applicant for licensure as a veterinary intern shall comply with the provisions of Subsections (1)(a) and (c).
 - (b) An applicant's license as a veterinary intern is limited to the period of time necessary to complete clinical training as described in Subsection (1)(d) and extends not more than one year from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the board that the individual is making reasonable progress toward passing the qualifying examination or is otherwise on a course reasonably expected to lead to licensure as a veterinarian, but the period of time under this Subsection (2)(b) may not exceed two years past the date the minimum supervised clinical training has been completed.

Amended by Chapter 183, 2009 General Session

58-28-303 License -- Display -- Revocation for nondisplay or nonrenewal.

A licensed veterinarian shall display the veterinarian's license in a conspicuous place in the veterinarian's principal place of business. The division may revoke any license which is not displayed in accordance with this section.

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-304 Temporary license -- License reciprocity.

- (1) The division may issue a temporary license to practice veterinary medicine, surgery, and dentistry to any person not qualified for licensure under Subsection (4) who meets all requirements of Section 58-28-302 with the exception of Subsections 58-28-302(1)(b) and (d), except that the temporary license shall by its terms expire at the date examination results are available for the examination next following the date of the issuance of the temporary license.
- (2) The temporary license shall permit the holder to practice under the indirect supervision of a veterinarian licensed to practice in this state.
- (3) The division may extend the expiration date of the temporary license until the following examination date if:
 - (a) the applicant shows to the board good cause for failing to take or pass the examination; and
 - (b) the majority of the board members recommend the extension.
- (4) Upon the recommendation of the board, the division may issue a license without examination to a person who:
 - (a) has been licensed or registered to practice veterinary medicine, surgery, and dentistry in any state, district, or territory of the United States or in any foreign country, whose educational, examination, and experience requirements are or were at the time the license was issued equal to those of this state;
 - (b) has engaged in the practice of veterinary medicine, dentistry, and surgery while licensed by another jurisdiction for at least two years;

- (c) obtained the license in another jurisdiction after passing an examination component acceptable to the division and the board;
- (d) produces satisfactory evidence of having practiced veterinary medicine competently and in accordance with the standards and ethics of the profession while practicing in another jurisdiction; and
- (e) produces satisfactory evidence of identity and good moral character as it relates to the applicant's functions and practice as a licensed veterinarian.

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-305 Term of license -- Expiration -- Renewal.

- (1) A license as a veterinarian issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) A license as a veterinarian intern issued under this chapter shall be issued for a term established by the division by rule and consistent with the requirements of Subsection 58-28-302(2)(b).
- (3) Each license under this chapter automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-306 Continuing education.

The division may, by rule, in accordance with Section 58-1-203, establish a continuing education requirement as a condition to renewal of a license under this chapter.

Enacted by Chapter 109, 2006 General Session

58-28-307 Exemptions from chapter.

In addition to the exemptions from licensure in Section 58-1-307 this chapter does not apply to:

- (1) any person who practices veterinary medicine, surgery, or dentistry upon any animal owned by him, and the employee of that person when the practice is upon an animal owned by his employer, and incidental to his employment, except:
 - (a) this exemption does not apply to any person, or his employee, when the ownership of an animal was acquired for the purpose of circumventing this chapter; and
 - (b) this exemption does not apply to the administration, dispensing, or prescribing of a prescription drug, or nonprescription drug intended for off label use, unless the administration, dispensing, or prescribing of the drug is obtained through an existing veterinarian-patient relationship;
- (2) any person who as a student at a veterinary college approved by the board engages in the practice of veterinary medicine, surgery, and dentistry as part of his academic training and under the direct supervision and control of a licensed veterinarian, if that practice is during the last two years of the college course of instruction and does not exceed an 18-month duration;
- (3) a veterinarian who is an officer or employee of the government of the United States, or the state, or its political subdivisions, and technicians under his supervision, while engaged in the practice of veterinary medicine, surgery, or dentistry for that government;

- (4) any person while engaged in the vaccination of poultry, pullorum testing, typhoid testing of poultry, and related poultry disease control activity;
- (5) any person who is engaged in bona fide and legitimate medical, dental, pharmaceutical, or other scientific research, if that practice of veterinary medicine, surgery, or dentistry is directly related to, and a necessary part of, that research;
- (6) veterinarians licensed under the laws of another state rendering professional services in association with licensed veterinarians of this state for a period not to exceed 90 days;
- (7) registered pharmacists of this state engaged in the sale of veterinary supplies, instruments, and medicines, if the sale is at his regular place of business;
- (8) any person in this state engaged in the sale of veterinary supplies, instruments, and medicines, except prescription drugs which must be sold in compliance with state and federal regulations, if the supplies, instruments, and medicines are sold in original packages bearing adequate identification and directions for application and administration and the sale is made in the regular course of, and at the regular place of business;
- (9) any person rendering emergency first aid to animals in those areas where a licensed veterinarian is not available, and if suspicious reportable diseases are reported immediately to the state veterinarian;
- (10) any person performing or teaching nonsurgical bovine artificial insemination;
- (11) any person affiliated with an institution of higher education who teaches nonsurgical bovine embryo transfer or any technician trained by or approved by an institution of higher education who performs nonsurgical bovine embryo transfer, but only if any prescription drug used in the procedure is prescribed and administered under the direction of a veterinarian licensed to practice in Utah;
- (12)
 - (a) upon written referral by a licensed veterinarian, the practice of animal chiropractic by a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, who has completed an animal chiropractic course approved by the American Veterinary Chiropractic Association or the division;
 - (b) upon written referral by a licensed veterinarian, the practice of animal physical therapy by a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act, who has completed at least 100 hours of animal physical therapy training, including quadruped anatomy and hands-on training, approved by the division;
 - (c) upon written referral by a licensed veterinarian, the practice of animal massage therapy by a massage therapist licensed under Chapter 47b, Massage Therapy Practice Act, who has completed at least 60 hours of animal massage therapy training, including quadruped anatomy and hands-on training, approved by the division; and
 - (d) upon written referral by a licensed veterinarian, the practice of acupuncture by an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act, who has completed a course of study on animal acupuncture approved by the division;
- (13) unlicensed assistive personnel performing duties appropriately delegated to the unlicensed assistive personnel in accordance with Section 58-28-502;
- (14) an animal shelter employee who is:
 - (a)
 - (i) acting under the indirect supervision of a licensed veterinarian; and
 - (ii) performing animal euthanasia in the course and scope of employment; and
 - (b) acting under the indirect supervision of a veterinarian who is under contract with the animal shelter, administering a rabies vaccine to a shelter animal in accordance with the Compendium of Animal Rabies Prevention and Control; and

- (15) an individual providing appropriate training for animals; however, this exception does not include diagnosing any medical condition, or prescribing or dispensing any prescription drugs or therapeutics.

Amended by Chapter 191, 2014 General Session

58-28-308 Provisions for current practitioners.

An individual who, as of August 1, 2006, is practicing as a veterinarian intern under supervision of a veterinarian licensed under this chapter shall receive a temporary license to practice in the state as a veterinary intern:

- (1) if, prior to August 1, 2006, the individual submits an application and any required fees to the division to obtain licensure under this chapter as a veterinary intern; and
- (2) while the application for licensure is pending with the division.

Enacted by Chapter 109, 2006 General Session

Part 4 Licensing Denial and Discipline

58-28-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 109, 2006 General Session

Part 5 Unlawful and Unprofessional Conduct - Penalties

58-28-501 Unlawful conduct.

Unlawful conduct includes, in addition to the definitions in Section 58-1-501:

- (1) fraudulently issuing or using any health certificate, inspection certificate, vaccination certificate, test chart, or any other certificate relating to the existence of animal diseases or the sale of animal products for human consumption;
- (2) willfully misrepresenting any findings in the inspection of foodstuffs of animal origin; and
- (3) fraudulently misapplying or reporting any intradermal, cutaneous, subcutaneous, serological, or chemical test.

Enacted by Chapter 109, 2006 General Session

58-28-502 Unprofessional conduct.

- (1) "Unprofessional conduct" includes, in addition to the definitions in Section 58-1-501:

- (a) applying unsanitary methods or procedures in the treatment of any animal, contrary to rules adopted by the board and approved by the division;

- (b) procuring any fee or recompense on the assurance that a manifestly incurable diseased condition of the body of an animal can be permanently cured;
 - (c) selling any biologics containing living or dead organisms or products or such organisms, except in a manner which will prevent indiscriminate use of such biologics;
 - (d) swearing falsely in any testimony or affidavit, relating to, or in the course of, the practice of veterinary medicine, surgery, or dentistry;
 - (e) willful failure to report any dangerous, infectious, or contagious disease, as required by law;
 - (f) willful failure to report the results of any medical tests, as required by law, or rule adopted pursuant to law;
 - (g) violating Chapter 37, Utah Controlled Substances Act;
 - (h) delegating tasks to unlicensed assistive personnel in violation of standards of the profession and in violation of Subsection (2); and
 - (i) making any unsubstantiated claim of superiority in training or skill as a veterinarian in the performance of professional services.
- (2)
- (a) "Unprofessional conduct" does not include the following:
 - (i) delegating to a veterinary technologist, while under the indirect supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technologist by the veterinarian;
 - (ii) delegating to a veterinary technician, while under the direct supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technician by the veterinarian; and
 - (iii) delegating to a veterinary assistant, under the immediate supervision of a licensed veterinarian, tasks that are consistent with the standards and ethics of the profession.
 - (b) The delegation of tasks permitted under Subsection (2)(a) does not include:
 - (i) diagnosing;
 - (ii) prognosing;
 - (iii) surgery; or
 - (iv) prescribing drugs, medicines, or appliances.

Amended by Chapter 61, 2015 General Session

58-28-503 Penalty for unlawful or unprofessional conduct.

- (1) Any person who violates the unlawful conduct provisions of Section 58-28-501 is guilty of a third degree felony.
- (2) After proceeding pursuant to Title 63G, Chapter 4, Administrative Procedures Act, and Chapter 1, Division of Occupational and Professional Licensing Act, the division may impose administrative penalties of up to \$10,000 for acts of unprofessional conduct or unlawful conduct under this chapter.
- (3) Assessment of a penalty under this section does not affect any other action the division is authorized to take regarding a license issued under this chapter.
- (4)
 - (a) The director may collect a penalty that is not paid by:
 - (i) referring the matter to a collection agency; or
 - (ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

- (b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
- (c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 318, 2018 General Session

Part 6

Standards of Practice

58-28-601 Animal abandonment.

- (1) Any animal which suffers abandonment for a period of five days may be sold or placed in the custody of the nearest humane society or county dog pound if the animal is not picked up within seven days after mailing a notification, by certified mail, to the last known address of the person placing the animal in the veterinarian's custody. If no humane society or dog pound is located in the county, the animal may be disposed of in a humane manner.
- (2) A veterinarian who complies with this section is relieved from liability for the disposal or sale of abandoned animals.

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-602 Cruelty to animals -- Immunity for reporting.

A licensed veterinarian who in good faith and in the normal course of business, reports a suspected case of animal cruelty to law enforcement or the proper authorities is immune from liability in any civil or criminal action brought against the veterinarian for reporting the suspected cruelty.

Enacted by Chapter 109, 2006 General Session

58-28-603 Medical records.

Medical records maintained by a person licensed under this chapter:

- (1) shall meet the standards and ethics of the profession;
- (2) shall be maintained in accordance with administrative rules adopted by the division in consultation with the board; and
- (3) may be maintained in electronic format.

Enacted by Chapter 109, 2006 General Session

58-28-604 Veterinarian-client-patient relationship.

- (1) A licensee under this chapter may only practice under a veterinarian-client-patient relationship as defined in Section 58-28-102.
- (2) A veterinarian-client-patient relationship may not be established solely by telephone or other electronic means.

Enacted by Chapter 109, 2006 General Session

58-28-605 Veterinarian-client-patient confidentiality.

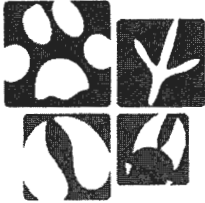
- (1) A licensee under this chapter may not disclose information about the licensee's care of an animal to anyone other than the client, as defined in Section 58-28-102, unless:
 - (a) the client consents to the disclosure in writing;
 - (b) disclosure to public health officials, animal health or welfare officials, agricultural authorities, or federal, state, or local officials is required, or necessary to protect the animal or to protect public health;
 - (c) disclosure is required by court order or subpoena; or
 - (d) the client has placed the veterinarian's care or treatment of the animal or the nature or extent of injuries to the animal at issue in a civil or criminal proceeding.
- (2) A licensee who releases medical records under the provisions of this section is not liable to the client or any other person for the release of the records.

Enacted by Chapter 109, 2006 General Session

**58-28-606 Veterinary corporations, partnerships, and limited liability companies --
Unlicensed individuals -- Ownership of capital stock -- Service as officer or director.**

- (1) As used in this section:
 - (a) "Veterinary corporation" means a professional corporation organized to render veterinary services under Title 16, Chapter 11, Professional Corporation Act.
 - (b) "Veterinary limited liability company" means a limited liability company organized to render veterinary services under Title 48, Chapter 2c, Utah Revised Limited Liability Company Act.
 - (c) "Veterinary partnership" means a partnership or limited liability partnership organized to render veterinary services under Title 48, Chapter 1, General and Limited Liability Partnerships.
- (2) A veterinary corporation may issue or transfer shares of the veterinary corporation's capital stock to a person that is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter.
- (3) An individual who is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter:
 - (a) may not serve as an officer or director of a veterinary corporation; and
 - (b) may serve as secretary or treasurer of a veterinary corporation.
- (4) A veterinary limited liability company or a veterinary partnership may include an individual who is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter.

Enacted by Chapter 61, 2015 General Session



AAVSB

AMERICAN ASSOCIATION OF
VETERINARY STATE BOARDS

AAVSB Topics to Discuss

January – March 2019

Don't miss these important items from the AAVSB

- **Nominations for the 2019-2020 leadership year are now open!** *(discussion/possible action)*
The AAVSB Nominating Committee asks that your Board review the Call for Nominations document on pages 2-12 and use the online form at www.aavsb.org/nominations for submissions. There are five distinctive open positions. **Nominations are due May 30, 2019.**
- **Board Basics & Beyond Training** *((discussion/possible action)*
Ever feel like you need more information to feel prepared for your role as a regulator? Then the AAVSB Board Basics & Beyond Training is for you! See page 13 for more information. Register by **March 5, 2019** at <https://aavsb.org/board-services/member-board-resources/trainings/>. **Space is limited.**
- **Call for Bylaws amendments** *((discussion/possible action)*
Proposed bylaws amendments are due to the AAVSB office by **March 1, 2019**. Bylaws can be found at <https://aavsb.org/about-us/governance>. See page 14 for the Call for Bylaws packet.
- **Resolution 2018-1** *(action item)*
During the AAVSB's business session at the 2018 AAVSB Annual Meeting & Conference, the Delegate Assembly passed Resolution 2018-1 (pages 15-16). Please review the Resolution with your Board and provide feedback to the AAVSB as soon as your able.

Dates to Remember

March 1, 2019 – Deadline to receive **proposed Bylaws Amendments**

March 5, 2019 - Deadline to register for **AAVSB Board Basics & Beyond**, Kansas City, Missouri

April 5 - 6, 2019 – **AAVSB Board Basics & Beyond**, Kansas City, Missouri

May 30, 2019 – Deadline to receive **Nominations** for open positions

September 26-28, 2019 – **AAVSB Annual Meeting & Conference**, St. Louis, Missouri

Have questions regarding the materials? Contact Lainie Franklin, Member Services & Marketing Specialist at efranklin@aavsb.org or call 1-877-698-8482 x221.



American Association of Veterinary State Boards
380 West 22nd Street, Suite 101, Kansas City, Missouri 64108
1.877.698.8482 | www.aavsb.org

MEMORANDUM

To: AAVSB® Member Board Members, Executive Directors and Registrars
From: AAVSB Nominating Committee - Dr. Tod Schadler, Elected Member and Chair
Dr. Elizabeth Farrington, Appointed Member
Dr. Frank Walker, Appointed Member
Date: December 28, 2018
Subject: Call for Nominations – **Nominations Due May 30, 2019**

Each year, the Nominating Committee of the AAVSB sends out a ***Call for Nominations*** to provide Member Boards information regarding the open elected positions and to request nominations. The Nominating Committee is charged with preparing a ballot of candidates for all elected positions to be filled. This process is vital to the AAVSB's ability to carry out its mission.

There are 4 easy steps to complete the annual AAVSB nomination process.

January – February	Review and distribute open positions
February – March	Discuss open opportunities with your Board
March – April	Complete the nomination packet with 3 items 1. Nominating Form 2. Brief Biography 3. Statement from Nominator on Rationale for the Nomination
By May 30	Upload the packet online at www.aavsb.org/nominations or by email, fax or mail to the AAVSB office.

Prior to submitting a nomination packet, the Committee asks you to confirm that the candidate is willing to accept a nomination.

Packets must be received in the AAVSB office by May 30, 2019.

The 2018 AAVSB Annual Meeting is being held September 26-28, 2019 in St. Louis, Missouri. The Delegates will vote on the candidates during the Annual Meeting.

Should you have any questions or need additional information, please contact Ms. Daphne Tabbytite, staff contact for the Nominating Committee, at dtabbytite@aavsb.org or 1-877-698-8482 ext. 223.



American Association of Veterinary State Boards

Nominating Form for 2019-2020

3 Requirements for a Completed Nomination Packet

1. Nominating Form (one for each nominee)
2. Biographical Information (2 page limit)
3. Statement from nominator on rationale for the nomination

Please note: The bio and statement will be distributed to the AAVSB Member Boards.

SUBMIT BY MAY 30, 2019

ONLINE: <http://bit.ly/2AEQSeR>

EMAIL: dtabbytite@aavsb.org

FAX: (816) 931-1604

MAIL: AAVSB

Attention: Nominating Committee
380 West 22nd Street, Suite 101
Kansas City, MO 64108

2019-2020 Open Positions

Indicate the desired position(s)

- ☐ President-Elect (1 position – 3-year term)
- ☐ Treasurer (1 position – 2-year term)
- ☐ Director (3 positions – 2-year terms)
- ☐ Nominating Committee Member (1-year term)
- ☐ Nominating Committee Member (2-year term)
- ☐ ICVA Representative (1 Licensed Veterinarian position – 3-year term)

Nominee Information

Name: _____ State or Province: _____

Work Phone: _____ Cell Phone: _____

E-mail: _____

Check all that apply:

☐ Board Member Term began: _____ Current term expires: _____

Eligible for re-appointment: Yes / No

(explanation required if nominee's term has expired, but is still serving on the Board)

- ☐ Board Administrator
- ☐ Current AAVSB Board of Director
- ☐ AAVSB Associate Member
- ☐ AAVSB Committee Chairperson
- ☐ Current ICVA Representative
- ☐ Licensed Veterinarian in Public/Private Practice
- ☐ Delegate or Alternate Delegate

Year(s) attended the AAVSB Annual Meeting: _____

Nominated By

Member Board Name: _____

Contact Name: _____

Contact Phone # and Email: _____

Return or complete online by May 30, 2019



American Association of Veterinary State Boards

Biographical Information

3 Requirements for a Completed Nomination Packet

1. Nominating Form (one for each nominee)
2. Biographical information (2 page limit)
3. Statement from nominator on rationale for the nomination.

Please note: The bio and statement will be distributed to the AAVSB Member Boards.

The following biographical information should be provided for each nominee. The information should not exceed two pages.

- Candidate's Name
- Position Nominated
- Member Board Experience and Roles Served
- Experience with the AAVSB and Roles Served
- Other Affiliations
- Work History
- Education
- Leadership Positions Held



American Association of Veterinary State Boards

Information on Board of Directors Elected Positions for 2019-2020

Current 2018-2019 AAVSB® Board of Directors

Immediate Past President: Mark Olson, DVM from Kansas
President: Michael Gotchey, DVM from Colorado
President-Elect: Roger Redman, DVM from Ohio
Treasurer: Chris Runde, DVM from Maryland
Director: Vito DelVento, DVM from District of Columbia
Director: Kim Gemeinhardt, DVM from North Carolina
Director: Leslie Knachel, Executive Director from Virginia
Director: Timothy Kolb, DVM from Ohio
Director: Larry McTague, DVM from Oklahoma
Director: Frank Richardson, DVM from Nova Scotia

Upcoming 2019-2020 AAVSB Board of Directors

Immediate Past President: Michael Gotchey, DVM
President: Roger Redman, DVM
President-Elect: _____ OPEN _____ (3-year commitment)
Treasurer: _____ OPEN _____ (2-year term)
(Dr. Chris Runde is currently serving the second year of a first 2-year term)
Director: _____ OPEN _____ (2-year term)
(Dr. Kim Gemeinhardt is eligible to be nominated to an Officer position.)
Director: _____ OPEN _____ (2-year term)
(Ms. Leslie Knachel is eligible to be nominated to an Officer position.)
Director: _____ OPEN _____ (2-year term)
(Dr. Tim Kolb is currently serving the second year of a first 2-year term.)
Director: Vito DelVento, DVM
(Dr. DelVento is currently serving the first year of a second 2-year term)
Director: Larry McTague
(Dr. McTague is currently serving the first year of a second 2-year term)
Director: Frank Richardson, DVM
(Dr. Richardson is currently serving the first year of a first 2-year term)

James T. Penrod, CAE, FASLA, as Executive Director serves as Secretary and as an ex-officio non-voting member of the Board of Directors.

Overview

The AAVSB Board of Directors is a body of elected Directors which govern the Association and provide the strategic plan for the future of the Association.

Responsibilities

- Governs and sets the course for the AAVSB's future.
- Ensures the overall strength and health of the AAVSB.
- Develops, supports and maintains focus on the strategic objectives and priorities.
- Commits to the mission and goals of the AAVSB.
- Attends the Association's Annual Meeting, Board of Director meetings, planning meetings, and assigned committee and/or task force meetings.
- Prepares for all meetings and seeks opportunities to expand knowledge about the organization.
- Shares wisdom and insights to help the Board of Directors make good decisions and policy.
- Ensures Board effectiveness.
- Hires, supports and develops the chief executive to lead and manage the AAVSB into the future.
- Ensures the availability of adequate resources and the long-term financial stability of the AAVSB.
- Approves annual budgets, audit, and Form 990 as well as updates to financial policies.
- Stays informed and supportive of the governing documents of the organization, e.g. Articles of Incorporation, Bylaws, policies, strategic plan, and budget.
- Accepts the legal duties of loyalty and care while serving as a director and complies with applicable laws, regulations, Bylaws, policies and code of conduct.
- Understands that all power rests with the full Board of Directors, not individual directors.

Expected Time Commitment – Approximately 150 hours per

- Monthly conference calls (1 hour of preparation and 1.5 hours of participation per call)
- In-Person meeting in January each year (2-3 days of meetings with 2 hours of preparation time plus travel time).
- In-Person meeting in June each year (2-3 days of meetings with 2 hours of preparation time plus travel time).
- Annual Meeting in September (4 days of meetings with 3 hours of preparation time plus travel time).
- Frequent opportunities to attend AVMA meetings, ICVA Board meetings, or special assignments (approximately 2 days each).
- Additional time may be required if assigned as a liaison to a committee; the amount of additional time is dependent on the specific committee.
- Additional time is required of the Officers of the Board of Directors.

Bylaws Specifications (Article VII)

The AAVSB Bylaws prescribe the authority, composition, and election of the Board of Directors which are described below.

Authority

The Board of Directors shall manage the affairs of the Association, including the establishment of an annual budget for the Association and the transaction of all business for and on behalf of the Association as authorized under these Bylaws. The Board of Directors shall carry out the resolutions, actions, or policies as authorized by the Delegates, subject to the provisions of the Association Articles of Incorporation and Bylaws.

Composition

There shall be ten (10) members of the Board of Directors including four (4) Officers and six (6) Directors at Large. The Officers shall be identified as President, President-Elect, Immediate Past President and Treasurer. The Officers and Directors at Large are collectively referred to as the Board of Directors. The Officers may, at times be collectively referred to as the Executive Committee. Notwithstanding any other provisions of these Bylaws, the Board of Directors shall be comprised of at least six Licensed Veterinarians and one Affiliate Member. The Executive Director shall serve as Secretary and as an ex-officio non-voting member of the Board of Directors.

Qualifications

a. Officers

To be eligible to serve as an Officer, a candidate shall when nominated and elected be currently serving on the Board of Directors, be a Delegate, Alternate Delegate, or be a member of a Member Board.

b. Directors at Large

To be eligible to serve as a Director at Large, a candidate shall when nominated be a Delegate, Alternate Delegate, member of a Member Board or have served as a member of a Member Board as of June 1st of the year preceding the election year.

If a Director ceases to meet eligibility criteria stated above, such Board of Director member shall, after completion of the current term, be eligible to serve one additional term on the Board of Directors.

Elections

The Board of Directors shall be elected at the Annual Delegate Assembly of the Association by the Delegates, either from nominations submitted by the Nominating Committee, or by nominations from the floor. Each Director shall assume office at the close of the Annual Delegate Assembly at which the member is elected and shall serve as specified in these Bylaws or until a successor is elected.

Terms of Office

For purposes of these Bylaws, the offices of Immediate Past President, President, and President-Elect shall be considered one (1) term. The terms of the Board of Directors shall be as follows:

- a. Immediate Past President. The Immediate Past President shall serve a one (1) year term automatically following the term as President. The Immediate Past President shall only vote on matters before the Board of Directors to break a tie.*
- b. President. The President shall serve a one (1) year term automatically following the term as President-Elect. In the event of a vacancy, the President-Elect shall succeed to the Presidency to fill the unexpired term and may, thereafter, complete the President's term.*
- c. President-Elect. A President-Elect shall be elected at the Annual Delegate Assembly to serve a one (1) year term and shall automatically succeed to the office of President and, thereafter, the office of Immediate Past President. Thus, the President-Elect office is a three (3) year commitment, one year as President-Elect, one year as President, and one year as Immediate Past President and is limited to one elected term. In the event of a vacancy, the President in consultation with the Board of Directors may appoint the office of President-Elect. In any event and under these circumstances, at the next Annual Delegate Assembly, there shall be an election for both President and President-Elect.*
- d. Treasurer. A Treasurer shall be elected at the Annual Delegate Assembly to serve a term of two (2) years. In the event of a vacancy, the Treasurer position shall be appointed by the President in consultation with the Board of Directors until the next Annual Delegate Assembly at which time an election shall be held. The Treasurer shall serve no more than two (2) consecutive terms.*
- e. Directors at Large. Directors at Large shall be elected at the Annual Delegate Assembly to serve two (2) year terms. In the event of a vacancy, the President in consultation with the Board of Directors shall appoint the Director at Large position until the next Annual Delegate Assembly at which time an election shall be held to fill the unexpired term. Directors at Large shall serve no more than two (2) consecutive terms.*
- f. No member of the Board of Directors shall hold more than one seat on the Board of Directors at any time. Any person appointed or elected to fill an unexpired term of less than one year for Treasurer or Director at Large may be eligible for election to the same position for two additional consecutive terms after completion of the unexpired term. If the unexpired term is more than one year, the person may be eligible for one additional consecutive term.*



American Association of Veterinary State Boards

Information on Nominating Committee Elected Position for 2019-2020

Current 2018-2019 Nominating Committee

Elizabeth Farrington, DVM from Nebraska (special appointed position)

Tod Schadler, DVM, Chair, from North Carolina (elected position)

Frank Walker, DVM from North Dakota (appointed position)

Upcoming 2019-2020 Nominating Committee

Each year the President of AAVSB shall appoint a third member of the Committee. Currently, Dr. Walker is serving in this position.

_____ OPEN _____ (2-year term)

(Dr. Tod Schadler is not eligible for nomination as he is currently completing the second year of a 2-year term.)

_____ OPEN _____ (1 year of an unexpired term)

(Dr. Elizabeth Farrington was appointed when there was not a nominee at the 2018 Annual Meeting for the elected position. Dr. Farrington is not eligible for nomination.)

Overview

The overall role of the Nominating Committee is to review nominations and confirm eligibility of nominees from AAVSB Member Boards for the open elected positions.

Responsibilities

- Prepares a Call for Nominations for the Member Boards which includes a nomination form and information on the open positions.
- Receives nominations from Member Boards for open positions 120 days prior to the upcoming Annual Delegate Assembly.
- Reviews nominations received and possibly distribute a questionnaire to nominees.
- Develops a ballot of candidates for mailing to Member Boards 30 days prior to Annual Delegate Assembly.

Expected Time Commitment – Approximately 12 hours per year

- Participates in 4 conference calls (1 hour for preparation time and 1 hour for participation per call).
- Meets in September at Annual Meeting (1 hour meeting plus travel time).
- Additional time is required of the Committee Chair.

Bylaws Specifications (Article X, Section 1 and Article IX, Section 3)

The AAVSB Bylaws prescribe the role, number of members, method of appointment, composition and terms of office of the Nominating Committee which are described below.

Role

The Nominating Committee shall review the qualifications of the applicants, verify sponsors and references on all applications submitted, and shall submit to the Member Boards at least thirty (30) days before the Annual Delegate Assembly, a ballot containing candidates for each position on the Board of Directors, the Nominating Committee and the National Board of Veterinary Medical Examiners to be filled. The ballot shall contain the names of all candidates who have been found to be eligible and their applications verified as accurate by the Nominating Committee. In determining the slate of candidates for the Board of Directors, the Nominating Committee shall make every effort to ensure at least a majority of Members at Large are currently members of Member Boards. Persons serving on the Nominating Committee shall be ineligible to be on the ballot or elected to any position within the Association within their elected term.

Number of Members: *Three members.*

Elections and Qualifications

Two of the three Committee members are elected at the Annual Delegate Assembly by a plurality of votes, either from nominations submitted by the Nominating Committee or by nominations from the floor. Prior to nomination, the elected members to the Committee must have attended at least one Delegate Assembly meeting. At the time of nomination and election, candidates for the Committee must be a Delegate or Alternate Delegate, a member of a Member Board, a current Associate Member, or a chairperson of an Association committee. The President shall appoint the third member of the Committee and name the chair of the Committee.

Terms of Office

The terms of the elected members are two (2) years. The President shall appoint a third member of the Committee whose term will be one (1) year. Nominating Committee members may not serve consecutive terms, but are eligible for reelection consistent with this Article X, Section 1. The President shall name the chair of the Committee. In the event of a vacancy, the President in consultation with the Board of Directors shall appoint the Nominating Committee member until the next Annual Delegate Assembly at which time an election shall be held to fulfill the unexpired term.



American Association of Veterinary State Boards

Information on Representatives to the ICVA Elected Positions for 2019-2020

Current 2018-2019 AAVSB Representatives to the ICVA

Jon Betts, DVM from Oregon (Licensed Veterinarian)

Kathy Bowler from California (Public Member)

Bruce Louderback, DVM from Colorado (Licensed Veterinarian)

Helen Tuzio, DVM from New York (Licensed Veterinarian)

Upcoming 2019-2020 AAVSB Representatives to the ICVA

_____ OPEN _____ (Licensed Veterinarian position; 3-year term)
(Dr. Bruce Louderback is currently serving the third year of second 3-year term and is eligible for nomination to a third term.)

Jon Betts, DVM
(Dr. Betts is currently serving the first year of a third 3-year term)

Kathy Bowler
(Ms. Bowler is currently serving the first year of a second 3-year term)

Helen Tuzio, DVM
(Dr. Tuzio is currently serving the second year of first 3-year term)

Bylaws Specifications (Article IX)

The AAVSB Bylaws prescribe the composition, duties, election, qualifications and terms as described below.

Composition

There shall be a minimum of four AAVSB representatives to the International Council of Veterinary Assessment (ICVA).

Duties

The Representatives shall attend all meetings of the ICVA and shall report to the AAVSB Board of Directors following each ICVA or subcommittee meeting. The Representatives shall present the consensus opinions of the Association at such meetings and shall not vote in conflict with the AAVSB Bylaws.

Election

Delegates at the Annual Delegate Assembly shall elect the Representatives at the Annual Delegate Assembly of the Association either from nominations submitted by the Nominating Committee or by nomination from the floor. Each Representative shall assume his or her responsibilities at the close

of the Annual Delegate Assembly at which elected and shall serve as specified in these Bylaws or until a successor is elected and qualified.

Qualifications

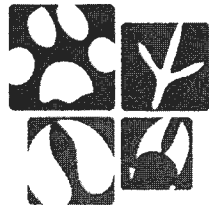
- *Three representatives must, when nominated and elected, be Licensed Veterinarians currently practicing in public or private practice and be either (i) a member of a Member Board, or (ii) have been a member of the AAVSB Board of Directors within the previous year, or (iii) have been a member of the ICVA within the previous year, or (iv) be a current Associate Member.*
- *One Representative must, when nominated and elected, be a Public Member and be either (i) a member of a Member Board, or (ii) have been a member of the AAVSB Board of Directors within the previous year, or (iii) have been a member of the ICVA within the previous year, or (iv) be a current Associate Member.*

Terms

Representatives can be eligible for three 3-year terms.

Expectations

Please contact the AAVSB office for additional information on the AAVSB representatives to the ICVA.



AAVSB
AMERICAN ASSOCIATION OF
VETERINARY STATE BOARDS

AAVSB Board Basics & Beyond

April 5 – 6, 2019

Kansas City, Missouri

Limited to 20 attendees!

Ever feel like you need more information to feel prepared for your role as a regulator? Then the AAVSB Board Basics & Beyond Training is for you!

Board Basics & Beyond is an interactive training session designed with the new board member or executive director in mind. Participants acquire knowledge and skills necessary to excel in their regulatory role. This seminar is ideal for individuals new to their position or those wishing to learn more about being a regulator.

The only cost is a \$250 tuition fee. The AAVSB covers travel, hotel, and meals during the training.

Contact Lainie Franklin, Member Services & Marketing Specialist, at efranklin@aavsb.org if you have any questions or **register by March 5, 2019**.



American Association of Veterinary State Boards
380 West 22nd Street, Suite 101, Kansas City, Missouri 64108
1.877.698.8482 | www.aavsb.org

MEMORANDUM

To: Executive Directors and Registrars of the AAVSB Member Boards for Distribution to Board Members
From: Darren Wright, DVM, AAVSB Bylaws and Resolution Committee Chair
Date: November 15, 2018
Subject: Call for Bylaws Amendments

The AAVSB Bylaws and Resolution Committee is providing you with important information and dates for submitting Bylaws amendments for voting at the 2019 Annual Meeting. Per current Bylaws, any Member Board of the AAVSB, any committee established by the Bylaws, or the AAVSB Board of Directors may propose Bylaws amendments.

Please send any proposed amendments in the actual wording for inclusion in the Bylaws by March 1, 2019. A copy of the current Bylaws is attached for your review.

Below are the important dates in 2019 regarding proposal of Bylaws amendments:

- March 1** Proposed Bylaws amendments must be received in writing at the AAVSB office. This is no later than 210 days prior to the upcoming Annual Meeting. Submitted Bylaws amendments will be forwarded to the Board of Directors within seven days after receipt.
- May 30** The AAVSB Executive Director will forward any proposed Bylaws amendments to Member Board Executive Directors and Registrars for distribution to Board Members and Delegates. This is not less than 120 days prior to the Annual Meeting.
- September 26-28** On these dates at the 2019 Annual Meeting & Conference in St. Louis, Missouri, the Delegates will discuss and vote on any proposed Bylaws amendments.

Proposed Bylaws amendments can be sent to the AAVSB Bylaws and Resolution Committee by:

MAIL: AAVSB
Attention Bylaws Committee
380 West 22nd Street, Suite 101
Kansas City, MO 64108
FAX: (816) 931-1604
EMAIL: Chrissy Bagby at cbagby@aavsb.org

If you have any questions, please contact Chrissy Bagby at the AAVSB office at 1.877.698.8482 or via the above email address.

Attachment

RESOLUTION 2018-01

Submitted by: AAVSB Board of Directors as recommended by the Member Services Task Force

AAVSB Bylaws and Resolution Committee Suggestion: PASS

WHEREAS, the AAVSB Board of Directors appointed a Member Services Task Force as a result of Resolution 2017-1 to encourage and elicit the support and feedback of its Member Boards; and

WHEREAS, all regulatory boards are under heightened legal and political scrutiny, primarily being reviewed for their effectiveness and efficiencies particularly those needs related to mobility and license portability; and

WHEREAS, the regulatory boards of veterinary medicine acknowledge the membership benefits through AAVSB of the collective voice of the veterinary regulatory community and having direct input in the programs and services intended to assist the boards in regulating the profession, including making licensure eligibility and renewal determinations; and

WHEREAS, the AAVSB developed and implemented the Veterinary Information Verification Agency (VIVA) at the request of and for the benefit of the AAVSB membership in 1998; and

WHEREAS, the goals of the VIVA program are to have all Member Board participation in providing license information for new licensees as well as updated license information and in providing final public disciplinary information; and

WHEREAS, the AAVSB has developed and begun implementation of the Veterinary Application for Uniform Licensure Transfer (VAULT) program to increase the efficiency of collecting and transmitting relevant documents necessary for Member Boards to make licensure eligibility determinations in support of a licensure application with a Member Board; and thereby reduces the administrative burden on Member Boards to collect, file, and maintain applicant credential information.

THEREFORE, BE IT RESOLVED THAT, each AAVSB Member Board, in the spirit of providing input into the AAVSB programs and services, will review applicable statutes, rules/regulation, and policies

related to accepting the primary source data verified by AAVSB staff and maintained in the secure centralized databank known as VIVA and transmitted to Member Boards at the licensee's request through the AAVSB VAULT program; and

THEREFORE, BE IT FURTHER RESOLVED THAT, each AAVSB Member Board will share with the AAVSB any barriers or restrictions in the jurisdiction's statutes, rules/regulation, and policies related to participating in the AAVSB VAULT program and timely reporting of license information for new licensees as well as updated license information and final public disciplinary information to the AAVSB VIVA databank; and

THEREFORE, BE IT FURTHER RESOLVED THAT, each AAVSB member board will identify the benefits of accepting and participating in the AAVSB VAULT program and timely reporting of license information for new licensee as well as updated license information and disciplinary information to the AAVSB VIVA databank; and

THEREFORE, BE IT FURTHER RESOLVED THAT, the AAVSB will continue to seek guidance from its Member Boards to tailor services to meet Member Board needs.

Q: What is Utah's statute and rule regarding non-sterile compounding and sterile compounding?

Pharmacy Practice Act

58-17b-102. Definitions.

- (18) (a) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a limited quantity drug, sterile product, or device:
- (i) as the result of a practitioner's prescription order or initiative based on the practitioner, patient, or pharmacist relationship in the course of professional practice;
 - (ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale or dispensing; or
 - (iii) in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.
- (b) "Compounding" does not include:
- (i) the preparation of prescription drugs by a pharmacist or pharmacy intern for sale to another pharmacist or pharmaceutical facility;
 - (ii) the preparation by a pharmacist or pharmacy intern of any prescription drug in a dosage form which is regularly and commonly available from a manufacturer in quantities and strengths prescribed by a practitioner; or
 - (iii) the preparation of a prescription drug, sterile product, or device which has been withdrawn from the market for safety reasons.
- (51) "Pharmacy" means any place where:
- (a) drugs are dispensed;
 - (b) pharmaceutical care is provided;
 - (c) drugs are processed or handled for eventual use by a patient; or
 - (d) drugs are used for the purpose of analysis or research.
- (57) "Practice of pharmacy" includes the following:
- (a) providing pharmaceutical care;
 - (b) collaborative pharmacy practice in accordance with a collaborative pharmacy practice agreement;
 - (c) compounding, packaging, labeling, dispensing, administering, and the coincident distribution of prescription drugs or devices, provided that the administration of a prescription drug or device is:
 - (i) pursuant to a lawful order of a practitioner when one is required by law; and
 - (ii) in accordance with written guidelines or protocols:

(n) prescribing and dispensing a self-administered hormonal contraceptive in accordance with Title 26, Chapter 64, Family Planning Access Act.

(72) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-17b-501.

(73) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-17b-502 and may be further defined by rule.

Pharmacy Practice Act Rule

R156-17b-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(2) failing to comply with the USP-NF Chapters 795 and 797 if such chapters are applicable to activities performed in the pharmacy;

What is USP 797? And why do I need to follow it?

General Chapter <797> Pharmaceutical Compounding – Sterile Preparations

Millions of medications are compounded each year in the US to meet the unique needs of patients. Compounding provides access to medication for patients who may not be able to use commercially available formulations due to dosing requirements, allergies or rare diseases. Medications that are required to be sterile include those administered through injection, intravenous infusion (IV), intraocular (injection in the eye) or intrathecal (injection in the spine). Understanding the risks inherent in sterile compounding and incorporating established standards are essential for patient safety. Compounded drugs made without the guidance of standards may be sub-potent, super potent or contaminated, exposing patients to significant risk of adverse events or even death.

USP develops standards for preparing compounded sterile drugs to help ensure patient benefit and reduce risks such as contamination, infection or incorrect dosing.

USP General Chapter <797> describes a number of requirements, including responsibilities of compounding personnel, training, facilities, environmental monitoring, and storage and testing of finished preparations.

USP-NF 797 was first published in 2004. The chapter was last revised in USP31–NF26 2nd Supplement, which became official on June 1, 2008. The revised USP General Chapter <797> is expected to be published in USP 42-NF 37 Second Supplement on June 1, 2019 and become official on December 1, 2019. Sections of the revised <797> may have longer implementation dates that will allow time for adoption of the standard.

What is USP-NF 795? And why do I need to follow it?

USP General Chapter <795> Pharmaceutical Compounding – Nonsterile Preparations

Millions of medications are compounded each year in the US to meet the unique needs of patient, including vulnerable populations such as seniors and children. Compounding provides tailored therapy to patients who may not be able to use commercially available formulations due to dosing requirements, allergies or rare diseases.

Compounded drugs made without the guidance of standards may be sub-potent, super potent or contaminated, exposing patients to significant risk of adverse events or even death.

USP develops standards for compounding nonsterile drugs to help ensure patient benefit and reduce risks such as contamination, infection or incorrect dosing. USP General Chapter <795> provides standards for compounding quality nonsterile preparations. The chapter describes requirements for the compounding process, facilities, equipment, components, documentation, quality controls and training. General Chapter <795> also provides general guidelines for assigning beyond-use dates to nonsterile preparations.

Who's responsibility is it to follow USP-NF 795? And what items are considered to be non-sterile compounded preparations?

<795> PHARMACEUTICAL COMPOUNDING—NONSTERILE PREPARATIONS

INTRODUCTION

The purpose of this chapter is to provide compounders with guidance on applying good compounding practices for the preparation of nonsterile compounded formulations for dispensing and/or administration to humans or animals. Compounding is an integral part of pharmacy practice and is essential to the provision of healthcare. This chapter and applicable monographs on formulation help define good compounding practices. Furthermore, this chapter provides general information to enhance the compounder's ability in the compounding facility to extemporaneously compound preparations that are of acceptable strength, quality, and purity. Pharmacists, other healthcare professionals, and others engaged in the compounding of drug preparations should comply with applicable state and federal compounding laws, regulations, and guidelines.

Revision USP-NF 795 (update eta Dec 2019)

1.1 Scope

13 COMPOUNDED NONSTERILE PREPARATIONS AFFECTED (CNSP)

14 CNSPs that may be affected by this chapter include but are not limited to
15 the following dosage forms:

- 16 Solid oral preparations
- 17 Liquid oral preparations
- 18 Rectal preparations
- 19 Vaginal preparations
- 20 Topical preparations (i.e., creams, gels, irrigations for non-internal and
- 21 non-surgical body cavities)
- 22 Nasal and sinus preparations intended for local application
- 23 Otic preparations

27 AFFECTED PERSONNEL AND SETTINGS

28 This chapter applies to all persons who prepare CNSPs and all places where
29 CNSPs are prepared. This includes but is not limited to pharmacists,
30 technicians, physicians, veterinarians, dentists, naturopaths, chiropractors,
31 and nurses, in all places including but not limited to pharmacies, hospitals
32 and other healthcare institutions, patient treatment sites, and physicians' or
33 veterinarians' practice sites.

34 The compounding facility's leadership and all personnel involved in
35 preparing, storing, packaging, and transporting CNSPs are responsible for 1)
36 ensuring that the applicable practices and quality standards in this chapter
37 are continually and consistently applied to their operations, and 2)
38 proactively identifying and remedying potential problems within their
39 operations. Personnel engaged in the compounding of CNSPs must also
40 comply with applicable laws and regulations of the regulatory jurisdiction.
41 The compounding facility must designate one or more individuals (i.e., the
42 designated person) to be responsible and accountable for the performance
43 and operation of the facility and personnel in the preparation of CNSPs. The
44 responsibilities of the designated person include but are not limited to:

45 Developing and implementing a training program
46 Routinely monitoring and observing compounding activities and taking
47 immediate corrective action if deficient practices are observed
48 Demonstrating the procedures for personnel and observing and
49 guiding personnel throughout the training process
50 Evaluating whether individuals with certain conditions, such as rashes
51 or respiratory illnesses, will be allowed to work in compounding areas
52 before their conditions are resolved because these conditions carry
53 the risk of contaminating the environment and CNSPs
54 Ensuring that standard operating procedures (SOPs) are fully
55 implemented. The designated person must ensure that follow-up is
56 carried out if problems, deviations, or errors are identified
57 Establishing, monitoring, and documenting procedures for the handling
58 and storage of CNSPs and/or components of CNSPs
59 If the compounding facility has only one person responsible for all the
60 compounding in the facility, then that person will become the designate.

Who's responsibility is it to follow USP-NF 797? And what items are considered to be sterile preparations?

<797> PHARMACEUTICAL COMPOUNDING—STERILE PREPARATIONS (CSP)

Change to read:

INTRODUCTION

The objective of this chapter is to describe conditions and practices to prevent harm, including death, to patients that could result from (1) microbial contamination (nonsterility), (2) excessive bacterial endotoxins, (3) variability in the intended strength of correct ingredients that exceeds either monograph limits for official articles (see “official” and “article” in the *General Notices and Requirements*) or 10% for nonofficial articles, (4) unintended chemical and physical contaminants, and (5) ingredients of inappropriate quality in compounded sterile preparations (CSPs). Contaminated CSPs are potentially most hazardous to patients when administered into body cavities, central nervous and vascular systems, eyes, and joints, and when used as baths for live organs and tissues. When CSPs contain excessive bacterial endotoxins (see *Bacterial Endotoxins Test* <85>), they are potentially most hazardous to patients when administered into the central nervous system.

Despite the extensive attention in this chapter to the provision, maintenance, and evaluation of air quality, the avoidance of direct or physical contact contamination is paramount. It is generally acknowledged that direct or physical contact of critical sites of CSPs with contaminants, especially microbial sources, poses the greatest probability of risk to patients. Therefore, compounding personnel must be meticulously conscientious in precluding contact contamination of CSPs both within and outside ISO Class 5 (see *Table 1*) areas.

To achieve the above five conditions and practices, this chapter provides minimum practice and quality standards for CSPs of drugs and nutrients based on current scientific information and best sterile compounding practices. The use of technologies, techniques, materials, and procedures

other than those described in this chapter is not prohibited so long as they have been proven to be equivalent or superior with statistical significance to those described herein. The standards in this chapter do not pertain to the *clinical administration* of CSPs to patients via application, implantation, infusion, inhalation, injection, insertion, instillation, and irrigation, which are the routes of administration. Four specific categories of CSPs are described in this chapter: low-risk level, medium-risk level, and high-risk level, and immediate use. Sterile compounding differs from nonsterile compounding (see *Pharmaceutical Compounding—Nonsterile Preparations* <795> (CN 1-May-2016)) primarily by requiring the maintenance of sterility when compounding exclusively with sterile ingredients and components (i.e., with immediate-use CSPs, low-risk level CSPs, and medium-risk level CSPs) and the achievement of sterility when compounding with nonsterile ingredients and components (i.e., with high-risk level CSPs). Some differences between standards for sterile compounding in this chapter and those for nonsterile compounding in *Pharmaceutical Compounding—Nonsterile Preparations* <795> include, but are not limited to, ISO-classified air environments (see *Table 1*); personnel garbing and gloving; personnel training and testing in principles and practices of aseptic manipulations and sterilization; environmental quality specifications and monitoring; and disinfection of gloves and surfaces of ISO Class 5 (see *Table 1*) sources.

The standards in this chapter are intended to apply to all persons who prepare CSPs and all places where CSPs are prepared (e.g., hospitals and other healthcare institutions, patient treatment clinics, pharmacies, physicians' practice facilities, and other locations and facilities in which CSPs are prepared, stored, and transported). Persons who perform sterile compounding include pharmacists, nurses, pharmacy technicians, and physicians. These terms recognize that most sterile compounding is performed by or under the supervision of pharmacists in pharmacies and also that this chapter applies to all healthcare personnel who prepare, store, and transport CSPs. For the purposes of this chapter, CSPs include any of the following: (1) Compounded biologics, diagnostics, drugs, nutrients, and radiopharmaceuticals, including but not limited to the following dosage forms that must be sterile when they are administered to patients: aqueous bronchial and nasal inhalations, baths and soaks for live organs and tissues, injections (e.g., colloidal dispersions, emulsions, solutions, suspensions), irrigations for wounds and body cavities, ophthalmic drops and ointments, and tissue implants. (2) Manufactured sterile products that are either prepared strictly according to the instructions appearing in manufacturers' approved labeling (product package inserts) or prepared differently than published in such labeling. [NOTE—The FDA states that “Compounding does not include mixing, reconstituting, or similar acts that are performed in accordance with the directions contained in approved labeling provided by the product's manufacturer and other manufacturer directions consistent with that labeling” [21 USC 321 (k) and (m)]. However, the FDA-approved labeling (product package insert) rarely describes environmental quality (e.g., ISO Class air designation, exposure durations to non-ISO classified air, personnel garbing and gloving, and other aseptic precautions by which sterile products are to be prepared for administration). Beyond-use exposure and storage dates or times (see *General Notices and Requirements* and *Pharmaceutical Compounding—Nonsterile Preparations* <795>) for sterile products that have been either opened or prepared for administration are not specified in all package inserts for all sterile products. Furthermore, when such durations are specified, they may refer to chemical stability and not necessarily to microbiological purity or safety.]

1. INTRODUCTION AND SCOPE (update eta Dec 2019)

2 This chapter describes the minimum practices and quality standards to be followed
3 when preparing compounded sterile human and animal drugs (compounded sterile
4 preparations, or CSPs). These practices and standards must be used to prevent harm,
5 including death, to human and animal patients that could result from 1) microbial
6 contamination (nonsterility), 2) excessive bacterial endotoxins, 3) variability from the
7 intended strength of correct ingredients, 4) chemical and physical contaminants, and/or
8 5) use of ingredients of inappropriate quality.

9 1.1 Scope

10 CSP AFFECTED

11 The requirements and standards described in this chapter must be used to ensure the
12 sterility of any CSP. Although the list below is not exhaustive, the following must be
13 sterile:

14 Injections

15 Aqueous bronchial inhalations

16 Baths and soaks for live organs and tissues

17 Irrigations for internal body cavities (i.e., any space that does not freely
18 communicate with the environment outside of the body)

19 Ophthalmics

20 Implants

21 For the compounding of hazardous drugs, see *Hazardous Drugs—Handling in*
22 *Healthcare Settings* 800 .

23 PERSONNEL AND SETTINGS AFFECTED

24 This chapter applies to all persons who prepare CSPs (e.g., pharmacists, pharmacy
25 technicians, physicians, veterinarians, and nurses) at all places where CSPs are
26 prepared (e.g., hospitals and other healthcare institutions, patient treatment sites,
27 infusion facilities, pharmacies, and physicians' or veterinarians' practice sites).

28 The compounding organization's leadership and all employees involved in preparing,
29 storing, and transporting CSPs are responsible for 1) ensuring that the applicable
30 practices and quality standards in this chapter are continually and consistently applied
31 to their operations, and 2) proactively identifying and remedying potential problems
32 within their operations.

33 SPECIFIC PRACTICES

34 **Administration of medications:** This chapter is not intended to address
35 administration of sterile medications. Administration of sterile medications should be
36 performed in accordance with the Centers for Disease Control and Prevention's Safe
37 Injection Practices¹ and the manufacturer's or compounder's labeling of the sterile
38 medication.

39 **Proprietary bag and vial systems:** Docking and activation of proprietary bag and
40 vial systems (e.g., ADD-Vantage®, Mini Bag Plus®, addEASE®) strictly in accordance
41 with the manufacturer's instructions for immediate administration to an individual patient
42 is not considered compounding. However, aseptic technique must be followed when
43 attaching the proprietary bag and vial system.

44 Docking of the proprietary bag and vial systems for future activation and administration
45 is considered compounding and must be performed in accordance with this chapter,
46 with the exception of 12. *Establishing Beyond-Use Dates and In-Use Times*. Beyond47

use dates (BUDs) for proprietary bag and vial systems must be assigned in accordance
48 with the manufacturer's instructions provided in product labeling.
49 **Reconstitution or dilution:** Reconstituting or diluting a conventionally manufactured
50 sterile product with no intervening steps strictly in accordance with the manufacturer's
51 labeling for administration to an individual patient is not considered compounding.
52 However, aseptic technique must be followed during preparation, and procedures must
53 be in place to minimize the potential for contact with nonsterile surfaces and introduction
54 of particulate matter or biological fluids.
55 Any other reconstitution or dilution of a conventionally manufactured sterile product is
56 considered compounding and must be performed in accordance with this chapter.
57 **Repackaging:** Repackaging of a conventionally manufactured sterile product from its
58 original primary container into another primary container must be performed in
59 accordance with the requirements in this chapter for CSPs, including assignment of
60 BUDs and in-use times as described in *12. Establishing Beyond-Use Dates and In-Use*
61 *Times*.

What is the solution/ alternative to still being able to treat patients in office?

1. Comply with USP 797 regulations
2. Have a third party compound patient specific medications
3. Purchase premade sterile compounded medications