

State of Utah
Administrative Rule Analysis
Revised May 2020

DR File NO. 53041
Date Filed 8-27-2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: New ___; Amendment XXXX; Repeal ___; Repeal and Reenact ___

	Title No. - Rule No. - Section No.	
Utah Admin. Code Ref (R no.):	R156-28	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Department of Commerce	
Agency:	Division of Occupational and Professional Licensing	
Room no.:		
Building:	Heber M. Wells Building	
Street address:	160 East 300 South	
City, state:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
City, state, zip:	Salt Lake City UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Jana Johansen	801-530-6621	janajohansen@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

Veterinary Practice Act Rule

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):

The Division in collaboration with the Veterinary Licensing Board is filing these proposed amendments to update the rule in accordance with SB 23 and HB 455 passed in the 2020 General Legislative Session. In particular, these amendments will implement the new state certification of "state certified veterinary technician".

4. Summary of the new rule or change:

Section R156-28-102: The proposed amendments correct grammar.

Sections R156-28-302a, R156-28-302b, and R156-28-302c: The proposed amendment corrects grammar.

Section R156-28-304a: The proposed amendments make this section specific to veterinarians, correct grammar, and add to continuing education requirements one hour of continuing education specific to opioid use/abuse.

New Section R156-28-304b: The proposed addition outlines the continuing education requirements for state certified veterinary technicians.

New Section R156-28-309a: The proposed additions to rule outline education requirements related to obtaining Utah Veterinary Technician Certification in accordance with statutory changes made by HB 455 in the 2020 General Legislative Session.

New Section R156-28-309b: The proposed additions to rule outline experience requirements related to obtaining Utah Veterinary Technician Certification in accordance with statutory changes made by HB 455 in the 2020 General Legislative Session.

New Section R156-28-309c: The proposed additions to rule outline examination requirements related to obtaining Utah Veterinary Technician Certification in accordance with statutory changes made by HB 455 in the 2020 General Legislative Session.

Section R156-28-502: The proposed amendment updates the AVMA Ethics Act to the most current reference.

Section R156-28-503: The proposed amendments make technical changes and add a reference to the controlled substance practice act.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

No state agencies will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes. Accordingly, the amendments are not expected to impact the state budget

B) Local governments:

No local governments will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes.

C) Small businesses ("small business" means a business employing 1-49 persons):

There are approximately 231 small businesses in Utah owned by individuals in the veterinary industry (NAICS 541940). As described below for other persons, small businesses are not expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are approximately five non-small businesses in Utah owned by individuals in the veterinary industry (NAICS 541940). As described below for other persons, non-small businesses are not expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Approximately 25 individuals are expected to apply in FY2020 to become a state certified veterinary technician in accordance with the proposed additions to the rule that set forth the new certification requirements. Additionally, in each subsequent fiscal year approximately 20 individuals are expected to apply for certification. In Utah there are 980 licensed veterinarians and 24 licensed veterinary interns who will be working with these new state certified veterinary technicians. However, none of these persons are expected to be impacted by this filing because the proposed additions and amendments to the rule merely implement the new state certified veterinary technician profession in accordance with the legislative mandate of 2020 HB 455.

F) Compliance costs for affected persons:

An individual who applies to become a state certified veterinary technician will incur a licensing cost of \$50. They will also incur an undeterminable, although nominal, amount to meet the proposed continuing education requirement. However, these costs are contemplated by the new statutory provisions enacted by 2020 HB 455 and therefore the proposed amendments are not expected to impose any compliance costs for affected persons above and beyond the legislative mandate of 2020 HB 455.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The head of the Department of Commerce, Chris Parker, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The Division of Occupational and Professional Licensing, in collaboration with the Veterinary Licensing Board, proposes amendments to Section R156-28 to update the rule in accordance with SB 23 and HB 455 passed in the 2020 General Legislative Session. The amendments will implement the new state certification of "state certified veterinary technician." New sections outline education and experience requirements of veterinary technicians, continuing education requirements (CE) requirements for veterinary technicians and for opioid administration, and updating the ethics reference. Non-substantive changes to grammar and form were also made to aid clarity.

Small Businesses (less than 50 employees):

There are approximately 231 small businesses in Utah owned by individuals in the veterinary industry (NAICS 541940). Small businesses are not expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes. The full fiscal impact on small business is inestimable as it will depend on the individual characteristics practitioners, on the characteristics of the patients and consumers involved, and on the nature of each veterinary clinic.

Regulatory Impact to Non-Small Businesses (50 or more employees)

These amendments will have no expected fiscal impact for non-small business in Utah (NAICS code 541940) for the same reasons as described above for small business. These costs are either inestimable, for the reasons stated, or there is no fiscal impact.

B) Name and title of department head commenting on the fiscal impacts:

Chris Parker, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-28-101

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):

First Incorporation	
Official Title of Materials Incorporated (from title page)	Principles of Veterinary Medical Ethics
Publisher	American Veterinarian Medical Association (AVMA)
Date Issued	
Issue, or version	August 2019

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):

Second Incorporation	
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 10/15/2020

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
09/17/2020	9:00 AM	160 East 300 South via electronic meeting only with the Veterinary Board, Salt Lake City, Utah Note: Google Meeting electronic information will be on the Veterinary Board meeting agenda for the September 17, 2020 meeting date.

10. This rule change MAY become effective on (mm/dd/yyyy): 10/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:



Date (mm/dd/yyyy):

8/27/2020

R156. Commerce, Occupational and Professional Licensing.

R156-28. 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~~[or this rule]~~:

(1) "In association with licensed veterinarians,"~~[7]~~ as used in Subsection 58-28-307(6), means ~~[the]~~an out of state licensed veterinarian ~~[is performing]~~who performs veterinarian services in this state ~~[as the result of a]~~at the request ~~[for assistance or consultation initiated by]~~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 ~~[the implantation of any]~~implanting an electronic device to establish and maintain ~~[for the purpose of establishing or maintaining]~~ positive identification of animals.

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

(6) "Working under," as used in Subsection 58-28-102(~~[13]~~17), means: ~~[when an individual performs services in Utah as]~~

(a) unlicensed assistive personnel perform the delegated tasks in Utah, while supervised by a ~~[licensed]~~veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act; ~~[7 provided:]~~

([a]b) the manner and means of ~~[work]~~performance of the delegated tasks are subject to the right of control of, or are controlled by, ~~[a-licensed]~~the supervising veterinarian; and

([b]c) the delegated tasks are ~~[maintained]~~recorded in the supervising veterinarian's medical records.

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

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

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

(a) submit an official transcript demonstrating that the applicant ~~[has]~~graduated from a veterinary college ~~[which held current accreditation]~~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 ~~[provided in]~~ requirements described in Subsection R156-28-302a(1) ~~[, however, if]~~

(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, ~~[which]~~ 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 ~~[+ (a)]~~ complete 1,000 hours of experience while licensed as a veterinarian intern under the supervision of a licensed veterinarian ~~[in accordance with the following]~~.

(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 ~~[is]~~ may not ~~[acceptable to]~~ fulfill this experience requirement:

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

(B) ii) part-~~[]~~time experience of ~~[less]~~ fewer than 20 hours per week; or

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

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

(A) i) lawfully obtained;

(B) ii) obtained after the applicant met the education requirement ~~[specified]~~ described in Section R156-28-302a;

(C) iii) supervised by a ~~[competent supervisor who was]~~ licensed ~~[as a]~~ veterinarian, or by a person who was exempted from licensure but possessed substantially equivalent qualifications; and

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

(d) Supervision ~~[of the intern by the licensed veterinarian]~~ may be obtained by "indirect supervision" as defined in Section 58-28-102, if ~~[provided that]~~ the supervisor supplements the indirect supervision with routine face to face contact as the ~~[licensed veterinarian deems]~~ supervisor considers appropriate ~~[using]~~ 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 [~~supervising veterinarian~~]supervisor on forms approved by the Division.

(~~vi~~)f) If a supervisor is unavailable or refuses to provide a [~~certification of qualifying~~]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 [~~work~~]experience was:

(A) profession-related work[~~r~~];

(B) competently performed[~~r~~]; and

(C) sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety, or welfare.

(~~b~~)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)(~~b~~)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 [~~must~~]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 ~~[must]~~ 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 ~~[licensees]~~ 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 R156-1-308[e]b 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 ~~[Professional]~~ Education - Veterinarian.

In accordance with Section 58-28-306, there is created a continuing ~~[professional]~~ education requirement as a condition for renewal or reinstatement of licenses issued under Title 58, Chapter 28. Continuing ~~[professional]~~ 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 ~~[be required to]~~ complete at least 24 hours of qualified continuing ~~[professional]~~ 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 ~~[first becomes]~~ is initially licensed during the two-year period, the licensee's required number of continuing ~~[professional]~~ education hours shall be decreased proportionately according to the date of licensure.

(3) ~~[Qualified continuing professional]~~ Continuing education ~~[under this section]~~ shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a veterinarian;

(b) be relevant to the licensee's professional practice;

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

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

(e) have 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) ~~[Credit for]~~ The Division shall recognize continuing ~~[professional]~~ education ~~[shall be recognized in accordance with the following]~~ as follows:

(a) ~~[U]~~ unlimited hours ~~[shall be recognized]~~ for continuing

~~[professional]~~ education as a student or presenter, completed in blocks of time of not less than one hour in formally established classroom courses, seminars, lectures, wet labs, or specific veterinary conferences approved or sponsored by one or more of the following:

(i) the American Veterinary Medical Association;
(ii) the Utah Veterinary Medical Association;
(iii) the American Animal Hospital Association;
(iv) the American Association of Equine Practitioners;
(v) the American Association of Bovine Practitioners;
(vi) certifying boards recognized by the AVMA;
(vii) other state veterinary medical associations or state licensing boards; or

(viii) the Registry of Continuing Education (RACE) of the AASVB~~[-]~~;

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

(c) ~~[No more than]~~ up to six continuing ~~[professional]~~ education hours ~~[may be]~~ in practice management courses~~[-]~~; and

(d) ~~[Any continuing professional education where there is]~~ if the course has no instructor or ~~[where]~~ 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. ~~[-These types of continuing professional education courses include internet, audio/visual recordings, broadcast seminars, mail and other correspondence courses.]~~

(5) A licensee shall ~~[be responsible for maintaining]~~ maintain documentation sufficient to prove compliance with this section ~~[competent records of completed qualified continuing professional education]~~ for a period of four years after the end of the two-year renewal cycle that the continuing education is due ~~[after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section].~~

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

R156-28-304b. 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~~] August 2019, 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(~~14~~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, ~~which~~ 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) ~~above~~ so that any veterinarian coming into a veterinary practice may, by reading the veterinary medical record of a particular animal, be able to proceed with the proper care and treatment of the animal; and

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

(3) A veterinarian shall maintain a sanitary environment to avoid sources and transmission of infection, including: ~~to include the~~

(a) proper routine disposal of waste materials; and

(b) proper sterilization or sanitation of ~~all~~ 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.

KEY: veterinary medicine, licensing, veterinarian

Date of Enactment or Last Substantive Amendment: ~~March 25, 2019~~ 2020

Notice of Continuation: November 3, 2016

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