

R156. Commerce, Occupational and Professional Licensing.

R156-28. Veterinary Practice Act Rule.

R156-28-101. Title.

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

R156-28-102. Definitions.

In addition to the definitions regarding veterinary practices in Title 58, Chapters 1 and 28, as used in Title 58, Chapters 1 and 28, the following rule definitions supplement the statutory definitions:

(1) "In association with licensed veterinarians," as used in Subsection 58-28-307(6), means an out of state licensed veterinarian who performs veterinarian services in this state at the request of a Utah licensed veterinarian regarding a specific client or patient, and the services provided by the out of state licensed veterinarian are limited to that specific request.

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

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

(4) "Practice of veterinary medicine, surgery, and dentistry" as defined in Subsection 58-28-102(11) does not include implanting an electronic device to establish and maintain positive identification of animals.

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

(6) "Working under," as used in Subsection 58-28-102(17), means:

(a) unlicensed assistive personnel perform the delegated tasks in Utah, while supervised by a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act;

(b) the manner and means of performance of the delegated tasks are subject to the right of control of, or are controlled by, the supervising veterinarian; and

(c) the delegated tasks are recorded in the supervising veterinarian's medical records.

R156-28-103. Authority - Purpose.

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

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

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

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

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

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

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

(b) if the applicant received a veterinary degree in a foreign country, demonstrate that the applicant's foreign education is equivalent to the requirements of Subsection R156-28-302a(1)(a) by submitting a Certificate of Competence issued by:

(i) the AVMA Educational Commission for Foreign Veterinary Graduates (ECFVG) or

(ii) the American Association of Veterinary State Boards (AAVSB) Program for Assessment of Veterinary Education Equivalence (PAVE).

(2)(a) Each applicant for licensure as a veterinarian intern shall demonstrate that the applicant has met the education requirements described in Subsection R156-28-302a(1).

(b) If the applicant has graduated, but the educational institution has not yet posted the degree on the official transcript, the applicant may submit the official transcript together with a notarized letter from the dean or registrar of the educational institution, that certifies that the applicant has obtained the degree but it is not yet posted to the official transcript.

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

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

(1)(a) Each applicant for licensure as a veterinarian shall complete 1,000 hours of experience while licensed as a veterinarian intern under the supervision of a licensed veterinarian.

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

(c) Experience in the following settings may not fulfill this experience requirement:

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

(ii) part-time experience of fewer than 20 hours per week; or

(iii) experience completed while employed as unlicensed assistive personnel.

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

(i) lawfully obtained;

- (ii) obtained after the applicant met the education requirement described in Section R156-28-302a;
 - (iii) supervised by a licensed veterinarian, or by a person who was exempted from licensure but possessed substantially equivalent qualifications; and
 - (iv) comparable to experience that would be obtained in a standard veterinarian practice setting in Utah.
- (d) Supervision may be obtained by "indirect supervision" as defined in Section 58-28-102, if the supervisor supplements the indirect supervision with routine face to face contact as the supervisor considers appropriate in the supervisor's professional judgment.
- (e) Each applicant shall demonstrate completion of the experience required by submitting a verification of experience signed by the applicant and by the applicant's supervisor on forms approved by the Division.
- (f) If a supervisor is unavailable or refuses to provide a verification of experience, the applicant shall:
- (i) submit a complete explanation of why the supervisor is unavailable; and
 - (ii) submit verification of the experience by alternative means acceptable to the board, which shall demonstrate that the experience was:
 - (A) profession-related work;
 - (B) competently performed; and
 - (C) sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety, or welfare.
- (2) In accordance with Subsections 58-37-6(1)(a), 58-37-6(5)(b)(i) and R156-37-305(1), a veterinary intern is not eligible to obtain a controlled substance license during the internship.

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

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

- (1) Applicants who passed examinations prior to May 1, 2000, shall submit documentation showing they passed:
 - (a) the National Board Examination (NBE) of the National Board Examination Committee (NBEC) of the American Veterinary Medical Association (AVMA), with a minimum passing score as determined by the NBEC; and
 - (b) the Clinical Competency Test (CCT) of the NBEC with a minimum passing score as determined by the NBEC.
- (2) Applicants who passed examinations after May 1, 2000, shall submit documentation showing they passed the North American Veterinarian Licensing Examination (NAVLE) with a score as determined by the NBEC.
- (3) To be eligible to sit for the NAVLE, an applicant shall submit the following to the International Council for Veterinary Assessment (ICVA), in the manner directed by the ICVA:
 - (a) an application for approval to sit for the NAVLE;
 - (b) the application fee; and
 - (c) documentation showing the applicant:
 - (i) has graduated from, or is enrolled in, a school or college of veterinary medicine accredited by the Council on Education of the American Veterinary Medical Association (AVMA); or
 - (ii) holds a certificate issued by, or is enrolled in and has completed the Step 3 examination requirement for, one of the following programs:
 - (A) the Educational Commission for Foreign Veterinary Graduates (ECFVG); or
 - (B) the Program for the Assessment of Veterinary Education Equivalence (PAVE).
- (4) An applicant who has not graduated from veterinary school at the time of application shall have an expected graduation date no later than ten months from the last date of the applicable testing window.
- (5) The following conditions apply to retaking the NAVLE exam:
 - (a) an applicant may not sit for the NAVLE more than five times;
 - (b) an applicant may not sit for the NAVLE at a date that is later than five years after the applicant's initial attempt; and
 - (c) each of the applicant's final two attempts shall be at least one year from the previous attempt.

R156-28-303. Renewal Cycle - Procedures.

- (1) In accordance with Subsection 58-1-308(1), and Sections 58-28-302, and 58-28-310, the renewal date for the two-year renewal cycle applicable to licenses or state certifications under Title 58, Chapter 28 is established by rule in Section R156-1-308a(1).
- (2) Renewal procedures shall be in accordance with Sections R156-1-308b through R156-1-308l.
- (3) Applicants for renewal shall meet the continuing education requirements specified in Section R156-28-304a or Section R156-28-304b, as applicable.

R156-28-304a. Continuing Education - Veterinarian.

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

- (1)(a) During each two-year period commencing on September 30 of each even-numbered year, a licensee shall complete at least 24 hours of qualified continuing education directly related to the licensee's professional practice.
- (b) At least one hour of the 24 hours shall be specifically related to recognizing opioid use and dependency in office staff, clients, and co-workers.

- (2) If a licensee is initially licensed during the two-year period, the licensee's required number of continuing education hours shall be decreased proportionately according to the date of licensure.
- (3) Continuing education shall:
- (a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a veterinarian;
 - (b) be relevant to the licensee's professional practice;
 - (c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;
 - (d) be prepared and presented by individuals who are qualified by education, training, and experience; and
 - (e) have a competent method of registration of individuals who actually completed the professional education program, with records of that registration and completion available for review.
- (4) The Division shall recognize continuing education as follows:
- (a) unlimited hours for continuing education as a student or presenter, completed in blocks of time of not less than one hour in formally established classroom courses, seminars, lectures, wet labs, or specific veterinary conferences approved or sponsored by one or more of the following:
 - (i) the American Veterinary Medical Association;
 - (ii) the Utah Veterinary Medical Association;
 - (iii) the American Animal Hospital Association;
 - (iv) the American Association of Equine Practitioners;
 - (v) the American Association of Bovine Practitioners;
 - (vi) certifying boards recognized by the AVMA;
 - (vii) other state veterinary medical associations or state licensing boards; or
 - (viii) the Registry of Continuing Education (RACE) of the AASVB;
 - (b) up to five continuing education hours for being the primary author of an article published in a peer reviewed scientific journal, and up to two continuing education hours for being a secondary author;
 - (c) up to six continuing education hours in practice management courses; and
 - (d) if the course has no instructor or the instructor is not physically present, such as for internet, audio and visual recordings, broadcast seminars, mail or other correspondence courses, the course shall assure the licensee's participation and acquisition of the knowledge and skills intended by means of an examination.
- (5) A licensee shall maintain documentation sufficient to prove compliance with this section for a period of four years after the end of the two-year renewal cycle that the continuing education is due.
- (6) A licensee who is unable to complete the continuing education requirement for reasons such as a medical or related condition, humanitarian or ecclesiastical services, or extended presence in a geographical area where continuing education is not available, may be excused from the requirement for a period of up to three years as provided in Section R156-1-308d.

R156-28-304b. Continuing Education - State Certified Veterinary Technician.

In accordance with Section 58-28-310, there is created a continuing education requirement as a condition for renewal or reinstatement of a state certification issued under Title 58, Chapter 28. Continuing education shall comply with the following criteria:

- (1)(a) During each two-year period commencing on September 30 of each even-numbered year, a state certified veterinary technician shall complete at least 12 hours of qualified continuing education directly related to their professional practice.
 - (b) At least nine of the 12 continuing education hours shall be specific to medical practices.
- (2) The Division shall only recognize continuing education approved by the American Association of Veterinary State Boards (AAVSB) Registry of Approved Continuing Education (RACE).

R156-28-309a. Qualifications for State Certification - Education Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the education requirements in Subsection 58-28-309(2)(b) for state certification as a state certified veterinary technician are defined, clarified, or established as follows:

- (1) Each applicant shall submit an official transcript demonstrating that the applicant graduated from a veterinary technician training program that was accredited, as of the date of the applicant's graduation by:
 - (a) the AVMA Committee on Veterinary Technician Education and activities (AVMA-CVTEA); or
 - (b) the Canadian Veterinary Medical Association (CVMA); or
- (2) submit evidence, on forms approved by the Division, of at least 6,000 hours of paid on-the-job training by a licensed veterinarian, that included at minimum:
 - (a) large animal care;
 - (b) small animal care;
 - (c) exotic animal care;
 - (d) lab skills;
 - (e) x-ray experience;
 - (f) surgical experience; and
 - (g) dental experience.

R156-28-309b. Qualifications for State Certification - Examination Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the examination requirements in Subsection 58-28-309(2)(c) for state certification as a state certified veterinary technician are defined, clarified, or established as follows:

(1) Each applicant shall submit evidence showing that the applicant passed the Veterinary Technician Exam (VTNE) of the American Association of Veterinary State Boards (AAVSB), with a minimum passing score as determined by the AAVSB.

(2) To be eligible to sit for the VTNE, an applicant shall:

(a) submit the following to the American Association of Veterinary State Boards (AAVSB), in the manner directed by the AAVSB:

- (i) an application for approval to sit for the VTNE;
- (ii) the application fee; and
- (iii) final transcripts with graduation date and degree conferred; and

(b) if an applicant has failed the VTNE five or more times, the applicant shall also meet with the Board to request approval to sit for the VTNE.

R156-28-309c. Qualifications for State Certification - Experience Requirements.

In accordance with Subsections 58-1-203(1), 58-1-301(3), and 58-28-309(2)(e), the experience requirement criteria required for state certification as a state certified veterinary technician are as follows:

(1)(a) Each applicant shall have completed at least six continuous months of full time experience working in a veterinary clinic as a veterinary technician or as unlicensed assistive personnel, under the supervision of a veterinarian that has held an active license in good standing for at least two years; or

(b) if the experience is completed in a jurisdiction outside of Utah that does not issue veterinary technician certification or comparable licenses, or completed in a setting that does not require certification or licensure, the applicant shall demonstrate that the experience was:

- (i) lawfully obtained;
- (ii) obtained after the applicant met the education requirement described in Section R156-28-309a;
- (iii) supervised by a licensed veterinarian, or by a person who was exempted from licensure but possessed substantially equivalent qualifications; and
- (iv) comparable to veterinary technician experience that would be obtained in a standard veterinary practice setting in Utah.

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

(3) If a supervisor is unavailable or refuses to provide a verification of experience, the applicant shall:

(a) submit a complete explanation of why the supervisor is unavailable; and

(b) submit verification of the experience by alternative means acceptable to the Board, which shall demonstrate that the experience was:

- (i) profession-related work;
- (ii) competently performed; and
- (iii) sufficient experience for the applicant to be granted state certification without jeopardy to the public health, safety, or welfare.

R156-28-502. Unprofessional Conduct.

Unprofessional conduct includes:

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

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

(3) failing to conform to the generally accepted and recognized standards and ethics of the profession, including:

(a) the Principles of Veterinary Medical Ethics of the American Veterinarian Medical Association (AVMA), as approved by the AVMA Executive Board, revised April 2016, which are hereby incorporated by reference ("Principles"); and

(b) if a licensee fails to establish the veterinarian-client-patient relationship as required in Section II of the Principles, such failure shall not excuse the veterinarian from complying with all other duties that would be imposed on the veterinarian if the veterinarian had properly established the veterinarian-client-patient relationship.

R156-28-503. Minimum Standards of Practice.

In accordance with Subsection 58-28-102(18) and Section 58-28-603, a veterinarian shall comply with the following minimum standards of practice in addition to the generally recognized standards and ethics of the profession:

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

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

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

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

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

(e) date of service.

- (2) A veterinarian shall:
- (a) maintain veterinary medical records under Subsection (1) so that any veterinarian coming into a veterinary practice may, by reading the veterinary medical record of a particular animal, be able to proceed with the proper care and treatment of the animal; and
 - (b) maintain veterinary medical records under Subsection (1) for at least five years from the date that the veterinarian last treated the animal.
- (3) A veterinarian shall maintain a sanitary environment to avoid sources and transmission of infection, including:
- (a) proper routine disposal of waste materials; and
 - (b) proper sterilization or sanitation of equipment used in diagnosis and treatment.
- (4) A veterinarian who holds a controlled substance license shall comply with Title 58, Chapter 37, Utah Controlled Substances Act, and Rule R156-37, Utah Controlled Substances Act Rule.

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