

**RULES  
OF  
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-03  
GENERAL RULES GOVERNING VETERINARY TECHNICIANS**

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**1730-03-.01 DEFINITIONS.** As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

- (1) Advertisement - Information communicated to the public, in any manner, designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
- (2) Advertising - Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individuals, radio, video, television broadcasting, electronic communication, or any other means designed to secure public attention.
- (3) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (4) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (5) Board - The Tennessee Board of Veterinary Medical Examiners.
- (6) Client - The patient's owner, owner's agent, or other person responsible for the patient.
- (7) Collection of Blood – The act of removing the fluid that circulates through an animal's heart, arteries, capillaries, and veins for the purpose of analyzing such fluid for diagnostic, therapeutic or other treatment purposes.
- (8) Department - Tennessee Department of Health.
- (9) Discounted Fee - A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge are not considered to be offered at a "discounted fee".

(Rule 1730-03-.01, continued)

- (10) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.
- (11) Floating – The rasping or cutting of enamel points from the cheek teeth of an equine.
- (12) House Call – A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client's residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;
- (13) Licensee - Any person who has been lawfully issued a license by the Board.
- (14) Patient - An animal that is examined or treated by a veterinarian.
- (15) Premises - Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (16) Premises Owner - Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, who holds title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (17) Premises Permit - A permit issued by the board to operate a veterinary medicine facility when premises meet minimum standards established by the Board.
- (18) Public Rabies Vaccination Clinic - A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, under the local health department's ordinances and regulations.
- (19) Retail Establishment - Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.
- (20) Supervising Veterinarian - A person who is validly and currently licensed to practice veterinary medicine in Tennessee, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and is responsible for the supervision of a temporary licensee, veterinary student intern, employee, or consulting veterinarian.
- (21) Surgery – The art, practice, or work of treating disease, injuries, deformities, or conditions by manual or operative procedures. The castrating or dehorning of any wild or domestic animal is not considered veterinary surgery.
- (22) Veterinarian-client-patient relationship has the same meaning established by T.C.A. § 63-12-103 (17).
- (23) Veterinary Facility has the same meaning established by T.C.A. § 63-12-103(18).
- (24) Veterinary Practice means:
  - (a) Large Animal Practice - A practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as "large animal" by the Board of Veterinary Medical Examiners.

(Rule 1730-03-.01, continued)

- (b) Small Animal Practice - A practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as "small animal" by the Board of Veterinary Medical Examiners.
  - (c) Mixed Animal Practice - A practice in which both large and small animals are seen/treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.
- (25) Veterinary Rehabilitative Therapy – Therapeutic or rehabilitative interventions that are used to treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical conditions for the purpose of physical rehabilitation.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-101, 63-12-102, 63-12-103, 63-12-104, 63-12-105, 63-12-106, 63-12-110, 63-12-112, 63-12-113, 63-12-121, 63-12-133, 63-12-135, and 63-12-139.

**Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed December 5, 1990; effective January 19, 1991. Amendment filed October 20, 1992; effective December 4, 1992. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed May 23, 2014; effective August 21, 2014.

#### **1730-03-.02 SCOPE OF PRACTICE.**

- (1) The scope of practice for veterinary technicians is limited to procedures that are assigned or delegated to the veterinary technician by the supervising veterinarian and do not involve diagnosing, prescribing, or performing surgical procedures.
- (2) Veterinary technicians who perform procedures not delegated under this rule, procedures specifically prohibited, or tasks without the responsible supervision of a supervising veterinarian may be subject to disciplinary action pursuant to T.C.A. § 63-12-124.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-103, 63-12-106, 63-12-124, and 63-12-135.

**Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Repeal and new rule filed June 30, 1987; effective August 14, 1987. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed May 23, 2014; effective August 21, 2014.

**1730-03-.03 NECESSITY OF LICENSURE.** To practice as a veterinary medical technician in Tennessee, a person must possess a lawfully issued license from the Board.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed August 21, 1984; effective September 20, 1984. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995.

**1730-03-.04 QUALIFICATIONS FOR LICENSURE.** To be eligible for licensure as a veterinary technician, an applicant must meet all of the following qualifications and follow the procedures listed in Rule 1730-03-.05.

- (1) Veterinary Technician by Examination
  - (a) Complete the application form approved by the Board;
  - (b) Graduate from a veterinary technology program approved by the American Veterinary Medical Association;

(Rule 1730-03-.04, continued)

- (c) Pass the examination as provided in paragraph (1) of Rule 1730-03-.08 within the last ten (10) years; and
  - (d) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.
- (2) Veterinary Technician by Reciprocity
- (a) Complete the application form approved by the Board;
  - (b) Graduate from a veterinary technology program approved by the American Veterinary Medical Association;
  - (c) Hold an active, valid, and unrestricted license in another state, territory, or Canadian province;
  - (d) Provide proof of having engaged in active practice as a veterinary technician in another state, territory or Canadian province for one (1) out of the last five (5) years, preceding application. "Active practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. § 63-12-103(10) for an average of twenty (20) hours per week in another state or jurisdiction. The Board may consider a waiver upon request;
    - 1. Waiver of requirement
      - (i) The Board may grant a waiver pertaining to the number of years and average weekly hours of active practice.
      - (ii) Waivers will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
  - (e) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Repeal filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 23, 2014; effective August 21, 2014.

#### 1730-03-.05 PROCEDURES FOR LICENSURE.

- (1) Veterinary Technician by Examination.
  - (a) An applicant shall obtain an application from the Board's administrative office and respond truthfully and completely to every question or request for information.
  - (b) An applicant shall pay, at the time of application, the non-refundable application fee and state regulatory fee as provided in Rule 1730-03-.06.

(Rule 1730-03-.05, continued)

- (c) An applicant shall submit with his/her application two recent photographs, one signed and notarized.
  - (d) An applicant shall cause a transcript from a veterinary technology program approved by the American Veterinary Medical Association to be submitted directly from the school to the Board's administrative office. The transcript must show that the applicant has graduated from the program and carry the official seal of the institution.
  - (e) An applicant shall pass the examination as provided in Rule 1730-03-.08. Official scores shall be submitted to the Board's administrative office directly from the testing service.
  - (f) An applicant shall disclose the circumstances surrounding any of the following:
    - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
    - 2. Denial of a licensure application or the discipline of a license by any other state.
    - 3. Loss or restriction of certification or licensure privileges.
    - 4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
  - (g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
  - (h) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
  - (i) Where necessary, required documents shall be translated in English. The original document and the translation must be certified as authentic by the issuing source.
  - (j) Application review and licensure decisions are governed by Rule 1730-03-.07.
  - (k) If an applicant has ever held a license to practice as a veterinary technician in any other state or Canada, the applicant shall cause the equivalent of a Tennessee Certificate of Endorsement to be submitted from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date and information concerning any disciplinary action.
- (2) Veterinary Technician by Reciprocity. The Board may grant full licensure by reciprocity to veterinary technicians licensed in another state. The process for obtaining a license by reciprocity is as follows:
- (a) An applicant shall obtain an application form from the Board's administrative office and respond truthfully and completely to every question or request for information.
  - (b) An applicant shall pay, at the time of application, the non-refundable application fee, reciprocity license fee and State Regulatory fee as provided in Rule 1730-03-.06.

(Rule 1730-03-.05, continued)

- (c) An applicant shall submit two recent photographs with his/her application, one signed and notarized.
- (d) An applicant shall cause a transcript from a veterinary technology program approved by the American Veterinary Medical Association to be submitted directly from the school to the Board's administrative office. The transcript must show that the applicant has graduated from the program and carry the official seal of the institution.
- (e) An applicant shall disclose the circumstances surrounding any of the following:
  - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
  - 2. Denial of a licensure application or the discipline of a license by any other state.
  - 3. Loss or restriction of certification or licensure privileges.
  - 4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
- (f) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (g) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
- (h) Where necessary, required documents shall be translated in English. The original document and the translation must be certified as authentic by the issuing source.
- (i) Application review and licensure decisions are governed by Rule 1730-03-.07.
- (j) If an applicant has ever held a license to practice as a veterinary technician in any other state or Canada, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date and information concerning any disciplinary action.
- (k) An applicant shall furnish an affidavit or other proof that he or she engaged actively in the practice of veterinary technology for one (1) of the five (5) years preceding application for an average of twenty (20) hours per week.
- (l) An applicant shall submit an original letter of recommendation from a veterinarian.
- (m) Any person holding a reciprocity license is subject to all disciplinary provisions of the Tennessee Veterinary Practice Act.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-112, 63-12-114, 63-12-115, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed September 6, 1988; effective October 21, 1988. Amendment filed January 17, 1989; effective March 3, 1989. Amendment filed March 1, 1990; effective April 15, 1990. Amendment filed December 20, 1990; effective February 3, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed March

(Rule 1730-03-.05, continued)

14, 2006; effective May 28, 2006. Amendment filed March 23, 2007, effective June 6, 2007. Amendment filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

### 1730-03-.06 FEES.

- (1) The fees are as follows:
  - (a) Application Fee - A non-refundable fee to be paid by all applicants including those seeking licensure by reciprocity. It must be paid each time an application for licensure is filed.
  - (b) Endorsement/Verification fee - Endorsement of licensure to state licensing boards and government agencies will be provided at no charge on behalf of the licensee. A non-refundable fee is to be paid for each verification of licensure to anyone other than a state licensing board or government agency.
  - (c) Late Renewal fee - A non-refundable fee to be paid when an individual fails to timely renew a license.
  - (d) License Renewal fee - A non-refundable fee to be paid by all licensees. This fee also applies to individuals who reactivate a retired or lapsed license.
  - (e) Reciprocity License fee - A non-refundable fee to be paid at the time of application for licensure.
  - (f) Replacement License or Renewal Certificate Fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" license or renewal certificate.
  - (g) State Regulatory Fee - To be paid by all individuals at the time of application and with all renewal applications.
- (2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.
- (3) Fee Schedule:
 

	Amount
(a) Application	\$ 75.00
(b) Endorsement/Verification	20.00
(c) Late Renewal	80.00
(d) Renewal (biennial)	90.00
(e) Reciprocity License Fee	80.00
(f) Replacement License or Renewal Certificate Fee	25.00
(g) State Regulatory Fee (biennial)	10.00
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a

(Rule 1730-03-.06, continued)

United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed May 30, 1989; effective July 14, 1989. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed March 14, 2006; effective May 28, 2006. Amendment filed March 23, 2007; effective June 6, 2007.

#### **1730-03-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS.**

- (1) Applications for licensure are accepted throughout the year.
- (2) Initial review of all applications to determine whether the application file is complete may be delegated by the Board to the Board's Executive Director, provided that final approval of all applications is made and ratified by the Board.
- (3) If an application is incomplete when reviewed by the Board or the Board's Executive Director, a deficiency letter will be sent to notify the applicant of the deficiency.
  - (a) For an applicant who has completed the requirements for licensure, all documentation must be received within sixty (60) days of mailing of the deficiency notification. Otherwise, the application shall be closed and the applicant may reapply.
  - (b) After an application file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.
- (4) For an applicant who has not passed the Veterinary Technician National Examination (VTNE), the file will remain open until the applicant has had the opportunity to take the VTNE three (3) times. At that time, the file will be closed and the applicant notified.
- (5) If a complete application has been denied and ratified as such by the Board, the action shall become final and a notification of the denial shall be sent by the Board's administrative office via certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all of the specific statutory or rule authorities for the denial.
  - (a) The denial notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-101 to 404) to contest the denial.
  - (b) An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.
  - (c) An applicant will not be granted a contested case hearing if the licensure denial was based on objective, clearly-defined criteria, unless the reasons for continued denial present a genuine issue of material fact or law that is appropriate for appeal. A request for appeal must be made in writing to the Board within 30 days of receipt of the denial notification from the Board.
- (6) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination. If the applicant has already been licensed

(Rule 1730-03-.07, continued)

before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.

- (7) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.
- (8) Abandonment of Application
  - (a) The Board's Executive Director will deem an application "abandoned" if:
    1. The application has not been completed by the applicant within 18 months after it was initially reviewed by the Board; or
    2. An applicant fails to sit for a scheduled examination within twelve (12) months after being notified of eligibility.
  - (b) Written notification of abandonment will be mailed to the applicant and the application file will be closed.
  - (c) An application submitted after the abandonment of a prior application shall be treated as a new application.
- (9) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or a Board's designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-142, 63-12-105, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, and 63-12-135. **Administrative History:** Original rule filed August 21, 1984; effective September 20, 1984. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed March 23, 2007; effective June 6, 2007. Amendment filed September 10, 2009; effective December 9, 2009. Amendment filed May 23, 2014; effective August 21, 2014.

#### **1730-03-08 EXAMINATIONS.**

- (1) Individuals seeking licensure by examination, as provided in Rules 1730-03-.04 and 1730-03-.05, shall be required to pass the Veterinary Technician National Examination (VTNE), developed by the American Association of Veterinary State Boards. The Board adopts the VTNE as its state and national examinations under T.C.A. § 63-12-115.
- (2) The passing score shall be the criterion-referenced passing grade established by the testing agency.
- (3) All examination applications and fees for the Veterinary Technician National Examination shall be sent directly to the American Association of Veterinary State Boards.
- (4) Official examination scores shall be submitted to the Board's administrative office directly from the testing agency whenever the examination was taken outside the Board's jurisdiction.

(Rule 1730-03-.08, continued)

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-114, 63-12-115, and 63-12-135.

**Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed March 23, 2007; effective June 6, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

### 1730-03-.09 RENEWAL OF LICENSE.

#### (1) Renewal Application

(a) The due date for license renewal is the last day of the month of the license period pursuant to the Division's biennial renewal system.

#### (b) Methods of Renewal

1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

[www.tennesseeanytime.org](http://www.tennesseeanytime.org)

2. Paper Renewals - For individuals who have not renewed their license online via the Internet, a renewal application form will be mailed to each individual licensed by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.

(c) To be eligible for renewal, an individual must have completed continuing education requirements provided in Rule 1730-03-.12 and submit to the Division of Health Related Boards on or before the expiration date all of the following:

1. A completed Board renewal application form; and

2. The renewal and state regulatory fees as provided in Rule 1730-03-.06.

(d) Anyone submitting a renewal form or letter which is found to be untrue may be subjecting himself to disciplinary action as provided in Rule 1730-03-.15.

(e) Licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses processed in accordance with rule 1200-10-01-.10.

#### (2) Reinstatement of an Expired License

(a) Reinstatement of a license that has expired may be accomplished upon meeting the following conditions:

1. Payment of all past due renewal and state regulatory fees;

2. Payment of the late renewal fee provided in Rule 1730-03-.06; and

3. Compliance with continuing education requirement pursuant to Rule 1730-03-.12.

(b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.

(Rule 1730-03-.09, continued)

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-12-105, 63-12-106, 63-12-119, 63-12-120, 63-12-121, 63-12-122, 63-12-124, 63-12-128, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 25, 2003; effective September 8, 2003.

#### 1730-03-10 SUPERVISION.

- (1) A Tennessee-licensed veterinarian must supervise a veterinary technician. This supervision must be in the same veterinary hospital, clinic, or outpatient office.
- (2) No veterinary technician, veterinary student intern, or employee shall provide any professional services as covered by these rules without the responsible supervision of a licensed veterinarian, except that an employee of the veterinarian may be permitted to float teeth using non-motorized equipment without the physical presence of a licensed veterinarian as long as the employee is functioning under the supervision, control, and responsibility of the licensed veterinarian within the context of a valid veterinarian-client-patient relationship.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-103, 63-12-106, 63-12-113, 63-12-119, 63-12-124, 63-12-128, 63-12-133, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed May 23, 2014; effective August 21, 2014.

#### 1730-03-11 RETIREMENT AND REACTIVATION OF LICENSE.

- (1) Veterinary technicians who wish to retire their license must complete and return to the Board's administrative office an Affidavit of Retirement form indicating one of the following:
  - (a) Permanent retirement of the license to practice as a veterinary medical technician.
  - (b) Retirement of the Tennessee license to practice as a veterinary medical technician in another state.
  - (c) Retirement of the Tennessee license to practice as a veterinary medical technician in order to seek other types of employment.
- (2) When a licensee who has retired a Tennessee veterinary license to practice as a veterinary medical technician in another state wishes to reactivate the Tennessee license, said licensee must show evidence of the following:
  - (a) Evidence of good standing where the retiree holds a license.
  - (b) Evidence of continuous practice during the period of retirement of the Tennessee license.
  - (c) Evidence of having completed continuing education courses equal to the number of hours required by the Board, during the period of time the Tennessee license was retired.
- (3) If reactivation was requested prior to the expiration of one (1) year from the date of retirement, the Board shall require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-03-.06.
- (4) Veterinary technicians who have not engaged in continuous practice during the retirement of a license must appear before the board for an oral examination and at that time show proof of

(Rule 1730-03-.11, continued)

Board approved continuing education equal to that required by Tennessee law for each year the license was retired.

- (5) Licensure reactivation application shall be treated as licensure applications and review and decisions required by this Rule shall be governed by Rule 1730-03-.07.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-120, 63-12-121, and 63-12-135.

**Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 2, 2005; effective January 16, 2006. Amendment filed May 23, 2014; effective August 21, 2014.

#### 1730-03-.12 CONTINUING EDUCATION.

(1) Hours Required

- (a) In order to renew a license, the licensee must obtain twelve (12) hours of continuing education each calendar year. A maximum of four (4) hours may be obtained in a multi-media format as defined in part (3)(d)2 of this rule.
- (b) A licensee is exempt from continuing education requirements during the calendar year of the licensee's graduation from a veterinary technology program approved by the American Veterinary Medical Association.
- (c) The Board approves courses for only the number of hours contained in the course. A licensee will not receive credit for repeating the same course in a calendar year.

(2) Proof of Compliance

- (a) The due date for attendance and completion of the required continuing education hours is December 31 of each year. Each licensee must attest, on a Board provided form, to attendance and completion of the required continuing education hours and that such hours were obtained during the preceding calendar year.
- (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except for multi-media courses, the licensee must be physically present at these continuing education meetings.
- (c) Each licensee must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board during its verification process.

(3) Course Approval

- (a) Courses to be offered for credit toward the required continuing education hours must receive approval from the Board, except as provided in subparagraph (e) of this rule.
- (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except as provided in part (3)(d)2 of this rule, the licensee must be physically present at these continuing education meetings and will be required to attest, at the time of renewal, that the requirement has been met.
- (c) Approval may be obtained by submitting the following information to the Board's administrative office at least thirty (30) days before the scheduled date of the course.

(Rule 1730-03-.12, continued)

1. A course description or outline;
  2. Names of all speakers and sponsors;
  3. Number of hours of educational credit requested; and
  4. Date of course.
- (d) Continuing education courses may be presented in any of the following formats:
1. Lecture.
  2. Multi-Media – With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit. Multi-Media courses may include courses using:
    - (i) The Internet
    - (ii) Closed circuit television
    - (iii) Satellite broadcasts
    - (iv) Correspondence courses
    - (v) Videotapes
    - (vi) CD-ROM
    - (vii) DVD
    - (viii) Teleconferencing
    - (ix) Videoconferencing
    - (x) Distance learning
- (e) The following courses need not receive approval and constitute Board-approved continuing education courses:
1. Courses sponsored or approved by any of the following organizations:
    - American Animal Hospital Association
    - American Association for Wildlife Veterinarians
    - American Association for Women Veterinarians
    - American Association of Avian Pathologists
    - American Association of Bovine Practitioners
    - American Association of Equine Practitioners
    - American Association of Sheep and Goat Practitioners
    - American Association of Swine Practitioners
    - American Association of Veterinary Clinicians
    - American Association of Veterinary Parasitologists
    - American College of Veterinary Toxicologists
    - American College of Laboratory Animal Medicine
    - American College of Poultry Veterinarians
    - American College of Theriogenologists
    - American College of Veterinary Internal Medicine

(Rule 1730-03-.12, continued)

American Dairy Science Association  
American Society of Animal Scientists  
American Society for Veterinary Clinical Pathology  
American Society of Veterinary Ophthalmology  
American Veterinary Epidemiology Society

2. Educational courses sponsored by an accredited school of veterinary medicine or veterinary technology. A course taken for or assigned three (3) semester credit hours or equivalent quarter credit hours counts as fifteen (15) continuing education hours. No credits will be counted for courses failed.
  3. Courses and programs approved by the Registry of Approved Continuing Education (RACE), which is the American Association of Veterinary State Boards' national clearinghouse for approval of continuing education.
  4. Educational programs dealing with the practice of veterinary medicine provided by any local, state, regional, national or international veterinary associations, Board-certified specialties recognized by the American Veterinary Medical Association (AVMA), schools or colleges of veterinary medicine accredited by the AVMA, and the United States Department of Agriculture; and any program approved by another state veterinary board.
- (4) Waiver or Extension of Continuing Education
- (a) The Board may grant a waiver or extension of the need to attend and complete the required hours of continuing education.
  - (b) Waivers or extensions will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
  - (c) A waiver or extension approved by the Board is effective for only the calendar year for which the waiver is sought unless otherwise specified in writing by the Board.
- (5) Continuing Education for Reactivation of a Retired License
- (a) Any licensee who applies for reactivation of a retired license must attest to having completed Board approved continuing education credit equal to that required by this rule, with a maximum requirement of twenty-four (24) hours.
  - (b) Any continuing education hours obtained as a prerequisite for licensure reactivation shall not count toward the continuing education hours required to be obtained before the end of the calendar year of reactivation.
  - (c) The Board, upon receipt of a written request and explanation, may waive any or all of the continuing education for reactivation of a retired license.
- (6) Violations
- (a) Any licensee who falsely attests to the attendance and completion of the required continuing education hours or fails to obtain the required continuing education hours may be subject to discipline by the Board pursuant to T.C.A. §63-12-124(a)(1), (2), (4), (12), or (14).
  - (b) Education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not count toward the continuing education hours a licensee must obtain each calendar year.

(Rule 1730-03-.12, continued)

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-120, 63-12-121, 63-12-122, 63-12-124, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed June 26, 2007; effective September 9, 2007. Amendment filed May 23, 2014; effective August 21, 2014.

**1730-03-13 UNPROFESSIONAL CONDUCT.** Acts prohibited to be performed by veterinary technicians shall include, but not be limited to, the following:

- (1) Advertising for services beyond the scope of practice of a veterinary technician.
- (2) Performing beyond the scope of practice of a veterinary technician or performing a non-delegable duty or service or accepting such directives.
- (3) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty at any animal health care facility, institution, or other work place location.
- (4) Practicing as a veterinary technician in this state on an expired, retired, suspended, or revoked license.
- (5) Failing to cooperate with authorities investigating incompetent, unethical or illegal practice of a veterinarian or another veterinary technician.
- (6) Engaging in acts of dishonesty which relate to the practice of veterinary medicine or practice as a veterinary technician.
- (7) Engaging in practice in a facility without a premises permit.
- (8) Any violation of T.C.A. § 63-12-124.
- (9) Violation of any lawful order of the Board.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-103, 63-12-106, 63-12-119, 63-12-124, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed May 23, 2014; effective August 21, 2014.

**1730-03-14 RESERVED.**

**1730-03-15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SCREENING PANELS.**

- (1) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed.
- (2) Upon a finding by the Board that an veterinary medical technician has violated any provision of the Tennessee Veterinary Medical Practice Act {T.C.A. §§63-12-101, et seq.} or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense:

(Rule 1730-03-.15, continued)

- (a) Advisory Censure - This is a written action issued to the veterinary medical technician for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
- (b) Formal censure or reprimand - This is a written action issued to a veterinary medical technician for one time and less severe violations. It is a formal disciplinary action.
- (c) Probation - This is a formal disciplinary action which places a veterinary medical technician on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.
- (d) Licensure Suspension - This is a formal disciplinary action which suspends an individual's right to practice for a fixed period of time. It contemplates the reentry of the individual into the practice under the licensure previously issued.
- (e) Revocation for Cause. This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification or licensure previously issued. The Board, in its discretion, may allow reinstatement of a revoked certificate or license upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification or licensure from a person whose license was revoked shall be considered prior to the expiration of at least one year unless otherwise stated in the Board's revocation order.
- (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
  - 1. During any period of probation, suspension; or
  - 2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
  - 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
  - 4. As a stand-alone requirement(s) in any disciplinary order.
- (g) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (5) of this rule.
- (h) When the Board suspends a license, the person may not practice as a veterinary medical technician during the period of suspension and is also prohibited from doing the following:
  - 1. Direct assistance to another veterinary medical technician in the veterinary treatment of any animal.
  - 2. Appear before animal owners in a laboratory coat, clinic smock or other garment which is customarily worn by practitioners when treating animal.
  - 3. Personal acceptance of payment for veterinary services directly from an animal owner in the reception area of the office, clinic, or animal hospital.
- (i) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the

(Rule 1730-03-.15, continued)

licensee petitions, pursuant to paragraph (3) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.

(3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.

(a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:

1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a license previously revoked.

(b) Procedures

1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
  - (i) A copy of the previously issued order; and
  - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
  - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
  - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
  - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.

(Rule 1730-03-.15, continued)

3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order of Compliance  
Board of Veterinary Medical Examiners

Petitioner's Name: \_\_\_\_\_  
 Petitioner's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Petitioner's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney for Petitioner: \_\_\_\_\_  
 Attorney's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a license previously revoked.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Rule 1730-03-.15, continued)

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Petitioner's Signature

- (4) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unlicensed practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
- (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures
1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
    - (i) A copy of the previously issued order; and
    - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
    - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
  2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
    - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
    - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.

(Rule 1730-03-.15, continued)

- 3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
- 4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
- 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order Modification  
Board of Veterinary Medical Examiners

Petitioner's Name: \_\_\_\_\_  
 Petitioner's Mailing Address: \_\_\_\_\_

Petitioner's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
 Attorney's Mailing Address: \_\_\_\_\_

Attorney's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Rule 1730-03-.15, continued)

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Petitioner's Signature

(5) Civil Penalties

(a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to T.C.A. §63-1-134.

(b) Schedule of Civil Penalties

1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed or certified by the Board is guilty of a willful and knowing violation of the Practice Act, or regulations pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual client or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a veterinary medical technician without a license from the Board.
2. A Type B civil penalty may be imposed whenever the Board finds the person required to be licensed by the Board is guilty of a violation of the Veterinary Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of clients or the public.
3. A Type C civil penalty may be imposed whenever the Board finds the person required to be licensed, permitted, or authorized by the Board is guilty of a violation of the Veterinary Practice Act or regulations promulgated thereto, which are neither directly detrimental to clients or the public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil Penalties

1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
2. Type B civil penalties may, be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation. the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.

(Rule 1730-03-.15, continued)

3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
    - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
    - (ii) The circumstances leading to the violation;
    - (iii) The severity of the violation and the risk of harm to the public;
    - (iv) The economic benefits gained by the violator as a result of non-compliance; and,
    - (v) The interest of the public.
  4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.
- (6) Informal Settlements - The Board consultant is authorized to enter into informal settlement agreements pursuant to Rule 1730-03-.19 under which a complaint against an individual may be closed without any disciplinary action. Any matter proposed for informal settlement must be subsequently ratified by the full board before it will become effective. Such agreement may include any terms deemed appropriate by the Board consultant including, but not limited to:
- (a) Mandatory education program or course attendance;
  - (b) Submission of reports, records or other appropriate documentation;
  - (c) Conditioning of the individual's activities in any manner which affects his practice in Tennessee.
- (7) It is an offense to knowingly operate a veterinary facility in this state without a premises permit. A violation of this section is a Class B misdemeanor and each violation constitutes a separate offense.
- (8) It is unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person other than a veterinarian duly licensed in this state or a veterinary facility operated at all times under the direct medical supervision of a veterinarian duly licensed in this state.
- (a) No person, corporation or other similar organization, public or private, for-profit or not-for-profit, other than a veterinarian duly licensed in this state, shall own or operate a veterinary facility within this state, except as follows:
    1. Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, shall apply for and receive a premises permit before the commencement of operations at the veterinary facility; and
    2. The owner of the veterinary facility shall not restrict or interfere with medically appropriate veterinary diagnostic or treatment decisions by the licensed veterinarians employed at the veterinary facility.
  - (b) The following are exempt from this section:
    1. A veterinarian employed by a person, corporation or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal(s);

(Rule 1730-03-.15, continued)

2. A veterinarian employed by an official agency of the federal or state government, or any subdivision thereof; and
  3. A veterinarian employed by any licensed research facility.
- (9) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§ 63-1-144 and 63-12-143.
- (10) Screening Panels - Any screening panel(s) established pursuant to T.C.A. § 63-1-138:
- (a) Shall have concurrent authority with the Board and any individual appointed by the Board pursuant to Rule 1730-03-.19, to do the acts enumerated in Rule 1730-03-.19 (1) (b) 1. and 2. subject to the conditions contained therein.
    1. A Screening panel(s) comprised of two (2) or more persons shall elect a chairperson prior to convening to conduct business.
    2. A screening panel(s) comprised of two (2) or more persons is required to conduct the informal hearings authorized in subparagraph (b) immediately below.
  - (b) After completion of an investigation by the Division, may upon request of either the state, or the licensee who is the subject of an investigation with the agreement of the state, or upon request of both the licensee and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
    1. Neither the Rules of Civil Procedure, the Rules of Mediation and Arbitration, the Rules of Evidence, or Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.
      - (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
      - (ii) Prior to convening the panel and in the absence of an agreement of the parties, the screening panel chairperson shall determine the manner and order of presentation of evidence.
    2. Neither the state nor a licensee who is the subject of an investigation being considered by a screening panel can be compelled to participate in any informal hearing.
    3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
      - (i) Approved by a majority of the members of the screening panel which issued them; and
      - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the licensee; and
      - (iii) Subsequently presented to and ratified by the Board.

(Rule 1730-03-.15, continued)

- (11) Reconsiderations and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-04-01-.18 regarding petitions for reconsiderations and stays in that case.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-135.

**Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

#### **1730-03-.16 LICENSE.**

- (1) Issuance - Upon the Board determining that an applicant for licensure has successfully met all the requirements as set forth in T.C.A. §§ 63-12-101, et seq. and these rules the Board shall issue the applicant a license to practice as a veterinary technician.
- (2) Display of License - Every person licensed by the Board in this state shall display the license and renewal certificate in a conspicuous place in the licensee's office and, whenever required, show such license to the Board or its authorized representative.
- (3) Replacement License or Renewal Certificate - A license holder whose "artistically designed" license has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board's administrative office.
- (4) Verification - Requests for licensure verification must be made in writing to the Board's administrative office.
- (5) Use of Titles – Only a person who possesses a valid, unsuspended and unrevoked, Board-issued license to practice as a veterinary technician is authorized to use the title "Veterinary Technician," "Licensed Veterinary Technician" or "Technician," and to practice as a veterinary technician.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-106, 63-1-109, 63-1-145, 63-12-106, 63-12-123, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed May 23, 2014; effective August 21, 2014.

#### **1730-03-.17 CHANGE OF NAME AND/OR ADDRESS.**

- (1) Change of Name - An individual registered with the Board shall notify the Board in writing within 30 days of a name change. The notice shall provide both the old and new names and must reference the individual's profession, board, and license number.
- (2) Change of Address – A licensee must notify the Board of a change of address within thirty (30) days of such change. The notification must be in writing and include both the old and new addresses along with the licensee's name, profession, and license number.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-106, 63-1-108, 63-12-106, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed May 23, 2014; effective August 21, 2014.

#### **1730-03-.18 RESERVED.**

**1730-03-.19 BOARD CONSULTANTS, RECORDS AND COMPLAINTS, AND DECLARATORY ORDERS.**

- (1) Board Consultants are appointed by the Board and vested with the authority to do the following acts:
  - (a) Review and make determinations on licensure, registration, exemption, renewal, and reactivation of licensure applications subject to the rules governing those respective applications.
  - (b) Serve as Consultant to the Division to decide the following:
    1. Whether and what type disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.
    2. Whether and under what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be subsequently ratified by the full Board before it will become effective.
    3. Make determinations, subject to subsequent ratification by the full Board, on petitions for stay of Board Orders pursuant to Rule 1360-04-01-.18.
    4. Undertake any other matters authorized by a majority vote of the Board.
- (2) All requests, applications, notices, complaints, other communications and correspondence shall be directed to the Board's administrative office. Any requests or inquiries requiring a Board decision or official Board action except documents relating to disciplinary actions, declaratory orders or hearing requests must be received fourteen (14) days prior to a scheduled Board meeting and will be retained in the administrative office and presented to the Board at the Board meeting. Such documents not timely received shall be set over to the next Board meeting.
- (3) Records and Complaints
  - (a) Minutes of the board meetings and all records, documents, applications, and correspondence will be maintained in the Board's administrative office.
  - (b) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Board's administrative office.
  - (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
  - (d) Complaints made against a licensee become public information only upon the filing of a notice of charges by the Department of Health.
- (4) Requests for Verification of Licensure to practice in another state must be made in writing to the Board's administrative office.
- (5) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.

(Rule 1730-03-.19, continued)

**Authority:** T.C.A. §§4-5-202, 4-5-204, 4-5-223, 4-5-224, 4-5-316, 63-1-106, 63-1-118, 63-12-104, 63-12-105, 63-12-106, 63-12-107, 63-12-110, 63-12-129, and 63-12-135. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed October 27, 1999; effective January 10, 2000. Amendment filed August 24, 2000; effective November 7, 2000.