

MODEL VETERINARY PRACTICE ACT - 2025





Model Veterinary Practice Act – July 2025

Introduction to the AVMA Model Veterinary Practice Act

The American Veterinary Medical Association (AVMA) Model Veterinary Practice Act (MVPA) is intended to serve as a set of guiding principles for those who are now, or will be in the future, preparing or revising a veterinary practice act under the codes and laws of an individual state.

As a general rule, language in each Section is intended for use in state statute, whereas wording and/or ideas shared in the Commentary following each section are intended as clarification. Language found in the Commentary may be appropriate for promulgating rules by the state agency that has oversight of the veterinary practice act.

The AVMA is routinely requested to provide templates or standardized forms for veterinarians to utilize in their practice. As these forms often will become part of the official medical record, the AVMA recommends that individual state veterinary medical associations (VMAs) work with attorneys in their state who are familiar with the state's veterinary practice act to create needed templates or forms for their members that will comply with their state's veterinary practice act. Templates/forms developed with input from competent local legal counsel will be better suited to hold up in court.

The first AVMA Model Veterinary Practice Act was developed in the early 1960s by the Judicial Council of the AVMA, in cooperation with Professor N. William Hines of the University of Iowa College of Law. The AVMA House of Delegates approved the first MVPA in 1964, and since then, the MVPA has been revised numerous times to reflect professional, technological, and societal changes. The AVMA Council on Veterinary Service (CoVS) has provided oversight for several recent updates to the document, including this edition.

Because the MVPA is intended to evolve as technology, the veterinary profession, and societal needs change, comments are welcomed and should be directed to the Council on Veterinary Service at the AVMA, 1931 N. Meacham Rd, Suite 100, Schaumburg, Illinois 60173-4360 or by e-mail to mvpa@avma.org.



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Section 1 - Preamble

- 1.1. The purpose of this Act is to protect the health, safety, and welfare of *animals*, public health, and the interests of the public by ensuring the delivery of competent veterinary medical care.
 - 1.1.1. It is hereby declared that it is the policy of the State that the Board of Veterinary Medicine may issue such regulations and take such other action as the *Board*, in its discretion, determines will further these purposes even if the result is to suppress or displace competition; provided that any regulation or other action that may reasonably be deemed to suppress competition shall be submitted to the Attorney General of this State (or designee) and shall be approved within thirty (30) days after submission, unless it is found that the regulation or other action clearly does not serve the purpose of this statute.
 - 1.1.2. It is further declared that the *practice of veterinary medicine* and the *practice of veterinary technology* are privileges conferred by legislative grant to individuals possessed of the personal and professional qualifications specified in this Act.
- 1.2. Another purpose of this Act is to fully occupy the fields of *veterinary medicine* and *veterinary technology* and provide a uniform state-wide regulatory scheme to be enforced by the Board of Veterinary Medicine as defined in the scope of practice.
 - 1.2.1. As such, no level of local government shall prohibit a *veterinarian* or *veterinary technician/veterinary technologist*, as defined in this Act, from engaging in any act or performing any procedure that falls within the professionally recognized scopes of practice of licensure as a *veterinarian* or *veterinary technician/veterinary technologist*, including but not limited to the scopes of practice set forth in Section 3.18 and Section 3.19 of this Act.

COMMENTARY To Section 1—The preamble specifies the purpose of the Veterinary Practice Act as being to protect the health, safety, and welfare of *animals*, public health, and the interests of the public by promoting both competent and ethical practice. To help insulate the *Board* from antitrust challenges, it affirmatively expresses the policy of the State that the *Board* may appropriately take actions that further the purpose of the Act even if such actions suppress or displace competition. It emphasizes that the *practice of veterinary medicine* and the *practice of veterinary technology* are privileges granted by state law and are thus subject to regulation in order to protect the health, safety, and welfare of *animals*, public health, and the interests of the public.

Section 2 – Title

- 2.1. This Act shall be known as the [insert State] Veterinary Practice Act. Except where otherwise indicated by context, in this Act the present tense includes the past and future tenses, the future tense includes the present tense, the singular includes the plural, the plural includes the singular, and State means a state, tribe, territory, or district of the United States of America.

COMMENTARY TO SECTION 2—Sections such as this are commonly included in lengthy statutes for purposes of simplification and clarification of tense and number rules.

Section 3 – Definitions

- 3.1. "Accredited college of veterinary medicine" means any veterinary college, school, or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and is accredited by the Council on Education of the American Veterinary Medical Association (AVMA).
- 3.2. "Accredited program in veterinary technology" means any postsecondary educational program that offers a degree in veterinary technology or its equivalent and is accredited by the Committee on Veterinary Technician Education and Activities of the AVMA.
- 3.3. "Animal" means any organism, except humans, having sensation and the power of voluntary movement and requiring for its existence oxygen and organic nutrients.
- 3.4. "Board" means the [insert State] Board of Veterinary Medicine.
- 3.5. "Client" means the *patient's* owner, owner's agent, or other *person* presenting the *patient* for care.
- 3.6. "Consent" means the *client* has provided permission for undertaking any examination, diagnostic test, procedure or treatment. Consent can be verbal or written and can be express or implied from the circumstances.
- 3.7. "Consultation" means a *licensed veterinarian* seeks and receives advice in person, telephonically, electronically, or by any other method of communication from a *licensed veterinarian* in this or any other state or from any other *person* whose expertise, in the opinion of the *licensed veterinarian*, would benefit the management of the case. The *licensed veterinarian* receiving *consultation* maintains the *veterinarian-client-patient relationship*.
- 3.8. "ECFVG[®] certificate" means the certificate issued by the Educational Commission for Foreign Veterinary Graduates[®] of the AVMA indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an *accredited college of veterinary medicine* with a Doctor of Veterinary Medicine degree or its equivalent.
- 3.9. "Extralabel use" means actual use or intended use of a drug in an *animal* in a manner that is not in accordance with the approved labeling. This includes, but is not limited to, use in a species or production class not listed in the labeling; use for indications (disease or other conditions) not listed in the labeling; use at dosage levels, frequencies, or routes of administration other than those stated in the labeling; and deviation from the labeled withdrawal time based on these different uses.

- 3.10. "Impaired" describes a *licensed veterinarian or licensed veterinary technician/veterinary technologist* with any physical, mental, or behavioral disorder that interferes with the ability to engage safely and competently in the *practice of veterinary medicine or the practice of veterinary technology*, respectively.
- 3.11. "License by endorsement" means a licensee in good standing in one state may utilize a streamlined licensing process in another state without repeating all steps for licensing that is required for a first-time licensee.
- 3.12. "Licensed veterinary technician/veterinary technologist" means a *veterinary technician or veterinary technologist* who is currently licensed to engage in the *practice of veterinary technology* in the State.
- 3.13. "Licensed veterinarian" means a *veterinarian* who is currently licensed to engage in the *practice of veterinary medicine* in the State.
- 3.14. "Livestock" means cattle, horses, sheep, goats, swine, poultry, captured or cultivated aquatic species, farm-raised cervidae and camelidae, bees, or any species used in the production of fiber, meat, eggs, honey, milk, or other *animal*-derived products.
- 3.15. "Patient" means an *animal* or group of *animals* examined or treated by a *licensed veterinarian* within the context of a *VCPR*.
- 3.16. "PAVE Certification" means a certification process resulting in a certificate issued by the Program for the Assessment of Veterinary Education Equivalence (PAVE) operated by the American Association of Veterinary State Boards (AAVSB) that documents the graduate of an international non-accredited veterinary program has demonstrated knowledge and skill equivalent to that possessed by a graduate of an *accredited college of veterinary medicine* with a Doctor of Veterinary Medicine degree or its equivalent.
- 3.17. "Person" means any individual, firm, partnership (general, limited, or limited liability), association, joint venture, cooperative, corporation, limited liability company, or any other group or combination acting in concert; and whether or not acting as a principal, partner, member, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.
- 3.18. "Practice of veterinary medicine" means:
- 3.18.1. To diagnose, prognose, treat, correct, change, alleviate, or prevent *animal* disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions by any method or mode, including:

- 3.18.1.1. Recommending, ordering, or performing any diagnostic, medical, surgical, or other therapeutic procedure, or
- 3.18.1.2. prescribing or dispensing any drug, biologic, apparatus, anesthetic, or other therapeutic or diagnostic substance, or
- 3.18.1.3. use of any manual procedure for the performance of reproductive examination, including but not limited to the diagnosis or treatment of pregnancy, fertility, sterility, or infertility, or
- 3.18.1.4. determination of the health, fitness, or soundness of an *animal*.
- 3.18.2. To represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subsection 3.18.1.
- 3.18.3. To use any title, words, abbreviation, or letters in a manner or under circumstances that induce the belief that the individual using them is qualified and licensed to do any act described in subsection 3.18.1.
- 3.19. "Practice of veterinary technology" means:
 - 3.19.1. To perform *patient* care or other services under the *supervision of a licensed veterinarian*, excluding diagnosing, prognosing, recommending treatments, prescribing, or performing surgery.
 - 3.19.2. To represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subsection 3.19.1.
 - 3.19.3. To use any title, words, abbreviation, or letters in a manner or under circumstances that induce the belief that the individual using them is licensed to do any act described in subsection 3.19.1.
- 3.20. "Supervision":
 - 3.20.1. "Immediate supervision" means a *licensed veterinarian* is:
 - 3.20.1.1. immediately available on the premises within audible and visual range of the *patient* and/or individual being supervised; and
 - 3.20.1.2. has assumed responsibility for the veterinary care given to the *patient* by an individual working under their direction.
 - 3.20.2. "Direct supervision" means a *licensed veterinarian* is:

- 3.20.2.1. readily available on the premises where the *patient* is being treated, and
- 3.20.2.2. has assumed responsibility for the veterinary care given to the *patient* by an individual working under their direction.
- 3.20.3. "Indirect supervision" means a *licensed veterinarian*:
 - 3.20.3.1. need not be on the premises;
 - 3.20.3.2. has given either written or oral instructions for treatment of the *patient*;
 - 3.20.3.3. is readily available by telephone or other forms of immediate communication; and
 - 3.20.3.4. has assumed responsibility for the veterinary care given to the *patient* by an individual working under their direction.
- 3.21. "Teleadvice" means providing remote health information, opinion, or guidance that is not specific to a *patient's* health, illness, or injury. This general advice is not intended to diagnose, prognose, or treat a patient's physical or mental illness or injury. A *VCPR* is not required.
- 3.22. "Telehealth" (an overarching term) means all uses of technology to deliver health information, education, guidance, or care remotely.
- 3.23. "Telemedicine" means the *practice of veterinary medicine* through the use of telecommunications technology that allows a *licensed veterinarian* with a properly established *VCPR* to evaluate, diagnose, and treat a *patient* virtually.
- 3.24. "Telesupervision" means the use of electronic communication in the *supervision* of another individual.
- 3.25. "Triage" means the safe, appropriate, and timely assessment and management (immediate referral to a veterinarian or not) of *animal* patients, under conditions of uncertainty and urgency, via electronic *consultation* with their owners. A diagnosis is not rendered, and a *VCPR* is not required.
- 3.26. "Veterinarian" means an individual who has received a Doctor of Veterinary Medicine degree or its equivalent from an *accredited college of veterinary medicine* or is the holder of an *ECFVG* or *PAVE* certificate.
- 3.27. Veterinarian-Client-Patient Relationship (*VCPR*)

- 3.27.1 The veterinarian-client-patient relationship is the basis for veterinary care. To establish such a relationship all of the following are required:
 - 3.27.1.1. The *licensed veterinarian* has assumed responsibility for making medical judgments regarding the health of a *patient* and the need for medical treatment, and the *client* has agreed to follow the veterinarian's instructions.
 - 3.27.1.2. The *licensed veterinarian* has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition(s) of the *patient*. This means that the *licensed veterinarian* is personally acquainted with the keeping and care of the *patient* by virtue of:
 - 3.27.1.2.1. a timely in-person physical examination of the *patient* by the *licensed veterinarian*, and/or
 - 3.27.1.2.2. medically appropriate and timely visits by the *licensed veterinarian* to the operation where the *patient* is kept.
 - 3.27.1.3. The *licensed veterinarian* is readily available for follow-up evaluation or has arranged for the following:
 - 3.27.1.3.1. emergency or urgent care coverage, or
 - 3.27.1.3.2. continuing care and treatment have been designated by the *licensed veterinarian* with the *VCPR* to another *licensed veterinarian* who has access to the *patient's* medical records and/or who can provide reasonable and appropriate medical care, or
 - 3.27.1.3.3. The *licensed veterinarian* provides oversight of treatment.
 - 3.27.1.4. *Patient* records are maintained
 - 3.27.2. The *VCPR* is transferable to other *licensed veterinarians* practicing within the same physical practice who have access to, and have reviewed, the patient's medical records.
 - 3.27.3. A *licensed veterinarian* who in good faith engages in the *practice of veterinary medicine* by rendering or attempting to render lifesaving care to an *animal*, and a *VCPR* cannot be immediately established, should not be subject to penalty based solely on the *licensed veterinarian's* inability to establish a *VCPR*.
- 3.28. "Veterinary Feed Directive" (VFD) means a written (nonverbal) statement issued by a *licensed veterinarian* in the course of the *veterinarian's* professional practice that orders the use of a *VFD drug* or combination *VFD drug* in or on an *animal* feed. This written statement authorizes the *client* (the owner of the *animal* or other caretaker) to obtain and use *animal* feed bearing or containing a *VFD drug* or combination *VFD drug* to treat the *client's animal* only in accordance with the conditions for use approved, conditionally approved, or indexed by the U.S. Food and Drug Administration.

- 3.29. "Veterinary Feed Directive Drug" (VFD drug) means a drug intended for use in or on *animal* feed, which is limited by an approved application filed pursuant to section 512(b) of the Federal Food, Drug, and Cosmetic Act, a conditionally approved application filed pursuant to section 571 of the Federal Food, Drug, and Cosmetic Act, or an index listing under section 572 of the Federal Food, Drug, and Cosmetic Act to use under the professional *supervision* of a *licensed veterinarian*. Use of animal feed bearing or containing a VFD drug must be authorized by a lawful *VFD*.
- 3.30. "Veterinary medicine" means all branches and specialties included within the *practice of veterinary medicine*.
- 3.31. "Veterinary premises" means any premises or facility where the *practice of veterinary medicine* is performed, including but not limited to a mobile clinic, outpatient clinic, veterinary hospital or clinic, emergency facility, specialty facility, referral facility, or center, but shall not include the premises of a veterinary *client*, research facility, a federal military base, or an *accredited college of veterinary medicine*.
- 3.32. "Veterinary prescription drug" means a drug that may not be dispensed without the prescription of a *licensed veterinarian* and that bears the label statement: "CAUTION: Federal law restricts this drug to use by or on the order of a licensed veterinarian."
- 3.33. "Veterinary specialist" means a *veterinarian* who has been awarded and maintains certification from an AVMA-Recognized Veterinary Specialty Organization (RVSO) or other veterinary specialty organization that maintains comparable certification requirements as determined by the *Board*.
- 3.34. "Veterinary technician" means a graduate of an *accredited program in veterinary technology* that generally results in an associate degree.
- 3.35. "Veterinary Technician National Exam (VTNE)" means the exam administered by the American Association of Veterinary State Boards (AAVSB) to evaluate the competency of entry-level *veterinary technicians/veterinary technologists*.
- 3.36. "Veterinary technician specialist" means a *veterinary technician* or *veterinary technologist* who has been awarded and maintains certification from a National Association of Veterinary Technicians in America (NAVTA)-recognized Veterinary Technician Specialty Academy (VTSA) or other veterinary technician specialty organization that maintains comparable certification requirements as determined by the *Board*.
- 3.37. "Veterinary technologist" means a graduate of an *accredited program in veterinary technology* that generally results in a baccalaureate degree.

COMMENTARY TO SECTION 3—The terms defined within the definition section of any veterinary practice act lay the groundwork for all other sections of that act. An attempt should be made to define each term in a manner so that the intended meaning is clear. The AVMA recognizes that names and acronyms of entities administering current programs may change or new programs may be developed to replace or parallel existing programs. State regulatory *boards* should keep abreast of simple name changes and correct those through annual legislative housekeeping policies. Addition of new programs to the veterinary practice act should be made only after careful review to ensure that the high standards of existing programs are met or exceeded.

3.1: To protect and promote the health, safety, and welfare of *animals*, public health, and the interest of the public, the AVMA believes it is important for state veterinary practice acts, or the rules and regulations promulgated under those acts, to include language that will preserve the present-day high standard of veterinary medical education throughout the United States. The accreditation process administered by the Council on Education (COE) of the AVMA, which is the sole entity recognized by the United States Department of Education to accredit United States veterinary colleges, assures this standard is maintained. All accreditation decisions made by the COE are independent of the AVMA.

3.2: In a like manner, the accreditation process for veterinary technology programs administered by the Committee on Veterinary Technician Education and Activities of the AVMA maintains the standard for veterinary technician education throughout the United States.

3.3: The 2012 revision of the MVPA led to a more descriptive definition of "*animal*". The definition is intended to include invertebrates and cold-blooded or warm-blooded vertebrates, other than humans. In 2019 the term "living" was removed from the definition because the *practice of veterinary medicine* extends to all *animals*, living or dead (e.g., necropsies).

3.5: The definition of "*client*" includes the term "owner's agent". The term "agent" is well defined in case law. It is recommended that states seek competent local legal counsel if they feel the need to further define the term "agent".

3.6: "*Consent*" should be documented in the medical record, and the *client's* or other authorized signature should be obtained whenever practical.

3.7: In part, this definition is due to recognition that *veterinary medicine* is becoming an increasingly specialized profession, and a *licensed veterinarian* may believe it is in the best interest of the *patient* to request advice from another individual with specific expertise. In addition, the definition used in this MVPA better delineates, for the public interest, who holds responsibility for maintaining the *VCPR*.

3.9: "*Extralabel use*" is defined as in federal regulation 21 CFR Sec. 530.3(a)[2018], which implements the Animal Medicinal Drug Use Clarification Act (AMDUCA) with the exception that the term "production class" was added.

3.10: The fact that a veterinarian or veterinary technician/veterinary technologist has a physical or mental health condition does not necessarily mean that the individual is also impaired. A disability should not be equated with impairment. Impairment is a functional classification, and the diagnosis of an illness does not equate with impairment. Impairment implies there is an inability to practice safely and competently. Impairment can be the result of any illness or condition - physical or mental. Impaired veterinarians or veterinary technicians/veterinary technologists should receive the intervention and treatment needed and be given the opportunity to rehabilitate and reenter practice safely where possible. Veterinarians and veterinary technicians/veterinary technologists should be mindful that not all disabilities and illnesses cause impairment, nor can all causes of impairment be rehabilitated.

3.11: The “*license by endorsement*” definition was added in 2025 to ensure the intent of *license by endorsement* is clear. AVMA recommends that states streamline their process for licensing individuals already licensed and in good standing in another state.

3.12: States are encouraged to standardize terms used to describe veterinary technician licensing. This document uses the term “licensed veterinary technician/licensed veterinary technologist” and AVMA encourages states to license their technicians (as opposed to registering or certifying them). Some states may use “licensed veterinary nurse” as an equivalent term.

“Licensed”, “credentialed”, and “registered” are terms used to describe the authority and qualifications of a person to practice a profession.

- **Licensed**

A license is a document that gives a person the legal right to work in a particular field. Licenses are issued by governmental agencies, such as the federal government, state governments, or local governments.

- **Credentialed**

A credential is a document that verifies a person's knowledge and skills in a specific field. Credentials are also known as certifications. Skills are typically evaluated and certifications bestowed by private organizations.

- **Registered**

Registration is the process of providing information about a person's training and experience to a state consumer protection agency. Registration can also mean being officially entered on a list or register.

How these terms are used

- **Licensing:** A license is required by law to practice a profession in a state.
- **Credentialing:** A healthcare facility may credential a provider to ensure they meet the facility's standards of practice.
- **Registration:** A state consumer protection agency may require a practitioner to register to provide a service.



3.14: Defines *livestock* as *animals* traditionally considered *livestock*, as well as any *animal* that is used to produce *animal* products. Horses are specifically included in this definition of *livestock* to ensure that they can be managed as herd *animals*.

3.15: Defines “*patient*” as “an *animal* or group of *animals*.” Therefore, the definition of the *VCPR* can be applied to individual *animals* as well as a group or groups of *animals* within an operation (e.g., production system, animal shelter, laboratory animal colony).

3.16: “*PAVE Certification*” was added in 2019 to acknowledge that pathways to licensure exist in addition to the ECFVG® program.

3.17: The term “individual” is used mostly throughout this document except in circumstances where “*person*” is more appropriate because the latter can refer to firms, corporations, etc.

3.18: The definition of the *practice of veterinary medicine* has been updated over time.

In 2012, 3.18.1.1 was added to emphasize that both medical treatment and surgical procedures constitute the *practice of veterinary medicine*.

3.18.1.2: “other therapeutic or diagnostic substance” was added in 2025 and may include, among other things, therapeutic and diagnostic diets.

In 2025 3.18.1.3 was altered to clarify that manual procedures for reproductive management (e.g., rectal palpation and ultrasound as opposed to chemical pregnancy tests) of all types of conditions constitute the *practice of veterinary medicine*.

3.18.1.4 was added to indicate that examination to verify the health of an *animal*, such as for pre-purchase examinations or issuing health certificates, constitutes the *practice of veterinary medicine*.

3.19: The *Practice of Veterinary Technology* is defined to allow tasks to be broadly delegated to *veterinary technicians/veterinary technologists* by the supervising *veterinarian*, with the exceptions of diagnosis, prognosis, recommending treatments, prescribing, and performing surgery. These tasks are reserved for the *veterinarian*. *Veterinarians* receive an extensive education that prepares them to lead veterinary teams and make medical decisions. *Veterinary technicians/veterinary technologists* support and complement the *veterinarian* by performing critical technical tasks. Many tasks can be delegated by the *veterinarian* to *veterinary technicians/veterinary technologists* and other members of the practice team commensurate with their education and experience.

3.20: Includes definitions of immediate, direct and indirect *supervision*. In all cases the *licensed veterinarian* assumes responsibility for the veterinary care provided to the *patient* by another individual working under their direction.

3.21-3.25: In 2025, definitions related to *telehealth* and some of its components were added to the definition section; reference is made to them in Section 15.

3.27: The definition of “*veterinarian-client-patient relationship*” (*VCPR*) was significantly updated in 2019 and differs from the *VCPR* definition embodied in federal regulation 21 CFR 530.3(i), which pertains to *extralabel* drug use, VFDs and customized biologics. Some 2025 changes in the definition of the *VCPR* were made to achieve consistency with the definition used in the PVME. *Veterinarians* must follow the federal definition when engaging in activities covered by federal law and regulations (i.e., *extralabel* drug use, VFDs, and customized biologics), irrespective of how the state defines the *VCPR*.

The 2019 revision included language in 3.27.1.3.2, that provides for the *licensed veterinarian* who established the *VCPR* to designate other *licensed veterinarians* who have access to the *patient’s* medical records, to provide reasonable continuation of, or changes in, treatment without the need to establish a new *VCPR*.

3.27.1.4: 21CFR530.5[2018] contains language required for a medical record in the context of *extralabel drug use*, VFDs and some biologics.

The AVMA recognizes that individual states may wish to include more specificity within the definition of the *VCPR*. For example, a state regulatory *board* may wish to include a time period (e.g., no less frequent than every 6 or 12 months) to better delineate the term “timely” [3.27.1.2.1] relating to examinations and visits. The term “timely” should be interpreted with respect to the nature and circumstances of the *patient* (e.g., species, condition or disease, operation).

States may also wish to specify that, when establishing a *VCPR* in the case of large operations, “sufficient knowledge” [3.27.1.2] can be supported by means of:

1. examination of health, laboratory, or production records; or
2. *consultation* with owners, caretakers or supervisory staff regarding a health management program for the *patient*; or
3. information regarding the local epidemiology of diseases for the appropriate species.

Both the *licensed veterinarian* and the *client* have the right to establish or decline a *VCPR* within the guidelines set forth in the AVMA Principles of Veterinary Medical Ethics.

3.28: A definition for “*Veterinary Feed Directive Drug*” was added in 2019 that follows the federal definition (21 CFR Sec. 558.3(b)(6))[2018].

3.29: The definition of *Veterinary Feed Directive Drug* is consistent with the federal definition (21CFR558.3(b)(6))[2018].

3.31: “*Veterinary premises*” as used in this document specifically does not include a *client’s* premise or the premise where an *animal* is normally housed.

3.33: The definition of "*veterinary specialist*" was added to the MVPA in 2003 and modified in 2025 to clearly define for the public and the profession what is meant by "*veterinary specialist*." The Principles of Veterinary Medical Ethics of the AVMA also states that "It is unethical for veterinarians to identify themselves as members of an AVMA-recognized veterinary specialty organization if such certification has not been awarded. Use of the term 'specialist' should be reserved for a veterinarian who is currently board-certified by an AVMA American Board of Veterinary Specialties-recognized veterinary specialty organization or other veterinary specialty organization (as determined by the Board) that maintains comparable certification requirements. The terms "board eligible" or "board qualified" are misleading and should not be used by veterinarians. Veterinarians who focus their practice on a specific species or area of *veterinary medicine* may use the phrase "practice limited to," but should not use the terms "specialist" or "specializing in". The AVMA believes it is important to include language in the veterinary practice act that clearly defines the term "specialist". The AVMA also recommends that rules and regulations promulgated under the veterinary practice act include language that will ensure the ethical and legal use of these terms by licensees, in order to protect the public's interests and to avoid confusion regarding the qualifications of board-certified *veterinary specialists*."

3.34 and 3.37: The definitions of "*veterinary technician*" and "*veterinary technologist*" are included to emphasize the belief that the educational pathway of choice for a *veterinary technician/veterinary technologist* throughout the United States should be graduation from an AVMA-accredited or CVMA (Canadian Veterinary Medical Association)-accredited program, as defined in this MVPA. With the increasing number of accredited veterinary technology programs in the United States, both in traditional settings and in distance-learning formats, it can no longer be stated that an individual wishing to become a *veterinary technician/veterinary technologist* does not have access to an accredited educational program.

The definitions for *veterinary technician/veterinary technologist* (graduate of an accredited program) and *licensed veterinary technician/veterinary technologist* (holds both a degree and state licensure) have been updated to be consistent with the definitions used for *veterinarian* and *licensed veterinarian*. AVMA is encouraging states to license veterinary technicians/technologists.

Veterinary assistants are members of the veterinary healthcare team that assist *licensed veterinarians*, and *licensed veterinary technicians/licensed veterinary technologists* and are not graduates of an *accredited program of veterinary technology*. Therefore, in clinical settings veterinary assistants should not be referred to as veterinary technicians or veterinary technologists. In states that define duties a *licensed veterinary technician/licensed veterinary technologist* can perform; veterinary assistants should not perform those duties.

3.36: States are encouraged to define *veterinary technician specialists* and acknowledge their capabilities in the practice act.

The AVMA recognizes efforts by NAVTA and others to use the term "veterinary nurse" in place of *veterinary technician/veterinary technologist* within the profession and in criteria for licensing. The AVMA further recognizes ongoing efforts to promote adoption of the term "veterinary nurse" in state veterinary practice acts. The AVMA will continue to use the term *veterinary*



technician/veterinary technologist in its policies and communications but will recognize veterinary nurses as being equivalent to *veterinary technicians/veterinary technologists*. (AVMA BOD Position Statement April 6, 2018).

Section 4 – Board of Veterinary Medicine

- 4.1. A *Board of Veterinary Medicine* shall be appointed by the governor and shall consist of a majority of *licensed veterinarians* from a cross section of practice types, at least one *licensed veterinary technician/veterinary technologist*, and at least one member of the public who is not a *veterinarian or veterinary technician/veterinary technologist*.
- 4.1.1. All individuals appointed to the *Board* shall have been residents of the State for at least three years immediately preceding appointment.
- 4.1.2. The State veterinary medical association may nominate *licensed veterinarians* for the governor's consideration.
- 4.1.3. The State *veterinary technician* association may nominate a *licensed veterinary technician/veterinary technologist* for the governor's consideration.
- 4.1.4. Each member shall be appointed for a term of five years or until a successor is appointed, except that the terms of the first appointees may be for shorter periods to permit staggering of terms. Members of the *Board* appointed under the chapter that this Act replaces may continue as members of the *Board* until the expiration of the term for which they were appointed. Vacancies due to death, resignation, or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No individual shall serve more than two consecutive full terms.
- 4.1.5. A *licensed veterinarian* shall be qualified to serve as a member of the *Board* if they have been licensed to engage in the *practice of veterinary medicine* in the State for the five years immediately preceding the time of their appointment. A *licensed veterinary technician/veterinary technologist* shall be qualified to serve as a member of the *Board* if they have been licensed in the State for the five years immediately preceding their appointment.
- 4.1.6. Each member of the *Board* shall be paid for each day or substantial portion thereof if they are engaged in the work of the *Board*, in addition to such reimbursement for travel and other expenses as is normally allowed to state employees.
- 4.1.7. Any member of the *Board* may be removed in accordance with the Administrative Procedures Act of the State or other applicable laws.
- 4.1.8. Any vacancy that occurs in the membership of the *Board* for any reason, including expiration of term, removal, resignation, death, disability, or disqualification, shall be filled within six (6) months. Failure to fill a vacancy within the six (6) month period shall divest the governor of appointment authority for such vacancy and vest such authority in the State Senate.

- 4.2. The *Board* shall meet as needed, but no less than once each year. Other necessary meetings may be called by the *Board* by giving notice as may be required by rule. Except as may otherwise be provided, a majority of the *Board* constitutes a quorum. Meetings shall be open and public, except that the *Board* may meet in closed session to prepare, approve, administer, or grade examinations or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a *licensed veterinarian* or *licensed veterinary technician/veterinary technologist*.
- 4.3. The *Board* shall annually elect officers from its membership as may be prescribed by rule. Officers of the *Board* serve for terms of 1 year and until a successor is elected, without limitation on the number of terms an officer may serve. The duties of officers shall be prescribed by rule.
- 4.4. The *Board* shall have the power to:
- 4.4.1. Adopt, amend, or repeal all rules necessary for its governance and all regulations necessary to carry into effect the provisions of this Act, including the establishment and publication of standards of practice and professional conduct for the *practice of veterinary medicine* or the *practice of veterinary technology*.
 - 4.4.2. Adopt, promulgate, and enforce rules and regulations relating to licensure of *veterinarians* and *veterinary technicians/veterinary technologists* consistent with the provisions of this Act.
 - 4.4.3. Adopt, promulgate, and enforce rules and regulations relating to specific duties and responsibilities; licensure or registration; and other matters pertaining to *veterinary technicians, veterinary technologists, or non-licensed individuals* consistent with the provisions of this Act.
 - 4.4.4. Initiate disciplinary procedures, hold hearings, reprimand, suspend, revoke, or refuse to issue or renew a license, and perform any other acts that may be necessary to regulate *licensed veterinarians* and *licensed veterinary technicians/veterinary technologists* in a manner consistent with the provisions of this Act.
 - 4.4.5. Examine by established protocol the qualifications and fitness of applicants for a license to engage in the *practice of veterinary medicine* or the *practice of veterinary technology* in the State.
 - 4.4.6. Issue, renew, or deny licenses and temporary permits to engage in the *practice of veterinary medicine* or *veterinary technology* in the State.
 - 4.4.7. Limit, suspend, or revoke licenses of disciplined *veterinarians* or *veterinary technicians/veterinary technologists*, or otherwise discipline *licensed veterinarians* or *licensed veterinary technicians/veterinary technologists*, consistent with the provisions of the Act and the rules and regulations adopted thereunder.
 - 4.4.8. Establish and publish annually a schedule of fees for licensing and registration.
 - 4.4.9. Conduct investigations of suspected violations of this Act to determine whether there are sufficient grounds to initiate disciplinary proceedings. All investigations

shall be conducted in accordance with the Administrative Procedures Act of the State or other applicable laws.

- 4.4.10. Inspect *veterinary premises* and equipment, including practice vehicles, at any time in accordance with protocols established by rule.
- 4.4.11. Hold hearings on all matters properly brought before the *Board* and in connection thereto to administer oaths, receive evidence, make necessary determinations, and enter orders consistent with the findings. The *Board* may commission depositions and require by subpoena the attendance and testimony of witnesses and the production of papers, records, or another documentary evidence. The *Board* may designate one or more of its members to serve as its hearing officer or may employ a hearing officer defined by state law. All hearings shall be conducted in accordance with the Administrative Procedures Act of the State or other applicable laws.
- 4.4.12. Employ full or part-time personnel necessary to effectuate the provisions of this Act and purchase or rent necessary office space, equipment, and supplies.
- 4.4.13. Appoint from its own membership one or more members to act as representatives of the *Board* at any meeting within or outside the State where such representation is deemed desirable.
- 4.4.14. Bring proceedings in the courts against any *person* for the enforcement of this Act or any regulations made pursuant thereto.
- 4.5. The powers enumerated above are granted for the purpose of enabling the *Board* to effectively supervise the *practice of veterinary medicine* and *veterinary technology* and are to be construed liberally to accomplish this objective.

COMMENTARY TO SECTION 4—This section provides guidelines for the establishment, composition, and duties of the *Board*. As stated in the MVPA, the *Board* is the supervisory body created to administer the veterinary practice act in any given state. The intent of this section is not to be prescriptive, but to provide broad guidelines that each state may use to establish an appropriate and well-functioning *Board*.

4.1.2 and 4.1.3 the AVMA believes it is important that the *Board* encourage the state veterinary medical association to forward names of potential well-qualified nominees to the Governor for appointment so that major areas of veterinary practice represented within the state are represented on the *Board*.

4.1.4: In this subsection it is stated that each member shall be appointed for a term of five years. Currently, terms on state *boards* typically range from four to six years, which the AVMA believes is sufficient time to provide continuity to *Board* activities and deliberations but not too extensive to prevent infusion of new ideas. Moreover, the makeup of *Board* members listed in this subsection is a suggestion based on current practice. Individual states may wish to vary this number, but all *Boards* should include a majority of *licensed veterinarians* from a cross section of practice types, at least one *licensed veterinary technician/veterinary technologist*, and at least one public member.

4.4.2 and 4.4.3 This language was inserted to provide the *Board* with authority to regulate *veterinary technicians/veterinary technologists*. This subsection provides substantial latitude to individual *Boards* to adopt and implement rules pertaining to the duties of *veterinary technicians/veterinary technologists*. Groups that have developed lists of *licensed veterinary technician/veterinary technologist* duties include the CVTEA, AAVSB, AAHA, and AABP. The *Board* may adopt regulations establishing healthcare tasks and an appropriate degree of *supervision* required for those tasks that may be performed only by a *licensed veterinary technician/licensed veterinary technologist*. There needs to be a degree of flexibility that will allow the *Board* to make necessary adjustments from time to time to meet the ongoing needs of consumers and the ever-changing profession of *veterinary medicine*.

4.4.10 While only a small number of states have them, facility permits and faculty licensing are recommended so corporate-owned practices and academic institutions with unlicensed instructors who have *client* contact may be subject to regulation and disciplinary actions in the absence of a *licensed veterinarian* owner. Corporate practices should ideally have a *licensed veterinarian* manager who is responsible to the *Board* for the facility.

4.4.14 This language was added to empower the *Board* to adopt, promulgate, and enforce rules and regulations relating to specific duties and responsibilities: licensure, registration, and other matters pertaining to non-licensed individuals consistent with the provisions of this Act. The intent is to provide *Boards* with the power to regulate non-veterinarians who may be performing specific duties constituting the *practice of veterinary medicine* (e.g., equine dentists).

Section 5 – License Requirement for *Veterinarians*

- 5.1. No individual may engage in the *practice of veterinary medicine* in the State who is not a *licensed veterinarian*, or the holder of a temporary permit issued by the *Board* unless otherwise exempt pursuant to Section 14 of this Act.
- 5.2. A *licensed veterinarian* who engages in the *practice of veterinary medicine*, contrary to this Act, shall be subject to disciplinary actions in a manner consistent with the provisions of this Act.
- 5.3. The *Board* may create a rule to register *veterinary specialists* as defined in Section 3.33.

COMMENTARY TO SECTION 5—The intent of this section is to declare unlawful the *practice of veterinary medicine* by any *person* not licensed or holding a temporary permit to practice in the State unless exempt (Section 14).

5.3 This section (added in 2025) also gives the *Board* authority to register *veterinary specialists* where there is a desire to have a different set of rules that apply to that category of *licensed veterinarians*. For example, the *Board* may want to consider making a rule that determines qualifications for a registered *veterinary specialist* so they may advertise as a state recognized *veterinary specialist*, thus differentiating themselves from other veterinarians who claim specialty knowledge but have not met those criteria.

Section 6— License Requirement for *Veterinary Technicians/Veterinary Technologists*

- 6.1. No individual may engage in the *practice of veterinary technology* in the State who is not a *licensed veterinary technician/licensed veterinary technologist*, or holder of a temporary permit issued by the *Board*.
- 6.2. A *licensed veterinary technician/veterinary technologist* who engages in the *practice of veterinary technology* contrary to this Act shall be subject to disciplinary actions in a manner consistent with the provisions of this Act.
- 6.3. The *Board* may make rules regarding the scope of *practice of veterinary technology* that do not result in the *practice of veterinary medicine* as defined in Section 3.18.
- 6.4. The Board may create a rule to register *veterinary technician* specialists as defined in Section 3.36

COMMENTARY TO SECTION 6—Section 6 was inserted because the AVMA believes it is important for *Boards* to have the authority to regulate the *practice of veterinary technology* and to discipline those individuals representing themselves as *licensed veterinary technicians/veterinary technologists* but who have not fulfilled the requirements set forth in the definition of a *veterinary technician/veterinary technologist*.

Section 6, together with section 4.4.3, allows *Boards* to develop rules and regulations governing the *practice of veterinary technology* in a separate but related document to the veterinary practice act.

Although 4.4.3 provides *Boards* with the power to adopt, promulgate, and enforce rules and regulations relating to specific duties and responsibilities, including licensure or registration, *Boards* may want to create a rule when first licensing *veterinary technicians/veterinary technologists* in the state to allow the recognition of existing veterinary assistants based on some level of competency and then consider how that recognition provision will eventually be sunset. The MVPA reflects the intent to phase out alternate educational routes for *veterinary technicians/veterinary technologists*. It is clearly stated in 3.34 and 3.37 that a "*veterinary technician/veterinary technologist*" means a graduate of an accredited program in *veterinary technology* that generally results in a degree.

As the use of unlicensed veterinary assistants and non-veterinarian practitioners continues to evolve, the AVMA may need to study how the MVPA should treat the activities of these non-licensed individuals.

6.4: This subsection also gives the *Board* power to register *veterinary technician specialists* where there is a desire to have a different set of rules that apply to that category of *licensed veterinary technicians/veterinary technologists*. For example, the *Board* may want to consider making a rule that determines qualifications for a registered *veterinary technician specialist* so they may advertise as a state-recognized *veterinary technician specialist*, thus differentiating themselves from other



veterinary technicians/veterinary technologists who claim specialty knowledge but who have not met these criteria.

Section 7 – Status of Individuals Previously Licensed

- 7.1. Any individual who holds a license to engage in the *practice of veterinary medicine* or who is licensed to engage in the *practice of veterinary technology* in the State on the date this Act becomes effective shall be recognized as a *licensed veterinarian* or *licensed veterinary technician/veterinary technologist* and shall be entitled to retain this status so long as they comply with the provisions of this Act, including periodic renewal of their license.

COMMENTARY TO SECTION 7—The sole purpose of this section is to clarify the status of *licensed veterinarians* or *licensed veterinary technicians/veterinary technologists* under a former regulatory procedure. Such *veterinarians* or *veterinary technicians/veterinary technologists* are authorized to practice under the new Act without relicensing or examination. It is also clear under this section that individuals licensed under a former Act are nevertheless subject to all provisions of the new Act.

Section 8 – Application for License: Qualifications

- 8.1. Any individual desiring a license to engage in the *practice of veterinary medicine* in the State shall:
 - 8.1.1. make written application to the *Board*,
 - 8.1.1.1. the application shall show that the applicant is a graduate of an *accredited college of veterinary medicine*, or
 - 8.1.1.2. the holder of an *ECFVG®* or *PAVE®* certificate for *veterinarians*.
 - 8.1.2. have passed a recognized national licensing examination, and
 - 8.1.3. submit to a State and federal background check as the *Board* may require by rule.
- 8.2. Any individual desiring a license to engage in the *practice of veterinary technology* in the State shall:
 - 8.2.1. make written application to the *Board*,
 - 8.2.1.1. the application shall show that the applicant is a graduate of an *accredited program of veterinary technology*, and
 - 8.2.1.2. have passed a recognized national licensing examination for *veterinary technicians/veterinary technologists*.
 - 8.2.2. submit to a State and federal background check as the *Board* may require by rule.
- 8.3. All applications shall be accompanied by a fee in the amount established and published by the *Board*.
- 8.4. If the *Board* determines the applicant possesses the proper qualifications, it shall admit the applicant to the next State jurisprudence examination.
- 8.5. If an applicant is found not qualified to take the State jurisprudence examination, the *Board* shall notify the applicant in writing in compliance with State law of such finding and the grounds thereof.
 - 8.5.1. An applicant found unqualified may request a hearing on the questions of their qualifications under the procedure set forth in Section 18.

COMMENTARY TO SECTION 8—This section covers the qualifications a candidate must possess to be eligible for licensure and the general process such a candidate must follow to make application for licensure.

The *Board* can utilize various means (e.g., the Veterinary Information Verifying Agency [VIVA®], criminal background checks, fingerprinting) to assess the qualifications of applicants for licensure.

In compliance with the ADA, it is recommended that application questions focus only on the applicant's current ability to perform duties required by the job. Suggested language: "Do you have any condition that interferes with your ability to competently and safely engage in the *practice of veterinary medicine* (or the *practice of veterinary technology*)?"

8.1.3 and 8.2.2: When considering a background check, the *Board* should keep in mind that such reviews should be consistent with items that may lead to discipline of a licensee. As such, Section 16 spells out the following as reasons for discipline: *any felony; any crime involving cruelty, abuse, or neglect of animals, including bestiality; any crime of moral turpitude including, but not limited to, any crime involving unlawful sexual contact, child abuse, the use or threatened use of a weapon, the infliction of injury, indecent exposure, perjury, false reporting, criminal impersonation, forgery, and any other crime involving a lack of truthfulness, veracity, or honesty, intimidation of a victim or witness, larceny, or alcohol or drugs.*

Section 8.5 also indicates that the *Board* must notify candidates of adverse decisions. It is essential that adverse decisions be shared in a timely manner and include the reasons as to why the *Board* reached its decision.

As is the case with all sections relating to licensure, references to named licensing or testing entities should be interpreted to include any recognized successor or parallel entities.

Section 9 – Jurisprudence Examinations

- 9.1. The *Board* shall provide for a jurisprudence examination for licensing at the time of application.
- 9.2. The *Board* may provide a temporary permit for the applicant if the testing frequency is less than every 30 days as described in Section 11.
- 9.3. The passing score for the examination shall be established by the testing entity.
- 9.4. After examination, each examinee shall be notified of the result of the examination within 30 days, and the *Board* shall issue a certificate of licensure to the successful candidates.
- 9.5. Any individual who fails the State examination may, at the sole discretion of the *Board*, be admitted to any subsequent examination on payment of the application fee.

COMMENTARY TO SECTION 9—General examination procedures are set out in this section. Procedures listed are purposefully broad to leave details concerning the examination to the discretion of each *Board*.

States that require a state jurisprudence examination that is only available on an infrequent basis should consider issuing a temporary permit to an applicant that allows them to practice until the examination is offered. Allowing the temporary permit to be valid for 60 days after the examination date allows time for the *Board* to notify the applicant of the results and to either complete the licensing process, or in the case of the applicant not passing the examination, allow the applicant time to make alternative arrangements for employment. The *Board* can promulgate rules as to how often they may reissue temporary permits based on the number of times they allow an applicant to retake the state examination.

Although not explicitly stated in the MVPA, to maintain the integrity and security of national and state licensing examinations, a *Board* may elect to limit the number of times a candidate may take and fail each examination in a given time period. The restriction on the number of attempts should be in the practice act, rather than in the regulations, to provide statutory authority to any subsequent challenge. A state may also elect to require that a candidate who fails several examinations engages in remedial strategies prior to reapplying for examination.

Section 10 – *License by Endorsement*

- 10.1. *Veterinarian*: The *Board*, in its sole discretion, may issue a *license by endorsement* to a qualified applicant who:
 - 10.1.1. holds an active license issued by another state, and
 - 10.1.2. has provided proof of a record of good standing for the state(s) in which they are licensed and have been previously licensed, and
 - 10.1.3. has acceptably completed State-specific jurisprudence testing, as determined by the *Board*.
 - 10.1.4. If the time until the next State jurisprudence examination is greater than 30 days, the *Board*, in its sole discretion, may issue a temporary permit as described in Section 11, to expire 60 days after the date of the next examination.
- 10.2. *Veterinary Technician/Veterinary Technologist*: The *Board*, in its sole discretion, may issue a *license by endorsement* to a qualified applicant who:
 - 10.2.1. furnishes satisfactory proof that they are a graduate of an *accredited program of veterinary technology*, and
 - 10.2.2. holds an active license as a *veterinary technician/veterinary technologist* issued by another state,
 - 10.2.3. has provided proof of a record of good standing for the state(s) in which they are licensed and have been previously licensed, and
 - 10.2.4. has acceptably completed State-specific jurisprudence testing, as determined by the *Board*.
- 10.3. All applications shall be accompanied by a fee in the amount established and published by the *Board*.
- 10.4. An applicant found unqualified may request a hearing on the question of their qualification under the procedure set forth in Section 18.

COMMENTARY TO SECTION 10—This section addresses situations in which the *Board* may issue a *license by endorsement*. AVMA encourages states to consider a process that is as streamlined as possible for those holding a license in another jurisdiction in good standing in order to facilitate the movement of *licensed veterinarians* or *licensed veterinary technicians/veterinary technologists* to a new jurisdiction and minimize the waiting time to obtain a license. Certain *Boards*, particularly those in northern border states, may wish to add inclusive language (e.g., "or province of Canada") in subsection 10.1.1 and subsection 10.2.2, respectively, to allow *veterinarians* licensed or *veterinary technicians* credentialed in Canada to seek *license by endorsement*.

In certain states, agencies other than the *Board* may exercise control over certain aspects of veterinary licensure. For example, it is a common requirement that applicants for *license by endorsement* pass an examination on a state's laws and rules related to *veterinary medicine*



(jurisprudence). Such requirements may be driven by other state regulations, such as those that require certification and permits for pesticide applicators and distributors. In other states, licensure, or re-licensure of *veterinarians* with a state tax delinquency may be under the jurisdiction of a state agency other than the *Board*.

Section 11 – Temporary Permit

- 11.1. The *Board* may issue a temporary permit to engage in the *practice of veterinary medicine* in the State:
- 11.1.1. To a qualified (according to Section 8.1 and 8.3) applicant for initial license, pending license processing, provided that the grantee is under *indirect supervision* of a *licensed veterinarian*.
 - 11.1.2. To a nonresident *veterinarian* who is a graduate of an *accredited college of veterinary medicine* or an *ECFVG*® or *PAVE*® certificate holder currently licensed in good standing in another state or a foreign country who pays the fee established and published by the *Board*, provided that such temporary permit shall be issued for a period of no more than 90 consecutive days and that no more than one permit shall be issued to an individual during a calendar year as determined by the *Board*.
 - 11.1.3. A temporary permit may be summarily revoked or limited by the *Board* without a hearing for any reason the *Board* determines to be in the best interest of the health and welfare of *animals*, public health, or citizens of the State.
- 11.2. The *Board* may issue a temporary permit to engage in the *practice of veterinary technology* in the State:
- 11.2.1. To a qualified (according to Section 8.2 and 8.3) applicant for initial license, pending license processing, provided that the grantee is under *direct supervision* of a *licensed veterinarian*.
 - 11.2.2. To a nonresident *veterinary technician/veterinary technologist* who is a graduate of an *accredited program in veterinary technology* or *PAVE*® certificate holder and is currently licensed in good standing in another state who pays the fee established and published by the *Board*, provided that such temporary permit shall be issued for a period determined by the *Board*.
 - 11.2.3. A temporary permit may be summarily revoked or limited by the *Board* without a hearing for any reason that the *Board* determines to be in the interest of the health or welfare of *animals* or citizens of the State.

COMMENTARY TO SECTION 11—This section authorizes the *Board* to grant temporary permits for the *practice of veterinary medicine* to two categories of individuals: (1) qualified first-time applicants pending State jurisprudence examination and (2) nonresident veterinarians who are graduates of an accredited college or *ECFVG*® or *PAVE*® certificate holders and who are validly licensed in the United States or another country. The AVMA supports the policy of states offering temporary permits to practice to qualified, but unlicensed, applicants waiting to take the licensing examination(s), with the added stipulation that such applicants must work under the *indirect supervision* of a *licensed veterinarian* in that state. Furthermore, a nonresident *veterinarian* meeting



all other application requirements (i.e., graduation from an *accredited college of veterinary medicine* or completion of the *ECFVG*® or *PAVE*® program) and holding a license to practice in another state or country may be granted a temporary permit to practice and may do so with or without *indirect supervision* of a *licensed veterinarian* in that state.

Temporary permits may be issued for a variety of purposes including, but not limited to, disaster response or temporary work that will not exceed the maximum duration of the permit. Temporary permits for some purposes may need to be expedited (disasters) and states should put in place processes that can meet the demand of such timelines. Section 14.1.15 exempts licensure of *veterinarians* or *veterinary technicians* when a declared disaster exists and an official invitation has been extended by a jurisdictional authority, as another method to handle veterinary first responders.

Each individual *Board* may wish to add language to the last line of this section to indicate whether the decision of the board to summarily revoke or limit temporary permits is to be made based on a simple majority of voting membership, a simple majority of a quorum present, or a two-thirds majority of either the voting membership or quorum present.

Section 12 – License Renewal

- 12.1. All licenses shall expire periodically but may be renewed by the *Board* with payment of the renewal fee established and published by the *Board*. The *Board* shall provide written or electronic notification to each *licensed veterinarian or licensed veterinary technician/veterinary technologists* that their license will expire within a specific number of days, in accordance with *Board* rules, and provide them with licensing renewal instructions. The *Board* shall issue a new license to all individuals renewing their license under this Act.
- 12.2. The *Board* shall establish the continuing education requirements for *licensed veterinarians* and *licensed veterinary technicians/veterinary technologists* that must be met for license renewal. The *Board* shall also make rules to define the types of continuing education that will meet its requirements.
- 12.3. Any individual who engages in the *practice of veterinary medicine* or the *practice of veterinary technology* after the expiration of their license and willfully, or by neglect, fails to renew such license shall be practicing in violation of this Act. Licenses may be reinstated after the date of expiration provided conditions are met as defined by *Board* rule, such as payment of a late fee in addition to the renewal fee. An individual who submits an application for renewal more than a specific number of days after the license renewal date, as indicated in *Board* rule, is subject to all requirements governing new applicants. As defined by *Board* rule, the *Board* may, after giving due consideration to the protection of the public, waive examination if that renewal application is received, together with all fees as may apply, within 3 years from the date of the expiration, and providing the applicant has complied with the continuing education requirements.
- 12.4. The *Board* may make rules addressing the voluntary inactivation and reactivation of a license.
- 12.5. The *Board* may, by rule, waive the payment of the registration renewal fees of a *licensed veterinarian or licensed veterinary technician/veterinary technologist* during the period when they are on active duty with any branch of the armed services of the United States.

COMMENTARY TO SECTION 12—This section contains information regarding expiration of veterinary licenses and renewal fees. It provides details of notification procedures and issue of new licenses.

12.2 This subsection also allows each *Board* to establish its own CE requirements by rule.

12.3 This subsection also specifies that any *person* practicing after expiration of their license and who willfully or by neglect fails to renew it shall be in violation of the Act. This subsection allows

reinstatement provided all conditions set forth by the *Board* are met. It provides that a *person* has up to 3 years after expiration of their license to renew the license by application and payment of fees and penalties in addition to complying with current continuing education (CE) requirements. After 3 years have elapsed, the individual must reapply for licensure.

12.4 The intent of this subsection is to allow the *Board* to make rules regarding individuals who may want to voluntarily inactivate a license for a time. These rules may be different than the situations addressed in subsection 12.3 and would entail notifying the *Board* in advance that the license would become inactive and also the process of reactivating the license. Inactive licenses may have different/lower fees and may be the result of practicing in another state, illness, childcare needs, etc. Generally, CE requirements would still need to be satisfied for the period of time that the license is inactive.

12.5 Renewal fees can be modified for individuals on active duty in the military. It is important to note that the intent of this last clause is to allow only waiver of fees. An individual on active duty in the military will still be required to renew their license to practice outside of their assigned military duties. See 10 U.S.C. § 1060c.

Section 13 – Veterinarian-Client-Patient Relationship (VCPR) Requirement

- 13.1. No individual may engage in the *practice of veterinary medicine* in the State except within the context of a *VCPR*.
- 13.2. A *VCPR* as defined in Section 3.26 cannot be established solely by telephonic or other electronic means. Without a *VCPR*, any advice provided through electronic means shall be general and not specific to a *patient*, diagnosis, or treatment.

COMMENTARY TO SECTION 13— Definitions of the *VCPR* exist at the state and federal levels. Should there be a conflict between state and federal definitions, veterinarians are required to follow the federal definition when engaging in activities covered by federal law, including the Federal Food, Drug, and Cosmetic Act, Federal Virus-Serum-Toxin Act, and Horse Racing Integrity and Safety Act. Examples of such activities include using drugs in an *extralabel* manner, using drugs compounded from bulk drug substances, authorizing *VFDs* in some states, using certain types of veterinary biologics, issuing Certificates of Veterinary Inspection (CVIs), evaluating and testing for certain diseases, and caring for horses covered under the Horse Racing Integrity and Safety Act. The federal definition of the *VCPR* requires that the *VCPR* be established with an in-person physical examination of the *patient* or a visit to the premises where the *animal* is kept; it may not be established electronically. Once established it may be maintained using *telemedicine* between medically necessary visits. Conflicting state and federal *VCPR* definitions (e.g., states allowing the *VCPR* to be established electronically) can cause significant confusion. FDA, USDA, and the FTC have used the same or similar regulatory definitions to avoid such conflicts. For this reason, and to best protect the health and safety of *patients* and the interests of *clients*, and reduce liability risks for *veterinarians*, AVMA strongly recommends that states adopt a *VCPR* that is consistent with the federal definition (i.e., one that requires an in-person visit to establish it).

Section 14 – Exemptions

14.1. This Act shall not be construed to prohibit:

- 14.1.1. Any employee of the federal, State, or local government performing their official duties.
- 14.1.2. Any student who is enrolled:
 - 14.1.2.1. in an *accredited college of veterinary medicine* performing duties or actions assigned by instructors while working under the *direct supervision* of a *licensed veterinarian*, or
 - 14.1.2.2. in an *accredited program of veterinary technology* performing duties or actions, other than diagnosis, prognosis, recommending treatments, prescribing, or surgery, as assigned by instructors while working under the *direct supervision* of a *licensed veterinarian*.
- 14.1.3. Any *person* advising with respect to, or performing, acts that the *Board* has designated by rule as accepted *livestock* management practices.
- 14.1.4. Any person providing *consultation* to a *licensed veterinarian* in the State on the care and management of a *patient*.
- 14.1.5. Any licensed individual of a licensed or regulated profession within the State providing assistance requested by a *licensed veterinarian* in the State, acting with *consent* from the *client*, and acting under the *supervision* of the *licensed veterinarian*. The *licensed veterinarian* shall maintain responsibility for the *VCPR*.
- 14.1.6. Any *veterinarian* employed by an *accredited college of veterinary medicine* providing assistance requested by a *licensed veterinarian* in the State, acting with *consent* from the *client*, and acting under the *direct* or *indirect supervision* of the *licensed veterinarian*. The *licensed veterinarian* shall maintain responsibility for the *VCPR*.
- 14.1.7. Any pharmacist, merchant, or manufacturer selling at their regular place of business medicines, feed, appliances, or other products used in the prevention or treatment of *animal* diseases as permitted by law.
- 14.1.8. Any individual lawfully engaged in the art or profession of farriery.
- 14.1.9. Subject to the State's *animal* cruelty laws and Subsection 14.1.16, an owner of an *animal* and any of the owner's regular employees caring for and treating the *animal* belonging to such owner, except where the ownership of the *animal* was

transferred or manipulated for purposes of circumventing this Act. Individuals must comply with all laws, rules, and regulations regarding the use of medicines and biologics.

- 14.1.10. Any *person* who provides training for *animals* that does not include diagnosing or prescribing or dispensing of any therapeutic agent.
- 14.1.11. Any instructor at an *accredited college of veterinary medicine* or *accredited program in veterinary technology* performing their regular functions or any individual lecturing or giving instructions or demonstrations at an *accredited college of veterinary medicine* or *accredited program in veterinary technology* or in connection with a continuing education course or seminar provided for *veterinarians* or *veterinary technicians/veterinary technologists*.
- 14.1.12. Any *person* selling or applying pesticides, insecticides, or herbicides as permitted by law.
- 14.1.13. Any *person* engaging in scientific research involving *animals* conducted in accordance with federal, State, and local laws and regulations.
- 14.1.14. Any *licensed veterinary technician/veterinary technologist* or other employee of a *licensed veterinarian* performing lawful duties under the direction and *supervision* of such *veterinarian* who shall be responsible for the performance of the employee.
- 14.1.15. A *veterinarian* or a *veterinary technician/veterinary technologist* licensed in another state, practicing in the State during an emergency or natural disaster within the scope and location of assigned veterinary medical duties of the response efforts without written examination or other qualification if:
 - 14.1.15.1. an official declaration of the disaster or emergency has been made by the Governor or the delegated State official; and
 - 14.1.15.2. an official invitation has been extended to the *veterinarian* or *veterinary technician/veterinary technologist* for a specified time by the authority that has jurisdiction for coordinating the *animal/agricultural* issues in the State during emergencies either within or outside the Emergency Management Assistance Compact (EMAC).
- 14.1.16. Any *person* who, without expectation of compensation, provides immediate veterinary care in the event of a life-threatening emergency.

- 14.1.17. Any individual acting under the *direct or indirect supervision* of a *licensed veterinarian* to provide care for *animals* that are the property of an *animal* shelter when at least the following conditions are met:
 - 14.1.17.1. the individual is an employee of an *animal* shelter or its agencies, and
 - 14.1.17.2. the individual is performing these tasks in compliance with a written protocol developed in *consultation* with a *licensed veterinarian*, and
 - 14.1.17.3. the individual has received proper training.
 - 14.1.17.4. Such individuals shall not diagnose, recommend treatments, prescribe, or perform surgery.
 - 14.1.18. Any *person* who lawfully provides care and rehabilitation of wildlife species under the *supervision* of a *licensed veterinarian*.
 - 14.1.19. Any other individual performing tasks for an *animal*-related activity that the *Board* determines does not require a license.
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COMMENTARY TO SECTION 14—This section provides a list of carefully considered exemptions to the general rule outlined in Section 5 that it is unlawful to practice *veterinary medicine* without a license.

Regardless of any state exemptions, no prescription drug, nonprescription drug, or VFD drug intended for *extralabel use* can be administered, dispensed, or prescribed during the treatment of an *animal*, nor may a *veterinarian* prescribe compounded drugs, prepare certain biologics, or treat horses covered under the Horseracing Integrity and Safety Act, unless a VCPR has been established in compliance with the federal definition.

This section does not exempt *veterinarians* or non-veterinarians employed by state or federal governments from following federal law as it relates to *extralabel drug use* and *VFDs*. There have been inappropriate attempts by state governments to indicate that veterinary or non-veterinary employees can issue prescriptions for *extralabel drugs* or *VFDs* in the absence of a *VCPR* because they are exempt from the state veterinary practice act.

14.1.1 exempts any federal, state, or local government employee performing his or her official duties.

There have been concerns that government employed *veterinarians* exempted by this section cannot be disciplined by the *Board* when their competence comes into question. AVMA believes that if a *veterinarian* holds a license issued by the state that the *Board* has authority to act on that license, even if the *veterinarian* was working under this exemption. If the *veterinarian* loses their state license, they would still be able to perform their official duties without being licensed by the state. It would then be up to the governmental entity to determine if the *veterinarian* was still fit to

perform those official duties. The *veterinarian* who had their license revoked would not be able to practice outside the scope of their government employment.

14.1.3: "*Livestock* management practices," refers to surgical procedures and other procedures currently considered essential and routine *animal* husbandry techniques necessary for management of groups of *animals* raised at various levels of confinement. State legislatures, as a part of the veterinary practice act, should identify, list, or describe those factors the *Board* must or should consider in determining whether a particular procedure or technique is an accepted *livestock* management practice. State humane laws apply to farm and ranch personnel during the performance of and subsequent aftercare associated with these exempted procedures. It behooves the attending *veterinarian* to advocate on the *animal's* behalf to ensure that procedures are performed at the proper age to minimize pain and discomfort and that appropriate techniques are applied.

14.1.5: A *licensed veterinarian* may, in the best interest of the *patient*, and with the owner's *consent*, request assistance from either a non-veterinarian in a licensed or regulated profession in the state with specific expertise or a *veterinarian* who is exempt from licensure by employment at an *accredited college of veterinary medicine*.

14.1.6: Indicates that licensed non-veterinarians and *veterinarians* employed at an *accredited college of veterinary medicine* may provide assistance only if the individual is acting under the *supervision* of a *licensed veterinarian* and the *licensed veterinarian* maintains responsibility for the *VCPR*. Acting outside these parameters constitutes the *practice of veterinary medicine*, and as such, may result in penalties specified within the Act. Subsection 14.1.6 does not preclude a state from adopting oversight requirements applicable to non-veterinarian licensed professionals, such as referral by a *veterinarian*, obtaining a *veterinarian's* medical clearance prior to treatment, certification by an approved entity, continuing education relating to working on *animals*, and liability coverage.

14.1.9: It has been common practice for states to allow an owner of an *animal* or any of that owner's regular employees to treat *animals* belonging to that owner. The term "regular employee" is used to avoid circumvention of the intent of this exemption by individuals employed primarily to treat the owner's *animals*. Furthermore, this exemption should not apply to situations in which ownership of the *animal* is transferred or manipulated to qualify for the exemption. Finally, language in this subsection indicates that regardless of the situation, no prescription drug or nonprescription drug intended for *extralabel use* can be administered, dispensed, or prescribed during the treatment of the *animal* unless a *VCPR* has been established in compliance with the federal definition. This latter requirement reflects language embodied in federal regulation 21 CFR Part 530, which implements the Animal Medicinal Drug Use Clarification Act (AMDUCA). Classification of *animal* drugs and biologics as to prescription or over the counter is not the purview of the state veterinary practice act, but rather the purview of the United States Food and Drug Administration, the United States Department of Agriculture, and, in some cases, other federal law. This subsection does not exempt the *animal* owner or their regular employee from compliance with the state's *animal* cruelty laws.

14.1.14: This subsection is not intended to allow for diagnosing, prognosing, recommending treatments, prescribing, or performing surgery by *licensed veterinary technicians/licensed veterinary technologists* or other employees of a *licensed veterinarian*.

14.1.15: This subsection was added to exempt those who respond to disasters under a strict set of circumstances. This is written so that self-responders who have not been invited into the state through the proper channels must comply with the state veterinary practice act. Adherence to an authoritative chain of command is necessary to protect out-of-state responders' credentials and to ensure a successful response to an incident. States may wish to provide details about what individuals or agencies can request assistance in *animal* or agricultural emergencies either within or outside the Emergency Management Assistance Compact (EMAC). Proper credentialing as established by the Incident Command System (ICS) through the National Incident Management System (NIMS) for the duties the out-of-state individuals are fulfilling could be added.

14.1.17: This subsection was expanded in 2012 to clearly outline the care of *animals* for which a shelter has taken possession. This exemption allows a shelter employee to perform tasks (e.g., vaccinations, prophylactic treatment of parasites, testing for infectious disease, euthanasia) under the *supervision* of a *licensed veterinarian*, when certain specific conditions are met. In reference to veterinary care, including euthanasia performed at *animal* shelters, the AVMA urges that each *Board* check with the United States Drug Enforcement Administration (DEA) to determine current requirements governing use of DEA-regulated drugs in *veterinary medicine*. To comply with DEA requirements, a *Board* may need to require that euthanasia accomplished using a DEA controlled substance be performed under the ***direct*** supervision of a *licensed veterinarian* or by a euthanasia technician licensed by the *Board*.

14.1.18: This subsection was added in 2012 to exempt those who lawfully provide care and rehabilitation to wildlife under the *supervision* of a *licensed veterinarian*.

14.1.19: This subsection was added in 2025 to allow *Boards* to exempt appropriate situations where a *veterinarian* who is licensed in another state may need to do very temporary work (e.g., assisting at a horse show, performing a pre-purchase examination, running an ophthalmology clinic for a day) and it is not reasonable to acquire a temporary permit due to the infrequency of their practice. *Veterinarians* performing such tasks in a state on a more than occasional basis need to be licensed.

Section 15 – Telehealth

15.1. Telehealth

- 15.1.1. A *licensed veterinarian* may provide *telesupervision* for staff employed by the same physical practice, except for tasks that require *direct supervision* or *immediate supervision*.
- 15.1.2. *Teleadvice* and *teletriage* do not require establishing a *VCPR* and can be delegated to an appropriate staff member under *indirect supervision*. *Telehealth* service providers may also be used to deliver such services.

15.2. Telemedicine

- 15.2.1. Only a *veterinarian licensed* in (insert State) shall provide *telemedicine* services to a *patient* located in (insert State).
- 15.2.2. Before using *telemedicine*, a *licensed veterinarian* shall establish a *VCPR* by conducting an in-person, physical examination of the *patient* or a visit to the premises where the *patient* is kept.
- 15.2.3. An established *VCPR* can be transferred to another *licensed veterinarian* in this State who practices in the same physical location as the attending *veterinarian* if they have access to, and have reviewed, the *patient's* medical records.
- 15.2.4. An individual providing *telemedicine* services shall comply with, and is subject to, all licensing and disciplinary provisions of this Act. The *Board* shall have jurisdiction over a *licensed veterinarian* practicing *telemedicine* in this State, regardless of where the *veterinarian's* physical office is located.
- 15.2.5. When practicing *telemedicine*, a *licensed veterinarian* shall:
 - 15.2.5.1. Provide the *client* with the *veterinarian's* name, license number, and physical location, and shall secure an alternate method of contacting the *client* in case the electronic connection being used for *telemedicine* is interrupted;
 - 15.2.5.2. Employ sound professional judgment to determine whether using *telemedicine* is appropriate each time such services are provided, and only provide services via *telemedicine* when it is medically appropriate;
 - 15.2.5.3. Advise the *client* that *telemedicine* ultimately may not be appropriate for managing the *patient's* medical concern, that an in-person visit may be recommended at any time, and, in such case, that the *telemedicine consultation* may be purposefully discontinued;
 - 15.2.5.4. Obtain *consent* from the *client* for the use of *telemedicine*;
 - 15.2.5.5. Conduct all necessary *patient* evaluations consistent with currently accepted standards of care;

- 15.2.5.6. Be readily available, or have arranged for emergency coverage, for follow-up evaluation in the event of an adverse reaction or failure of the recommended treatment regimen;
- 15.2.5.7. Confirm that the technology and physical setting being used by the *licensed veterinarian* to deliver *telemedicine* services has adequate security in place to ensure compliance with the *veterinarian's* legal obligations to protect the *client's* privacy and the confidentiality of the *patient's* medical records, including the *client's* financial information; and,
- 15.2.5.8. Maintain medical records with sufficient information for continuation of care. Such records shall be maintained for X years.
- 15.2.6. Prescribing medications via *telemedicine* shall be done at the professional discretion of the *licensed veterinarian* and in accord with all jurisdictional regulations, including State and federal requirements.
- 15.2.7. A *veterinarian licensed* in the State, who has established a *VCPR* with a *client* and *patient*, may refer a *patient* to a *veterinarian licensed* in the State who is a board-certified *veterinary specialist*, certified in an area of practice recognized by the *Board*, or a *licensed veterinarian* in the State recognized by the referring *veterinarian* to have specific expertise in a particular area important to the *patient's* care. The *licensed veterinarian* to whom the *patient* is referred may practice *telemedicine* and consult directly with the *client* under the referring *veterinarian's VCPR*, provided the diagnostic and treatment plan is coordinated between the referring and the referral *veterinarian* before it is communicated to the *client*. Only the referring *veterinarian* may prescribe drugs, including but not limited to controlled substances.
- 15.3. Nothing in this section shall be construed to alter Federal or State requirements and standards for the issuance of Certificates of Veterinary Inspection (CVIs) or health certificates.

COMMENTARY TO SECTION 15

Section 15 was added in 2025 due to the number of states that are drafting statutory and regulatory language around *telemedicine*. Proper nomenclature needs to be used when referring to different aspects of *telehealth* and this is why definitions have been added in Section 3.

15.2.1 It is critical that a *veterinarian* who is providing *telemedicine* services to an *animal* in the State be licensed in the State.

15.2.2 A *VCPR* needs to be established through an in-person exam or visit to the premise before *telemedicine* services can be offered to the *client* for that *animal*.

15.2.4 This subsection outlines processes that are important to follow due to the limitations associated with use of *telemedicine* and that protect both the provider and the client.

15.2.5 Even when a *VCPR* has been established according to this Act, there may be State regulations that impact what medications can be prescribed (and in what quantities) via *telemedicine*.

15.2.6 This subsection provides for a *licensed veterinary specialist*, or other *licensed veterinarian* in the State that the referring *licensed veterinarian* knows has specialized knowledge, to directly engage in *telemedicine* services with a *client* for a *patient* with which the referring *licensed veterinarian* has a *VCPR*. This ability is limited to a particular problem that the referring *veterinarian* continues to oversee by having diagnostic and treatment plans shared with the referring *veterinarian*. The referring *licensed veterinarian* must handle all prescribing or dispensing of drugs for the *patient*.

15.2.5.8 The number of years that records should be kept should be consistent with state requirements for other veterinary medical records.

For additional information about *telehealth*, see [AVMA's Telehealth Resource Center](#).

Section 16– Discipline of Licensees

16.1 Upon written complaint sworn by any *person*, the *Board*, in its sole discretion, may, after determination that cause exists for disciplinary action, fine, revoke, suspend, limit for a certain time the license of, or otherwise discipline (publicly or privately), any licensee (for the purpose of this Section, "licensee" means a *licensed veterinarian* or *licensed veterinary technician/licensed veterinary technologist*) for any of the following reasons:

- 16.1.1. Violations of any order of the *Board*.
- 16.1.2. Unprofessional conduct as defined in regulations adopted by the *Board*.
- 16.1.3. Violations of this Act or of the rules promulgated under this Act.
- 16.1.4. The use of advertising or solicitation that is false or misleading.
- 16.1.5. Failure to keep accurate and comprehensive *patient* records as set by rules promulgated by the *Board*.
- 16.1.6. Failure to keep *veterinary premises* and equipment, including practice vehicles, in a clean and sanitary condition as set by rules promulgated by the *Board*.
- 16.1.7. Failure to permit the *Board* or its agents to enter and inspect *veterinary premises* and equipment, including practice vehicles, as set by rules promulgated by the *Board*.
- 16.1.8. Fraud, misrepresentation, or deception in obtaining a license.
- 16.1.9. Knowingly aiding the unlicensed *practice of veterinary medicine* or the practice of *veterinary technology*.
- 16.1.10. The inability to practice with reasonable skill and safety because of being *impaired*.
- 16.1.11. Incompetence, gross negligence, or other malpractice in the *practice of veterinary medicine or the practice of veterinary technology*.
- 16.1.12. Revocation, suspension, or limitation of a license to practice by another state, on grounds other than nonpayment of registration fees.
- 16.1.13. Loss or suspension of accreditation by any federal or state agency on grounds other than nonpayment of registration fees or voluntary relinquishment of accreditation.
- 16.1.14. Fraud or dishonesty in the application or reporting of any test for disease in *animals*.

- 16.1.15. Failing to report or making an intentional false or misleading report of reportable diseases; reportable diseases are those stipulated by federal or state laws or requirements of the *Board*.
 - 16.1.16. Dishonesty or gross negligence in the performance of food safety inspections or the issuance of CVIs.
 - 16.1.17. The dispensing, distribution, prescription, or administration of any *veterinary prescription drug*, *VFD drug*, or the *extralabel use* of any drug, or prescribing a compounded drug in the absence of a *VCPR*.
 - 16.1.18. Violations of State or federal drug laws.
 - 16.1.19. Conviction or entering of a diversion agreement relative to the following in any federal court or in the courts of the State or any other jurisdiction, regardless of whether the sentence is deferred:
 - 16.1.19.1. Any felony.
 - 16.1.19.2. Any crime involving cruelty, abuse, or neglect of *animals*, including bestiality.
 - 16.1.19.3. Any crime including, but not limited to, unlawful sexual contact; child or elder abuse; the use or threatened use of a weapon; the infliction of injury; indecent exposure; perjury, false reporting, criminal impersonation, forgery, and any other crime involving a lack of truthfulness, veracity, or honesty; intimidation of a victim or witness; larceny; or alcohol or drugs.
- 16.2. For the purposes of 16.1.9, a plea of guilty or a plea of nolo contendere accepted by the court shall be considered as a conviction.
- 16.3. When the *Board* determines that a violation is technical or minor and poses no imminent risk to *animal* health and welfare, or public health, the *Board* may issue a written corrective plan. If the licensee satisfactorily completes the written plan, no formal discipline is entered on the licensee's public record.

COMMENTARY TO SECTION 16—This section, together with Sections 18, 19, and 21, provides the procedures for initiating and enforcing disciplinary action against individuals violating any section of this Act. Language in Section 16 delineates the reasons for which the *Board* may initiate hearing procedures and disciplinary actions against *licensed veterinarians* or *licensed veterinary technicians/licensed veterinary technologists*.

16.1.5: This subsection mentions “comprehensive *patient* records”. States may want to consider further defining in administrative rule what constitutes appropriate *patient*/medical records. 21 CFR Sec. 530.5 contains language required for a medical record in the context of *extralabel use*. The



veterinary medical record serves as a basis for planning *patient* care and as a means of communicating among members of the veterinary practice. The records furnish documentary evidence of the *patient's* illness, hospital care, and treatment, and serve as a basis for review, study, and evaluation of the care and treatment rendered by the *veterinarian*. A veterinary medical record shall be legible and kept in a reasonable and appropriate format that allows a *veterinarian*, by reading the record, to proceed with care and treatment of the *patient* and allows the *Board* or other agency to determine the advice and treatment recommended and performed.

The AVMA recommends that each *Board* requires that complaints be made in writing and provides positive identification of the complainant by means deemed sufficient by the *Board*.

Section 17 – *Impaired Licensed Veterinarian or Licensed Veterinary Technician/Veterinary Technologist*

- 17.1. The *Board* shall establish by rule a confidential program of care, counseling, or treatment for *impaired licensed veterinarians* and *impaired licensed veterinary technicians/veterinary technologists* for conditions of impairment that can be reasonably rehabilitated.
- 17.2. The confidential program of care, counseling, or treatment shall include a written schedule of organized treatment, care, counseling, activities, or education satisfactory to the *Board*, designed for the purpose of restoring an *impaired* individual to a condition whereby the *impaired* individual can engage in the *practice of veterinary medicine* or the *practice of veterinary technology* with reasonable skill and safety of a sufficient degree to deliver competent *patient* care.
- 17.3. The *Board* may defer action with regard to an *impaired licensed veterinarian* or *impaired licensed veterinary technician/veterinary technologist* who voluntarily signs an agreement, in a form satisfactory to the *Board*, to enter an approved treatment and monitoring program in accordance with rules duly promulgated by the *Board*, provided that this Section shall not apply to a *licensed veterinarian* or *licensed veterinary technician/veterinary technologist* who has been convicted of, pleads guilty to, or enters a plea of nolo contendere to a felony or a conviction relating to a controlled substance in a court of law of the United States or any other jurisdiction, territory, or country, or a conviction related to sexual misconduct.
- 17.4. All individuals authorized to practice by the *Board* shall report in good faith any *licensed veterinarian* or *licensed veterinary technician/veterinary technologist* they reasonably believe to be *impaired* as defined in Section 3.10.

COMMENTARY TO SECTION 17—This section addresses the *licensed veterinarian* or *licensed veterinary technician/veterinary technologist* who is in violation of the veterinary practice act according to 16.1.10, which provides for the revocation, suspension, or restriction of the veterinary license of any *licensed veterinarian* or *licensed veterinary technician/veterinary technologist* whose mental or physical ability to practice with reasonable skill and safety is *impaired*.

The confidential program of care, counseling, or treatment should include a written schedule of organized treatment, care, counseling, activities, or education satisfactory to the *Board*, designed for the purpose of restoring an *impaired* individual to a condition whereby the *impaired* individual can practice *veterinary medicine* or *veterinary technology* with reasonable skill and safety of a sufficient degree to deliver competent *patient* care.



The program of care, counseling, or treatment should be credentialed by a recognized accrediting organization such as the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or run by licensed mental health counselors.

Section 18 – Hearing Procedure

18.1. All hearings shall be in accordance with the Administrative Procedures Act of the State or other applicable State law.

COMMENTARY TO SECTION 18—This section establishes the hearing procedure for any individual who is the subject of a complaint under section 16 of the Act; found to be an unqualified applicant for licensure under section 8 of the Act; or as required in accordance with section 21 of the Act. The principle underlying this section is that no individual shall be denied the right to practice or be otherwise disciplined unless they have been granted a fair hearing on the charges brought against them.

The language in this section was left broad in recognition that in most states, hearings are conducted under the provisions defined in the state's administrative procedures act or other applicable laws. There may be certain provisions that may be exempted and that would be noted. In addition, any unique provisions specific to the veterinary practice act should be specified.

Section 19 – Appeal

19.1. All appeals shall be in accordance with the Administrative Procedures Act of the State or other applicable State law.

COMMENTARY TO SECTION 19—This section expressly provides a right of appeal to any individual dissatisfied with the decision of the *Board*. As with the language in Section 18, this language was left broad in recognition that, in most states, the appeal process is conducted under the provisions defined in the state's administrative procedures act or other applicable laws. There may be certain provisions that may be exempted and that would be noted. In addition, any unique provisions specific to the veterinary practice act should be specified.

Section 20 – Reinstatement

- 20.1. Any individual whose license is suspended, revoked, or limited may be reinstated at any time, with or without an examination, by approval of the *Board* after application is made to the *Board* showing cause justifying relicensing or reinstatement.

COMMENTARY TO SECTION 20—This section permits the *Board* to reinstate a suspended or revoked license at any time with or without examination. Each *Board* may wish to add language to this section to indicate whether approval of the *Board* means an affirmative vote of a simple majority of either the voting membership or quorum present, or whether approval of the *Board* will require a two-thirds majority of either the voting membership or quorum present.

Section 21 – Enforcement

- 21.1. Any individual who engages in the *practice of veterinary medicine* or the *practice of veterinary technology* without a valid license, or temporary permit, issued by the *Board*, shall be guilty of a criminal offense and upon conviction for each violation shall be sentenced according to the laws of the State, provided that each act of such unlawful practice shall constitute a distinct and separate offense.
- 21.2. Any individual not licensed under this Act is considered to have violated this Act and may be subject to all the penalties provided for such violations if that individual:
 - 21.2.1. Performs any of the functions described as the *practice of veterinary medicine* or the *practice of veterinary technology* as defined in this Act, or
 - 21.2.2. Represents, directly or indirectly, publicly or privately, an ability and willingness to perform any of the functions described as the *practice of veterinary medicine* or the *practice of veterinary technology* as defined in this Act, or
 - 21.2.3. Uses any title, words, abbreviation, or letters in a manner or under circumstances that induces the belief that the individual using them is qualified and licensed to perform any of the functions described as the *practice of veterinary medicine* or the *practice of veterinary technology* as defined in this Act.
- 21.3. The *Board* may bring an action to enjoin any individual from engaging in the *practice of veterinary medicine* or *practice of veterinary technology* without a license or temporary permit issued by the *Board*. If the court finds that the individual is violating or is threatening to violate this Act, it shall enter an injunction restraining them from such unlawful acts.
- 21.4. Notwithstanding other provisions of this Act, the *Board* may take immediate action if there is an imminent threat to the health, safety, or welfare of *animals* or the public. The *Board* shall find that this action is necessary for the protection of *animals* or the public and necessary to effectively enforce this Act. If the *Board* takes immediate action pursuant to subsection 4, efforts shall be made as soon as possible to proceed in accordance with a hearing pursuant to Section 18 of this Act.
- 21.5. In addition to any other penalty or remedy provided by law, the *Board* shall have the authority to implement a system of Cite and Fine procedures for licensed individuals who violate this Act. The *Board* may also impose a civil penalty, upon conviction, for each separate violation. This civil penalty shall be in an amount not to exceed [dollar

amount] for each violation and shall be assessed by the *Board* in accordance with the provisions set forth in Section 18 of this Act.

- 21.6. The success or failure of an action based on any one of the remedies set forth in this Section shall in no way prejudice the prosecution of an action based on any other of the remedies.

COMMENTARY TO SECTION 21—Under this section, any non-licensed individual, who engages in the unlawful *practice of veterinary medicine*, or the unlawful *practice of veterinary technology* may have criminal action brought against them. The individual may be fined or imprisoned. Each act of unlawful practice constitutes a separate crime.

21.5: This subsection indicates that the *Board* is authorized to implement a system of Cite and Fine procedures and to impose civil penalties for licensed individuals who violate the state veterinary practice act. The *Board*, in accordance with laws of each state, would establish these procedures, including the amount of the fines which should be proportional to the offense as defined in rule.

21.6: This subsection indicates that all the remedies set forth in this section are available in any case and that enforcement of this Act through one remedy does not prevent the use of other remedies.

Section 22 – *Veterinarian-Client Confidentiality*

- 22.1. No *licensed veterinarian* shall permit disclosure of any *client* or *patient* information (including images and video), except on witnessed verbal, written, or electronic authorization or waiver by the *licensed veterinarian's client*, or a court order or subpoena, or as otherwise provided in this Section.
- 22.2. Copies of, or information from, medical records shall be provided without the owner's *consent* to the *Board* or federal, state, or local governmental agencies who have a legal or regulatory interest in the contents of said records for the protection of *animal* health and welfare or public health.
- 22.3. Any *licensed veterinarian* releasing information under witnessed verbal, written or electronic authorization or other waiver by the *client*, or under a court order or subpoena, or as otherwise provided by this Section, shall not be liable to the *client* or any other *person*.
- 22.4. The privilege provided by this Section shall be waived to the extent that the *licensed veterinarian's client* or the owner of the *patient* places the *licensed veterinarian's* care and treatment of the *patient* or the nature and extent of injuries to the animal at issue in any administrative, civil, or criminal proceeding.
- 22.5. This Section shall not prevent a *licensed veterinarian* from disclosing identifiable *client* and *patient* information to a third party so that the third party can use the information to provide services for or perform functions on behalf of the *licensed veterinarian*, provided that a written agreement is in place requiring the third party to maintain the confidentiality of such information.
- 22.6. This Section shall not prevent a *licensed veterinarian* from disclosing any information for purposes of the veterinarian's own treatment, payment, or veterinary care operations.
- 22.7. This Section shall not prevent a *licensed veterinarian* from disclosing medical information for research purposes, so long as *patients* and *clients* are not individually identifiable or, if *patients* or *clients* are individually identifiable, appropriate written or electronic authorizations have been obtained.
- 22.8. For purposes of this Section, "*client*" means the *client* at the time services were rendered by the *licensed veterinarian*.

COMMENTARY TO SECTION 22—This section reflects the ethical obligation of *licensed veterinarians* and their employees to consider information from *clients* and medical records privileged and confidential. This section recognizes that an important objective of the *VCPR* is to encourage *clients* to provide the fullest extent of information possible to the *veterinarian* so that a reasonable determination might be made about an *animal's* condition.

As stated in this section, information and records related to *patient* care should remain confidential except under certain well-defined exceptions. The AVMA also encourages each *Board* to be familiar with other open-records laws (e.g., laws relating to the Freedom of Information Act) at the federal



and state level that must be taken into consideration. It should also be noted that 22.1 refers to "waiver by the *licensed veterinarian's client*." Such waiver includes written documentation of a client's witnessed verbal *consent*.

States with veterinary colleges are encouraged to specify that the confidentiality protections and exceptions apply to *veterinarian* faculty members even if they are not licensed in the state.

Exceptions were added in 2012 for disclosure to third parties providing services; information within the *licensed veterinarian's* practice for purposes of treatment, payment, or veterinary care operations; and research purposes under certain circumstances. Language was added to clarify that "court order or subpoena" means for information or medical records specifically exempted or deemed waived as provided in this section.

22.8 was added to clarify that "*client*" means *client* at the time services were rendered by the *licensed veterinarian*.

Section 23 – Immunity from Liability

23.1. Any member of the *Board*, any witness testifying in a proceeding or hearing authorized under this Act, any *person* who lodges a complaint pursuant to this Act, and any *person* reporting an *impaired licensed veterinarian or licensed veterinary technician/veterinary technologist* shall be immune from liability in any civil or criminal action brought against them for any action occurring while acting in their capacity as a *Board* member, witness, complainant, or reporting party, if such *person* was acting in good faith within the scope of their respective capacity.

COMMENTARY TO SECTION 23—This section was included to encourage members of the public (including *veterinarians*) to report, in good faith, any *licensed veterinarian or licensed veterinary technician/veterinary technologist* whose conduct or status may have violated the provisions of the practice act. It is also intended to promote and facilitate full, fair, and truthful disclosure to the *Board* and allow the *Board* to make good faith decisions thereon. Any member of the *Board*, any witness or complainant, and any reporting party who acts in bad faith would not be protected under the provisions of this section.

Section 24 – Cruelty/Neglect of *Animals* – Immunity for Reporting

- 24.1. Any *veterinarian* or *veterinary technician/veterinary technologist* who reports, in good faith and in the normal course of business, a suspected incident of *animal* cruelty and/or neglect, as described by law, to the proper authorities shall be immune from liability in any civil or criminal action brought against such *veterinarian* or *veterinary technician/veterinary technologist* for reporting such incident.

COMMENTARY TO SECTION 24—This section was inserted to encourage *veterinarians* and *veterinary technicians/veterinary technologists* to report *animal* abuse to the appropriate authorities by providing immunity to the reporting *veterinarian* or *veterinary technician/veterinary technologist*. *Veterinarians* and *veterinary technicians/veterinary technologists* do not need to be licensed for the immunity mentioned in this section to apply. The AVMA recognizes that *veterinarians* and *veterinary technicians/veterinary technologists* may observe cases of *animal* abuse or neglect as defined by federal or state laws, or local ordinances. The AVMA considers it the responsibility of the *veterinarian* and *veterinary technicians/veterinary technologists* to report such cases to appropriate authorities. Prompt disclosure may be necessary to protect the health and welfare of *animals* and people. *Veterinarians* and *veterinary technicians/veterinary technologists* should be aware that accurate record keeping, and documentation of these cases are essential. Any *veterinarian* or *veterinary technician/veterinary technologist* who acts in bad faith would not be protected under the provisions of this section.

Section 25 – Abandoned *Animal*

- 25.1. Any *animal* placed in the custody of a *licensed veterinarian* for treatment, boarding, or other care, which is not retrieved by the *client* within ten calendar days after written notice is sent by certified mail, registered mail, postage pre-paid return receipt requested, or courier with confirmation of receipt to the *client* at the *client's* last known address shall be deemed to be abandoned. The abandoned *animal* may be turned over to a humane society or *animal* shelter, adopted, or euthanized by the *licensed veterinarian*. Care of remains must be in accordance with applicable state and local laws.
- 25.2. If notice is sent pursuant to subsection 25.1 of this Section, the *licensed veterinarian* responsible for such abandoned *animal* is relieved of any further liability. If a *licensed veterinarian* follows the procedures of this Section, the *veterinarian* shall not be subject to disciplinary action under Section 16 of this Act.
- 25.3. The disposition of an abandoned *animal* shall not relieve the *client* of any financial obligation incurred for treatment, boarding, or other care provided by the *licensed veterinarian*.

COMMENTARY TO SECTION 25— This section was inserted to provide a standardized procedure for *licensed veterinarians* to address *animals* that may have been abandoned by a *client*.

Section 26 – Severability

26.1. If any part of this Act is held invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid part remain in effect.

COMMENTARY TO SECTION 26 —If any part of this Act is held invalid by a court of competent jurisdiction, it does not automatically invalidate all other parts that can be reasonably separated from the invalid part.

Section 27 – Effective Date

27.1. This Act shall become effective on _____1, 20___. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

COMMENTARY TO SECTION 27—This section sets out the effective date of the Act and provides for the handling of matters during the transition to the new procedure. The *Board* should also recognize that obsolete laws or laws superseded by changes to the Act must first be repealed.
