

Vermont Board of Veterinary Medicine
Administrative Rules
Cite as BVM Rule #
Effective date: July 1, 2012

Part 1 General Information

1.1 The Board's Purpose The Vermont Board of Veterinary Medicine has been created and given powers by Vermont law. The Board's purpose is to protect the public health, safety and welfare. The Board does this by setting standards for issuing licenses, licensing only qualified applicants and regulating license holders and their practices.

1.2 Laws Governing Regulation of Veterinarians The Veterinary Medicine Act, 26 V.S.A. §§ 2401-2432 creates the Board of Veterinary Medicine and gives it regulatory authority over the veterinary profession. The Board is obligated to comply with several other state laws such as the Administrative Procedure Act, 3 V.S.A. §§ 801-849, the Open Meeting Law, 1 V.S.A. §§ 310-314, the Access to Public Records Law, 1 V.S.A. §§ 315-320, and the Law of Professional Regulation, 3 V.S.A. §§ 121-131. These laws set forth the rights of an applicant, licensed veterinarian, or member of the public. The statutes creating the Office of Professional Regulation supplement the statutes specifically covering the profession of veterinary medicine. See, <http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title=03&Chapter=005>. These statutes also define unprofessional conduct and outline the authority of OPR and licensing boards in general. This section of the statutes should be read for a full understanding of how the Board operates. The complete text of these laws is available at most libraries and town clerks' offices. "Vermont Statutes Online" are also available on the Internet at <http://www.leg.state.vt.us>. Copies of the laws and rules governing the Board may also be found at the Board's Web site: <http://www.vtprofessionals.org/veterinarians/>.

1.3 Board Rules The Board's rules have the effect of law and govern its proceedings. In making rules, the Board must follow the Administrative Procedure Act, Chapter 25 of Title 3 of the Vermont Statutes Annotated. These rules were approved by the Vermont Legislative Committee on Administrative Rules before adoption and are presumed valid. These rules have the force of law. 3 V.S.A. § 845(a).

Part 2 Information for Applicants

2.1 Definitions These words and phrases are defined as follows:

- (a) "AAVSB" means the American Association of Veterinary State Boards.
- (b) "Animal" means any animal other than humans and includes fowl, birds, fish and reptiles.
- (c) "AVMA" means the American Veterinary Medical Association.
- (d) "CVMA" means the Canadian Veterinary Medical Association.
- (e) "ECFVG certificate" means a certificate issued by the American Veterinary Medical Association Education Commission for Foreign Veterinary Graduates or its successor organization, indicating that the holder has demonstrated knowledge and skill equivalent to that

possessed by a graduate of an AVMA-accredited college of veterinary medicine.

(f) “Licensed veterinarian” means a person who is validly and currently licensed to practice veterinary medicine in this state.

(g) “NAVLE” means North American Veterinary Licensing Examination.

(h) “NBVME” means National Board of Veterinary Medical Examiners.

(i) “Office” means the Office of Professional Regulation.

(j) “SOAP” means Subjective, Objective, Assessment, and Plan. A SOAP note is written to improve communication among all those caring for the patient to display the assessment, problems and plans in an organized format.

(k) “V.C.P.R.” means veterinarian-client-patient relationship.

(l) “Veterinary medicine” includes veterinary surgery, obstetrics, dentistry and all other branches or specialties of veterinary medicine.

(m) “V.S.A.” means the Vermont Statutes Annotated.

2.2 Need for a License No person is allowed to practice veterinary medicine in Vermont unless he or she has a current license issued by the Board. However, this requirement does not prohibit the individuals and activities listed in 26 V.S.A. § 2403.

2.3 Applications

(a) Applications and information about licensure requirements are available from the Office of Professional Regulation (“Office”) and online at <http://vtprofessionals.org> . An applicant must submit a fully completed application form with all supporting documentation and the fee to the Office.

(b) The Board reviews applications only after the fully completed application and documentation are received, including evidence of any required education or training.

2.4 Licensure by Examination Eligibility requirements for licensure by examination are set forth in 26 V.S.A. § 2421. To be eligible for licensure an applicant must:

(a) have reached 18 years of age;

(b) be a graduate from:

(1) a school of veterinary medicine accredited by the American Veterinary Medical Association, or the Canadian Veterinary Medical Association; or

(2) an acceptable school of veterinary medicine as documented by a certificate issued by the Educational Commission for Foreign Veterinary Graduates (ECFVG), its successor organization, or an organization acceptable to the board;

(c) pass the North American Veterinary Licensing Examination (NAVLE), or any successor licensing examinations prepared under the authority of the National Board of Veterinary Medical Examiners (NBVME) or its successor organization. For purposes of this section an applicant’s passing score on the examination shall be valid for two years from the date the applicant passed the examination.

2.5 Licensure by Endorsement Eligibility requirements for licensure without examination

are set forth in 26 V.S.A. § 2424.

- (a) An applicant who has submitted an application and payment of the required fee may be issued a license without a written national examination if the applicant:
 - (1) holds a current license in good standing in another United States or Canadian jurisdiction whose licensing standards are substantially equivalent to those of Vermont;
 - (2) has met continuing education requirements in subsection (b).
- (b) If the applicant's current state of licensure has continuing education requirements requiring no fewer than 24 hours, and the applicant has met those continuing education requirements, the applicant may be licensed without taking additional continuing education. At the first Vermont license renewal, the applicant must meet Vermont's renewal continuing education requirements.
- (c) At the first renewal, acceptable continuing education courses taken within the preceding 24 months may be applied to the renewal requirement.

2.6 Right to a Written Decision

- (a) The Board will notify applicants in writing of all decisions to either grant or deny a license or license renewal. If a license or renewal is denied, the Board will give the applicant specific reasons and will also inform the applicant of the right to appeal the Board's decision. This is called a "preliminary denial."
- (b) The Board, or the Office on behalf of the Board, most often issues a preliminary denial of licensure or renewal when it appears from the application and accompanying documents that the applicant does not meet all of the requirements for licensure. When this occurs, the applicant is notified of the right to file an appeal which is heard as a formal hearing by the Board. At the hearing the burden of proof is on the applicant to show that the preliminary denial was in error. After that hearing the Board issues a final decision in writing.

2.7 Right to Appeal Licensing Decisions An applicant who is not satisfied with the Board's final decision concerning the denial of a license or renewal may appeal the decision to the Director. The appeal must be filed within 30 days of the date of the denial. An appellate officer will review the record made before the Board for legal errors. Information about the appeal process may be obtained from the Office or online at <http://vtprofessionals.org/>.

Part 3 Information for Licensed Veterinarians

3.1 License Renewal Licenses are renewed on a biennial schedule set by the Office of Professional Regulation. Initial licenses issued within 90 days of the renewal date will not be required to renew and pay the renewal fee. The license will be issued through the next full license period. Applicants issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee. Before the expiration date, the Office will mail a renewal notice. A licensee is responsible for renewal whether a notice is

received or not. A license is not valid after its expiration. A license expires automatically if the renewal application and fee are not returned to the Office by the expiration date.

3.2 One Time Exemption For applicants granted initial licensure by the Board on the basis of examination, the requirement to participate in continuing education shall commence on the opening date of the profession's first biennial renewal period following grant of initial licensure.

3.3 Reinstatement

(a) A lapsed license may be reinstated within five years of expiration upon payment of the renewal fee and late renewal penalty, and documentation of 24 hours of acceptable continuing education within two years of the application.

(b) A license which has lapsed for five years or longer may be reinstated upon:

(1) successful completion of national board licensing examinations within the previous two years, or

(2) proof that the licensee has actively practiced licensed clinical veterinary medicine for 3,000 hours during the preceding three years in another United States or Canadian jurisdiction. The Board will require a sworn statement from the applicant and require that the applicant provide additional documentary proof of the 3,000 practice hours.

(c) Applicants applying for reinstatement under this subsection (b)(2) must also meet continuing education requirements.

(d) Applicants whose licenses have lapsed for five years or more will be required to successfully complete the Board's jurisprudence exam when offered.

3.4 Change of Name or Address A licensee is responsible for notifying the Office promptly if he or she changes name, mailing address, or business address. Acceptable documentation of change of name includes a notarized copy of a marriage certificate, instrument of change of name from a probate court, or other court order. Acceptable documentation of change of name also includes a notarized copy of current identification, such as a driver's license or Social Security card, in both the former and present names. The Board may require additional documentation at its discretion.

3.5 Professional Standards

(a) Licensed veterinarians and applicants are subject to discipline for unprofessional conduct as defined by 26 V.S.A. § 2431 and 3 V.S.A. § 129a. Unprofessional conduct includes failing to comply with provisions of federal or state statutes or rules governing the practice of the profession. 3 V.S.A. § 129a(a)(3).

(b) In determining whether an applicant or licensee has engaged in unprofessional conduct, the Board may refer for guidance to the AVMA principles of Veterinary Medical Ethics.

3.6 Complaint Procedure The Board follows the Office procedure for processing,

investigating, and prosecuting unprofessional conduct and unauthorized practice complaints. A copy of the complaint procedure may be obtained online under “Disciplinary Procedures” at <http://vtprofessionals.org/> or from the Office.

3.7 Veterinarian-Client-Patient Relationship The Board endorses the following policy statements and guidelines of the American Veterinary Medical Association as recommended guidelines for the practice of veterinary medicine:

(a) Veterinary prescription drugs should be dispensed only by or on the order of a licensed veterinarian in the presence of a valid veterinarian-client-patient relationship (V.C.P.R.).

(b) Orders issued by licensed veterinarians authorizing drug distributors to deliver veterinary prescription drugs to a specific client should be based on a valid V.C.P.R.

(c) Prescriptions or orders issued by licensed veterinarians authorizing pharmacists to dispense veterinary prescription drugs to a specific client should be based on a valid V.C.P.R.

(d) The V.C.P.R. exists when all of the following conditions have been met:

(1) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal(s) and the need for medical treatment, and the client has agreed to follow the veterinarian’s instructions.

(2) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s) or by medically appropriate and timely visits to the premises where the animal(s) are kept.

(3) The veterinarian is readily available or has arranged for emergency coverage for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen. Reports of violations of these policy statements and guidelines shall be investigated by the Board and may result in disciplinary action.

(e) Prescriptions from veterinarians are subject to Vermont Prescription Drug Cost Containment statutes in 18 V.S.A. Chapter 91 Prescription Drug Cost Containment.

3.8 Continuing Veterinary Medical Education Requirements

(a) Documentation of 24 hours of continuing education from Board-approved state, regional, or national veterinary medical education programs is required for license renewal. 24 hours of approved continuing veterinary medical education within the 24 previous months are required to reinstate a license which has lapsed for less than five years.

(b) The Board maintains a list of continuing education providers whose programs are pre-

¹ **Editor’s Note:** Rule 3.7, in grey text above, conflicts with [26 V.S.A. § 2433](#) (eff. July 1, 2017). Readers should refer to § 2433 for current governing law on the Veterinarian-Client-Patient Relationship.

approved by the Board. The list is available on the Board's web site or from the Office of Professional Regulation.

3.9 Criteria and Limits for Individual Course Approval

- (a) Licensees may receive credit for continuing education from providers who are not pre-approved, if in its sole discretion, the Board determines:
 - (1) that the programs are relevant to the diagnosis, treatment, and prevention of animal disease; and
 - (2) the licensee has demonstrated to the Board's satisfaction, the professional level of the program through submission of program outlines, including learning objectives, names and qualifications of presenters.
- (b) No more than four hours of practice economics or practice management will be accepted for continuing education credit per renewal period.
- (c) Online courses must include an examination or completion requirement.
- (d) Continuing education may not be transferred or carried over from one renewal period to another.
- (e) Courses taken as part of a post renewal specific corrective action plan may only be applied to the licensing period for which they were required.

3.10 Corrective Plans

- (a) Before renewing a license, or upon an audit of a license already renewed, the Board may require an applicant who has failed to complete sufficient continuing education hours for license renewal to develop and complete a specific corrective action plan within 90 days.
- (b) An applicant who fails to complete such a corrective action plan within the 90-day grace period may be subject to disciplinary action including suspension for failure to comply with a Board Order.

3.11 Audits The Board will conduct continuing education audits of randomly selected licensees. The Board may also audit currently conditioned licensees, late renewing licensees, and licensees who in any of the preceding 2 renewal cycles were initially found to have not met continuing education renewal requirements.

3.12 Consulting A veterinarian licensed in another jurisdiction consults with a licensed veterinarian in Vermont by providing information or instruction to the veterinarian licensed in this state. A veterinarian licensed in another jurisdiction who consults with a licensed veterinarian in this state is exempt from licensure in Vermont. A veterinarian, including a specialist, licensed in another jurisdiction who provides information or instruction directly to a client, or who examines or performs surgery on a patient, is practicing rather than consulting, even if summoned by a licensed Vermont veterinarian, and must be licensed by the Board.

3.13 Veterinary Records

(a) Where practical, the Board recommends that:

- (1) each animal have its own medical record including client and patient information;
- (2) separate entries be made for each treatment or consultation, with a thorough history;
- (3) each entry be identified by the person providing services.

(b) Records created for any animal shall be retained for no less than seven years from the date of the last contact regarding the animal. Retention of records is required so that the Board can perform its regulatory functions.

(c) The Board recommends that records created for animals be, at a minimum, in SOAP format. Records should include a memorandum of information and instructions given to the animal's owner or keeper. It is strongly advised that client responses be documented.

(d) Records shall be legible.

(e) Veterinarians are reminded that federal or state laws may impose certain record keeping requirements. Failure to keep those records may constitute unprofessional conduct. 3 V.S.A. § 129a(a)(3).

3.14 Other information The Board's web site at <http://vtprofessionals.org> contains information including periodic newsletters from the Board, information about licensing, discipline, and other matters of interest to practicing veterinarians. Practitioners are encouraged to visit the web page regularly.

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