

## **875-005-0005**

### **Definitions**

- (1) "Agency": Any animal control department, humane society, or facility which contracts with a public agency or arranges to provide animal sheltering services and is registered by the Oregon State Board of Pharmacy.
- (2) "Board": The Oregon State Veterinary Medical Examining Board.
- (3) "Board of Pharmacy": The Oregon State Board of Pharmacy.
- (4) "Certified Euthanasia Technician or "CET". A person who is employed by or a volunteer at a humane society or animal control agency and is certified by the Board pursuant to ORS 475.190(4). Any person who was trained prior to October 15, 1983 in euthanasia methods, in the course provided by Multnomah County Animal Control and the Oregon Humane Society, and who has been subsequently certified by the Board.
- (5) "Client": An entity, person, group or corporation that has entered into an agreement with a veterinarian for the purpose of obtaining veterinary medical services.
- (6) "Comprehensive": Pertaining to all animal species.
- (7) "Conviction of Cruelty to Animals": for purposes of ORS 686.130(11) is defined to include but not limited to animal abuse in the first or second degree, aggravated animal abuse in the first degree, and animal neglect in the first degree.
- (8) "Designated Agent": A CET who is responsible for the withdrawal and return of sodium pentobarbital from the drug storage cabinet.
- (9) "Good Standing and Repute": As used in ORS 686.045(1), means:
  - (a) A university accredited by the American Veterinary Medical Association (AVMA); or
  - (b) A foreign school listed by the AVMA whose graduates are eligible to apply for a certificate through the Educational Commission for Foreign Veterinary Graduates (ECFVG) committee of the AVMA, or other programs approved by the Board.
- (10) "Herd or Flock Animal": Animals managed as a group only for economic gain including but not limited to breeding, sale, show, food production, or racing.
- (11) "Mobile Clinic": A vehicle, including but not limited to a camper, motor home, trailer, or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.
- (12) Surgery Procedure:

(a) "Aseptic Surgery": Aseptic surgical technique exists when everything that comes in contact with the surgical field is sterile and precautions are taken to ensure sterility during the procedure.

(b) "Antiseptic Surgery": Antiseptic surgical technique exists when care is taken to avoid bacterial contamination.

(c) Any injection or implant of a small permanent identification device is considered surgery.

(13) "Supervision" means that each act shall be performed by any employee or volunteer in the practice only after receiving specific directions from a licensed veterinarian.

(a) "Direct" supervision under this provision means both the certified veterinary technician and the licensed veterinarian are on the premises at the same time;

(b) "Immediate" supervision under this provision means that the supervising veterinarian is in the immediate vicinity of where the work is being performed and is actively engaged in supervising this work throughout the entire period it is being performed;

(c) "Indirect" supervision under this provision means that a CVT may, after receiving specific direction from an Oregon-licensed veterinarian, perform duties permitted under OAR 875-030-0040 at a client's home or other location where the animal is kept. A valid VCPR must exist in order for a CVT to perform duties under indirect supervision.

(14) "Veterinary Client Patient Relationship (VCPR)": Except where the patient is a wild or feral animal or its owner is unknown; a VCPR shall exist when the following conditions exist: The veterinarian must have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has seen the animal within the last year and is personally acquainted with the care of the animal by virtue of a physical examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept.

(15) "Veterinary Medical Facility": Any premises, unit, structure or vehicle where any animal is received and/or confined and veterinary medicine is practiced, except when used for the practice of veterinary medicine pursuant to an exemption under ORS 686.040.

(16) "Veterinary Technician": a person licensed by the Board as a Certified Veterinary Technician.

(17) "Facility Registration": A registration issued by the Board to operate a veterinary medical facility when the premises meet minimum standards established by the Board.

(a) "Premises": Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs. Premises include buildings, land, equipment, supplies, pharmaceuticals and the policies and practices that relate to minimum facility standards.

(b) "Facility Owner": Any person, corporation or other similar organization, private, or not-for-profit, holding title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.

(c) “Managing Veterinarian”: An Oregon veterinarian licensed in good standing who has been designated by the facility owner to be accountable to the Board for the facility’s compliance with the laws and rules governing the practice of veterinary medicine in this state. Designation of a Managing Veterinarian shall be according to the procedures in OAR 875-010-0031(3).

## **875-010-0065**

### **License and Facility Registration Renewal Procedures**

(1) The annual renewal fee for all veterinary licenses shall be \$150.

(2) A renewal application is timely if the completed application together with the correct renewal fee is postmarked or electronically filed by December 31st of the current license year. The licensee has the burden of proving that the application was mailed or filed timely. If the renewal application is not timely, the applicant must pay delinquent fees of \$50 for each month or part of a month after December 31st, up to a maximum of \$150.

(a) In the event a licensee’s renewal application is not received by January 31st, notice from the Board will be sent by April 1st, advising the licensee of his or her delinquency and that practicing veterinary medicine in Oregon without a valid license is a violation of ORS 686.020. It is the licensee’s responsibility to provide the Board with a current address;

(b) If the delinquency in license renewal exceeds three months, the Board may require the applicant to appear before the Board and/or may attach other conditions to the renewal, e.g. community service, additional continuing education, etc.;

(c) If the delinquency in license renewal exceeds 21 months, the Board may assess an extended delinquency renewal fee, and/or require re-qualification by examination.

(3) Board staff will review renewal applications. If the application is complete with the following requirements, staff will issue a license which expires on December 31st of the next calendar year:

(a) The renewal application is completed;

(b) The renewal fee is enclosed;

(c) Any delinquent fees are enclosed;

(d) Continuing Education (CE) requirements must have been met; and

(e) The license is not suspended, revoked or otherwise encumbered under the provisions of ORS 686.120 and 686.130.

(4) Board staff will refer for Board review any license renewal that fails to respond fully to questions in the application.

(5) A veterinarian who submits a completed renewal application postmarked or electronically filed no later than December 31st, and has complied with all requirements under section (3) of

this rule, may continue to practice veterinary medicine in Oregon pending notification of renewal or notification that the application is incomplete. A veterinarian who submits a renewal application postmarked after December 31st, or who knows the application is incomplete, or has not fulfilled the continuing education requirement, will be subject to delinquent fees and may not lawfully continue to practice veterinary medicine in Oregon until notified that the license has been renewed.

(6) If the veterinarian's license lapses, a 21-month grace period begins. The veterinarian may renew the license within the 21-month period by paying the maximum delinquent fee and the current annual license fee, and by providing documentation of veterinary activities, including completed Continuing Education, during the interim. After 21 months, the license may be revoked and the veterinarian may have to re-qualify for licensure by taking an examination determined by the Board.

(7) The annual facility registration fee shall be \$150. Facility owners shall renew each facility registration by December 31<sup>st</sup> of the current license year. Failure to renew a facility registration may be grounds for the Board to suspend practice of veterinary medicine in the facility.

### **875-010-0031**

#### **Registration of Veterinary Facilities; Managing Veterinarian; Registration Denial, Suspension, Revocation; Inspection.**

(1) Each veterinary medical facility in Oregon as defined in 875-005-0005 must register with the Board and designate a Managing Veterinarian with the following exceptions:

- (a) Any facilities owned and operated by a local, regional, state or federal government agency
- (b) Facilities where privately owned animals are housed and where mobile veterinarians or mobile veterinary clinics may routinely come to provide veterinary services, e.g., private barn, home, boarding stable or animal event location
- (c) Locations where animals are undergoing a medical crisis and conditions preclude transport to a veterinary facility (accident site)
- (d) Temporary facilities established under a declared emergency
- (e) Teaching facilities as established by AVMA-accredited schools of veterinary science or veterinary technology.

(2) Requirements for registered Veterinary Facilities

- (a) Each facility registration expires on December 31<sup>st</sup> or upon a change in facility ownership.
- (b) Each facility identified by a separate physical address will be considered a separate facility requiring registration.
- (c) Mobile facilities, unless operated as a satellite of a registered fixed facility, will require individual registration.
- (d) Temporary facilities, providing only spay/neuter, vaccinations, micro-chipping and examinations may operate up to 15 days per year at any one location under the registration of an Oregon fixed-location facility and under the oversight of the fixed-location's Managing Veterinarian, unless otherwise approved by the Board.

(3) Requirements for the Managing Veterinarian.

- (a) Provide the Board with documented authority from the facility owner to maintain the facility within the standards set forth by this chapter.
  - (b) Ensure facilities maintain and post a valid facility registration issued by the Board.
  - (c) Ensure timely provision of medical record copies from the facility when requested.
  - (d) A veterinary intern (OAR 875-010-0026) may not be designated as Managing Veterinarian.
  - (e) A licensee with a relevant disciplinary history or who has been or currently is under a disciplinary order of the Board may be denied designation as Managing Veterinarian.
  - (f) No one veterinarian may act as the Managing Veterinarian for more than four separate facilities at any one time. If designated as Managing Veterinarian for more than two separate facilities, none of the facilities may be more than 100 miles apart.
  - (g) The Managing Veterinarian must be physically present at each of their facilities at least five days out of any thirty-day period and be available to provide continuous oversight to all facilities.
- (4) Procedures for any change in the Managing Veterinarian. The Managing Veterinarian on record with the Board as responsible for a facility remains responsible for that facility until one of the following occurs:
- (a) The Board is notified in writing of a new Managing Veterinarian that has accepted responsibility.
  - (b) The Board is notified in writing that the Managing Veterinarian wishes to be relieved of the position and associated responsibilities.
  - (c) The Managing Veterinarian is incapacitated to the extent that they cannot provide oversight of any facility.
- (5) Applicants for facility registration must complete an application form available from the Board.
- (6) A completed application will include payment of \$150 registration fee, inspector's or self-certification of compliance with minimum standards of OAR 875-015-0020 and OAR 875-015-0030, and designation of a Managing Veterinarian as defined in 875-015-0065.
- (7) Denial of Facility Registration Application
- (a) The Board may deny an application for facility registration or renewal if:
    - (A) The application is incomplete or the registration fee is not submitted.
    - (B) The facility fails to meet minimum standards or fails to correct deficiencies within an appropriate time frame following inspection.
    - (C) The designated Managing Veterinarian fails meet the minimum facility standards listed in OAR 875-015-0020 and OAR 875-015-0030.
    - (D) No Managing Veterinarian, meeting all requirements of this chapter, has been designated.
- (8) Suspension or Revocation of a Facility Registration
- (a) The Board may withhold, suspend or revoke a facility registration if:

- (A) No Managing Veterinarian is designated for the facility for more than 15 consecutive days. An interim Managing Veterinarian may be designated for a period not to exceed 30 days total.
- (B) When it has been determined by the Board that the managing Veterinarian has failed to meet all the minimum facility standards as provided for in the rules of this act.
- (C) Investigation or inspection has revealed unresolved public health and safety risks or other conditions noncompliant with OAR 875-015-0020 and OAR 875-015-0030.

(9) All Facility Registrations terminate upon a change in the facility owner.

(10) Inspection of Facilities: The purpose of inspection is to ensure that public health and safety is maintained by meeting the minimum facility standards listed in OAR 875-015-0020 and OAR 875-015-0030. The Board may designate or employ qualified persons to do the inspections and may delegate inspections to other state or federal agency regulators. Prior to January 2017 the Board may accept self-certification of compliance by the Managing Veterinarian in-lieu-of inspection. This self-certification shall be submitted using a form provided by the Board.

a) The Board may inspect each veterinary facility:

- (A) Before a new facility receives an initial facility registration
- (B) Periodically, at least once every three years

(b) The board may inspect any veterinary facility:

- (A) At any time upon receipt of a complaint or if it has cause to believe the facility is noncompliant with OAR 875-015-0020 or OAR 875-015-0030.
- (B) Upon a change in ownership or a change in the Managing Veterinarian
- (C) As follow-up at any time after an inspection has found non-compliant conditions.

(c) Initial and periodic facility inspections may be waived for facilities holding a current *American Animal Hospital Association* (AHAA) certification.

(d) Inspections may be documented in writing and by audio, video and still picture recording.

(e) Upon an inspection finding of non-compliance with OAR 875-015-0020 or OAR 875-015-0030, the Board or its representative may do any or all of the following:

- (A) Establish a reasonable time line for bringing the facility into compliance
- (B) Issue a civil penalty or citation
- (C) Restrict facility operations when the failure to meet minimum facility standards poses an unresolved risk to public health and safety or other conditions noncompliant with OAR 875-015-0020 or OAR 875-015-0030.

## DIVISION 11

### DISCIPLINE AND CITATIONS

#### 875-011-0010

##### **Unprofessional or Dishonorable Conduct**

The Board interprets "unprofessional or dishonorable conduct" to include, but is not limited to the following:

- (1) Gross negligence in the practice of veterinary medicine.
- (2) A pattern, practice or continuous course of negligence, ignorance, incompetence or inefficiency in the practice of veterinary medicine. The incidents may be dissimilar.
- (3) Performing surgery, taking a radiograph or attempting a treatment without first obtaining the client's permission, except in emergency circumstances. Permission may be reasonably implied under some circumstances.
- (4) Failure without good cause to perform a specific surgery or treatment in a timely manner, after agreeing to perform the surgery or treatment.
- (5) Failure to properly prepare an animal for surgery or treatment.
- (6) Failure to use sterile instruments and equipment when performing surgery, when the circumstances require the use of sterile instruments and equipment.
- (7) Failure to use generally accepted diagnostic procedures and treatments, without good cause.
- (8) Failure to obtain the client's written permission before using unorthodox or non-standard methods of diagnosis or treatment. Acupuncture, chiropractic or herbal medicine is not considered unorthodox or non-standard.
- (9) Failure to advise a client of home care or follow-up treatment required after a particular diagnosis or treatment.
- (10) Handling animals in an inhumane manner or, except when the veterinarian reasonably believes it to be necessary, handling animals with great force.
- (11) Charging for services not rendered.
- (12) Failure to maintain records which show, at a minimum, the name of the client, identification of the patient, its condition upon presentation, the tentative diagnosis, treatment performed, drug administered, amount of drug, any prescription, and the date of treatment. For companion

animals, identification of the patient should include species, breed, name, age, sex, color, and distinctive markings, where practical.

(13) Failure to provide to a client in a timely manner, upon request, an accurate copy or synopsis of the patient's medical records including a copy of radiographs, if requested. A reasonable copying fee may be charged.

(14) Failure to provide records or radiographs in a timely manner to another veterinarian retained by the client, upon request of the client or client's veterinarian.

(15) Failure to mark or label a container of prescription or legend drugs with the date, name of drug, dosage frequency, identification of animal (if appropriate), and withdrawal time (if appropriate). Excludes legend drugs dispensed or ordered in original, unopened manufacturer's packaging for herd use.

(16) Failure to comply with federal law concerning packaging and labeling of prescription or legend drugs.

(17) Violation of any state or federal law relating to controlled substances, as defined in ORS 475.005(6), which the veterinarian obtained under the authority of the veterinary license.

(18) Non-veterinary prescribing, use, theft or diversion of legend or controlled drugs.

(19) Failure to respond in writing to a written request from the Board within the time indicated in the request letter, without good cause; or failure to appear in person before the Board upon written request, without good cause.

(20) Failure to comply with any rule or Order of the Board or as required by OAR 875-005-0010.

(21) Making false or misleading representations to the Board or its representative or altering or providing altered medical records.

(22) Making a misrepresentation or omission on a license renewal application.

(23) Violations of veterinary laws in other states that would constitute violations of Oregon law.

(24) Violations of other laws that relate to the practice of veterinary medicine, including violations of the Oregon Racing Commission statutes and administrative rules.

(25) Failure to meet minimum facility standards as defined in OAR 875-015-0020 or OAR 875-015-0030 following inspection and findings of noncompliance.

(26) Failure to post valid facility registration in a place conspicuous to the public.

(27) Failure without good cause to notify the Board within 10 days of any change in facility ownership.

(28) Failure without good cause to notify the Board within 15 days of any change in Managing Veterinarian. An interim Managing Veterinarian may be designated.

(29) Practicing veterinary medicine in a facility without a valid registration.

(30) Failure to report uncorrected noncompliant facility conditions if registered as a Managing Veterinarian.

(31) Providing false, misleading or deceptive information to the Board or its designated inspector as part of a facility inspection or investigation.

(32) A Managing Veterinarian shall not be held liable for noncompliant facility conditions demonstrably beyond the control of the Managing Veterinarian.

## **875-011-0012**

### **CITATION AND FINE**

If an investigation or inspection reveals noncompliance with any requirements of OARs 875-005-0010, 875-010-0020, 875-010-0050, 875-015-005, 875-015-00 or 875-015-002030 that do not relate to risk of harm to animals or the public, the Board may propose a non-disciplinary citation and fine not to exceed \$100 for each noncompliant instance.

## **875-015-0005**

### **Responsibilities for Veterinary Medical Practices**

(1) Each doctor who holds any interest in a veterinary medical practice, unless exempted by ORS 686.040, shall be jointly and severally professionally responsible for all aspects of all activities conducted at and conditions of each veterinary medical facility at which the doctor's practice is conducted, including all acts and omissions of all the doctor's partners, joint venturers, fellow shareholders, employees, representatives, agents and contractors, unless the doctor can establish:

(a) In the case of a non-complying condition, that the condition was under the sole control of one or more other licensed partners, joint venturers, Managing Veterinarians or shareholders, and was not utilized by the first doctor directly, or indirectly by someone under the first doctor's supervision or direction; and

(b) In the case of a non-complying activity, that the act or omission was committed by one or more other licensed employees, contractors, partners, joint venturers, Managing Veterinarians or shareholders, and the first doctor exercised no supervision or direction over the act or omission of the other licensed employee, contractor, partner, joint venturer or shareholder, and the first doctor had no duty to supervise.

(2) A licensed doctor shall not be relieved of responsibility for his or her own acts and omissions because another person also has some responsibility.

(3) Each facility owner who has any interest in a veterinary medical practice shall provide to the Board, upon request, the following information:

(a) The name and address (or vehicle license number) of each veterinary medical facility in which they have any ownership interest or responsibility;

(b) The name and address of each person having any legal or equitable interest in each of the veterinary medical facilities, and the form and amount of each interest;

(c) The name and address of each person having any interest in the ownership, operation, management or control of the veterinary medical practice conducted in each veterinary medical facility and the form and amount of each interest;

(d) A description of the services provided at or from each veterinary medical facility;

(e) The names and titles of each licensed professional employed or retained as a contractor at each veterinary medical facility;

(f) The names of each shareholder and officer of each professional corporation having any interest in the veterinary medical practice; and

(g) Any other relevant information which the Board representative requests.

(6) The Board considers that:

(a) Any person who violates section (1) or (2) of this rule thereby violates ORS 686.020(1), unlicensed practice of veterinary medicine; and

(b) Any licensee who participates in the same veterinary medical practice thereby commits unprofessional or dishonorable conduct in violation of ORS 686.130(6), having a professional connection with an illegal practitioner.