OKLAHOMA VETERINARY PRACTICE ACT

OKLAHOMA STATE STATUTES, TITLE 59

Section 698.1 through Section 698.33
Revised November 1, 2012

ADMINISTRATIVE RULES, TITLE 775

Chapter 1 through Chapter 30
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Veterinary Medical Examiners
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OKLAHOMA VETERINARY STATUTES
TITLE 59, SECTIONS 698.2 THRU 698.28

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Previously Repealed: 698.9; 698.10; 698.13; 698.14; 698.19

The Oklahoma State Board of Veterinary Medical Examiners is not responsible for the misinterpretation of any statute in this book, which may be caused by any error of miswording or by the misspelling, inclusion or exclusion of any word or words

§ 698.1 SHORT TITLE

Chapter 15 of this title shall be known and may be cited as the "Oklahoma Veterinary Practice Act".

§ 698.2 DEFINITIONS

As used in the Oklahoma Veterinary Practice Act:

1. **"Board"** means the State Board of Veterinary Medical Examiners;
2. **"Animal"** means any animal other than humans and includes, but is not limited to, fowl, fish, birds and reptiles, wild or domestic, living or dead;
3. **"Veterinarian"** means a person who has received a degree in veterinary medicine or its equivalent from a school of veterinary medicine;
4. **"Licensed veterinarian"** means any veterinarian who holds an active license to practice veterinary medicine in this state;
5. **"School of Veterinary Medicine"** means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent, which conforms to the standards required for accreditation by the American Veterinary Medical Association (AVMA) and which is recognized and approved by the Board;
6. **"Veterinary Technician"** means a person who has graduated from a program accredited by the American Veterinary Medical Association, or its equivalent which is recognized and approved by the Board, and who has passed the examination requirements set forth by the Board is certified to practice under the direct supervision of a licensed veterinarian. For the purpose of the Oklahoma Veterinary Practice Act, "registered veterinary technician (RVT)" will be used interchangeably with veterinary technician who is certified pursuant to Sections 698.21 through 698.26 of this title;
7. **"Veterinary technologist"** means a person who has successfully graduated from an AVMA-accredited bachelor degree program of veterinary technology, or its AVMA equivalent;
8. **"Veterinary assistant"** means an individual who may perform the duties of a veterinary technician or veterinary technologist, however, has not graduated from an AVMA-accredited technology program or its equivalent, and has not been certified by the Board;
9. **"Veterinary technology"** means the science and art of providing all aspects of professional medical care, services, and treatment for animals with the exception of diagnosis, prognosis, surgery, and prescription of any treatments, drugs, medications, or appliances, where a valid veterinarian-client-patient relationship exists;
10. **"Direct Supervision"** means:

    a. directions have been given to a veterinary technician, nurse, laboratory technician, intern, veterinary assistant or other employee for medical care following the examination of an animal by the licensed veterinarian responsible for the professional care of the animal, or

    b. that, under certain circumstances following the examination of an animal by a licensed veterinarian responsible for the professional care of the animal, the presence of the licensed veterinarian on the premises in an animal hospital setting or in the same general area in a range setting is required after directions have been given to a veterinarian who has a certificate issued pursuant to Section 698.8 of this title;
11. **"License"** means authorization to practice veterinary medicine granted by the Board to an individual found by the Board to meet certain requirements pursuant to the Oklahoma Veterinary Practice Act or any other applicable statutes;
12. **"Supervised Doctor of Veterinary Medicine Certificate"** means authorization to practice veterinary medicine with certain limitations or restrictions on that practice, set by the Board or authorization to perform certain enumerated functions peripheral to the practice of veterinary medicine as set by the Board and has a certificate issued pursuant to Section 698.8 of this title;
13. **"Veterinarian-client-patient relationship"** means when:

    a. the licensed veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal or animals and the need for medical treatment, and the client, owner or other caretaker has agreed to follow the instructions of the licensed veterinarian; and

    b. there is sufficient knowledge of the animal or animals by the licensed veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal or animals in that:

        1. the licensed veterinarian has recently seen or is personally acquainted with the keeping and care of the animal or animals, or

        2. the licensed veterinarian has made medically necessary and timely visits to the premises where the animal or animals are kept or both, and

    c. the licensed veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy, or has arranged for emergency medical coverage, and

    d. the licensed veterinarian's actions would conform to applicable federal law and regulations;
14. **"Veterinary premises"** means any facility where the practice of veterinary medicine occurs, including, but not limited to, a mobile unit, mobile clinic, outpatient clinic, satellite clinic, public service outreach of a veterinary facility, or veterinary hospital or clinic. The term "veterinary premises" shall not include the premises of a client of a licensed veterinarian or research facility;
15. **"Veterinary prescription drugs"** means such prescription items as are in the possession of a person regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of veterinary drugs and the federal Food and Drug Administration-approved human drugs for animals which because of their toxicity or other potential for harmful effects, or method of use, or the collateral measures necessary for use, are labeled by the manufacturer or distributor in compliance with federal law and regulations to be sold only to or on the prescription order or under the supervision of a licensed veterinarian for use in the course of professional practice. Veterinary prescription drugs shall not include over-the-counter products for which adequate directions for lay use can be written.
16. **"ECFVG certificate"** means a certificate issued by the American Veterinary Medical Association Education Commission for Foreign Veterinary Graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine;
17. **"Executive Director"** means the Executive Director of the State Board of Veterinary Medical Examiners or the authorized representative of such official;
18. **"Telemedicine"** shall mean the transmission of diagnostic images such as, but not limited to, radiographs, ultrasound, cytology, endoscopy, photographs and case information over ordinary or cellular phone lines to a licensed veterinarian or board-certified medical specialist for the purpose of consulting regarding case management with the primary care licensed veterinarian who transmits the cases;
19. **"Person"** means any individual, firm, partnership, association, joint venture, cooperative, corporation, or any other group or combination acting in concert, and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, fictitious name certificate, or any other representative of such person;
20. **"Food animal"** means any mammalian, poultry, fowl, fish, or other animal that is raised primarily for human food consumption;
21. **"Surgery"** means the branch of veterinary science conducted under elective or emergency circumstances, which treats diseases, injuries and deformities by manual or operative methods including but not limited to, cosmetic, reconstructive, ophthalmic, orthopedic, vascular, thoracic, and obstetric procedures. The

provisions in Section 698.12 of this title shall not be construed as surgery; and

22. **"Abandonment"** means to forsake entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or the owner's agent. Abandonment shall constitute the relinquishment of all rights and claims by the owner to an animal, and

23. **"Animal chiropractic diagnosis and treatment"** means treatment that includes vertebral subluxation complex (vcs) and spinal manipulation of nonhuman vertebrates. The term "animal chiropractic diagnosis and treatment" shall not be construed to allow the:

a. use of x-rays,
b. performing of surgery,
c. dispensing or administering of medications, or
d. performance of traditional veterinary care.

24. **"Animal euthanasia technician"** means an employee of a law enforcement agency, an animal control agency, or animal shelter that is recognized and approved by the Board, who is certified by the Board and trained to administer sodium pentobarbital to euthanize injured, sick, homeless or unwanted domestic pets and other animals; and

25. **"Teeth floating"**, as provided by a nonveterinary equine dental care provider, means the removal of enamel points and the smoothing, contouring and leveling of dental arcades and incisors of equine and other farm animals. It shall not include dental procedures on canines and felines;

26. **"Nonveterinary reproductive services"** means nonveterinary services provided by an individual certified by the Board as a nonveterinary reproductive services technician, and involves and shall be limited to nonsurgical embryo transfer in ruminating animals including cattle, sheep, goats, farmed deer and other ruminating exotic animals such as those found in zoos, and may include basic ultrasonography of their ovaries to evaluate the response to embro-transfer-associated procedures and of the uterus to determine pregnancy by the detection of a heartbeat within the transferred embryo at or greater than twenty-eight (28) days of gestation of such ruminating animals;

27. **"Embryo transfer"** means the biosecure process of inducing increased ovulations within a donor female for the in vivo production of embryos, the flushing of those embryos, collecting, grading and transferring of those embryos to recipient females, or the cryopreservation of those embryos for storage and later transfer to recipient females;

28. **"Animal Technology Advisory Committee"** means the advisory committee established by the Board pursuant to Section 4 of this act to advise and make recommendations to the Board regarding any new and evolving technology, procedure, method or practice that may be considered or otherwise designated as an act of animal husbandry that should be included as an act not prohibited in paragraph 1 of Section 698.12 of the Oklahoma Veterinary Practice Act. Reference to the advisory committee in this act shall mean the Animal Technology Advisory Committee; and

29. **"Examination Committee"** means the committee established and described in subsection of E of Section 3 of this act.

§ 698.3 BOARD OF VETERINARY MEDICAL EXAMINERS - PURPOSE - CONFLICTS OF INTEREST - LIABILITY

A. The State Board of Veterinary Medical Examiners is hereby re-created, to continue until July 1, 2014, in accordance with the provisions of the Oklahoma Sunset Law, to regulate and enforce the practice of veterinary medicine in this state in accordance with the Oklahoma Veterinary Practice Act.

B. 1. The duty of determining a person's initial and continuing qualification and fitness for the practice of veterinary medicine, of proceeding against the unlawful and unlicensed practice of veterinary medicine and of enforcing the Oklahoma Veterinary Practice Act is hereby delegated to the Board. That duty shall be discharged in accordance with the Oklahoma Veterinary Practice Act and other applicable statutes.

2. a. It is necessary that the powers conferred on the Board by the Oklahoma Veterinary Practice Act be construed to protect the health, safety and welfare of the people of this state.

b. No member of the Board, acting in that capacity or as a member of any Board committee, shall participate in the making of any decision or the taking of any action affecting such member's own personal, professional or pecuniary interest, or that of a person related to the member within the third degree by consanguinity, marriage or adoption or of a business or professional associate.

c. With advice of legal counsel, the Board shall adopt and annually review a conflict of interest policy to enforce the provisions of the Oklahoma Veterinary Practice Act.

C. The practice of veterinary medicine is a privilege granted by the people of this state acting through their elected representatives. It is not a natural right of individuals. In the interest of the public, and to protect the public, it is necessary to provide laws and rules to govern the granting and subsequent use of the privilege to practice veterinary medicine. The primary responsibility and obligation of the Board is to protect the public from the unprofessional, improper, incompetent and unlawful practice of veterinary medicine.

D. The liability of any member or employee of the Board acting within the scope of Board duties or employment shall be governed by the Governmental Tort Claims Act.

§ 698.4 APPOINTMENT - QUALIFICATIONS - TERMS - REMOVAL FOR CAUSE

A. 1. The State Board of Veterinary Medical Examiners shall consist of six (6) members, appointed by the Governor with the advice and consent of the Senate. The Board shall consist of five licensed veterinarian members, and one lay person representing the general public.

2. Each veterinary member shall be a graduate of an approved school of veterinary medicine, shall be a currently licensed veterinarian and shall have held an active license for the three (3) years preceding appointment to the Board. One member shall be appointed from each congressional district and any remaining members shall be appointed from the state at large. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district.

3. Of the five licensed veterinarian members, one must be an equine practitioner and one must be a large animal practitioner.

4. The lay member shall have no financial interest in the profession other than as a consumer or potential consumer of its services.

5. Members must be residents of the State of Oklahoma and be persons of integrity and good reputation. No member shall be a registered lobbyist. No member shall be an officer, board member or employee of a statewide or national organization established for the purpose of advocating the interests of or conducting peer review of veterinarians licensed pursuant to the Oklahoma Veterinary Practice Act.

B. Members of the Board shall be appointed for a term of five (5) years. No member shall serve consecutively for more than two (2) terms. Not more than two (2) terms shall expire in each year, and vacancies for the remainder of an unexpired term shall be filled by appointment by the Governor. Members shall serve

beyond the expiration of their term until a successor is appointed by the Governor. The initial appointee for the Board position created on November 1, 1999, shall be appointed for less than five (5) years to abide by staggered term requirements. The Governor shall appoint to a vacancy within ninety (90) days of the beginning of the vacancy. Nominees considered by the Governor for appointment to the Board must be free of pending disciplinary action or active investigation by the Board.

C. A member may be removed from the Board by the Governor for cause which shall include, but not be limited to, if a member:

1. Ceases to be qualified;

2. Is found guilty by a court of competent jurisdiction of a felony or unlawful act which involves moral turpitude;

3. Is found guilty of malfeasance, misfeasance or nonfeasance in relation to Board duties;

4. Is found mentally incompetent by a court of competent jurisdiction;

5. Is found in violation of the Oklahoma Veterinary Practice Act; or

6. Fails to attend three successive Board meetings without just cause as determined by the Board.

§ 698.5 OATH OF OFFICE - OFFICERS, POWERS AND DUTIES - REPORTS - STANDING OR AD HOC COMMITTEES

A. 1. Each member of the State Board of Veterinary Medical Examiners shall take the constitutional oath of office.

2. The Board shall organize annually, at the last meeting of the Board before the beginning of the next fiscal year, by electing from the Board membership a president, vice-president and secretary-treasurer. Officers of the Board shall serve for terms of one (1) year or until their successors are elected. Officers shall not succeed themselves for more than one term. The lay member appointed to the Board shall not hold elective office.

B. 1. The president shall:

a. preside at Board meetings,

b. arrange the Board agenda,

c. sign Board orders and other required documents,

d. appoint Board committees and their chairpersons,

e. coordinate Board activities,

f. represent the Board before legislative committees, and

g. perform those other duties assigned by the Board and this section.

2. The vice-president shall perform the duties of president during the president's absence or disability and shall assist the president in duties as requested.

3. The secretary-treasurer shall be responsible for the administrative functions of the Board.

4. The employment of administrative, investigative, legal and clerical personnel shall be subject to the approval of the Board.

5. At the end of each fiscal year the president and secretary-treasurer shall prepare or cause to be prepared and submit to the Governor a report on the transactions of the Board.

C. To facilitate its work effectively, fulfill its duties and exercise its powers, the Board may establish standing or ad hoc committees. The president shall appoint members and chairpersons of the committees and determine the length of terms of service. The president may appoint individuals to serve on a standing or ad hoc committee for a term not to exceed one (1) year.

§ 698.5a INVESTIGATORS FOR THE BOARD - DUTIES - PEACE OFFICER POWERS

A. 1. Investigators for the State Board of Veterinary Medical Examiners shall perform such services as are necessary in the investigation of criminal activity or preparation of administrative actions.

2. In addition, investigators shall have the authority and duty to investigate and inspect the records of all licensees in order to determine whether the licensee is in compliance with applicable narcotics and dangerous drug laws and regulations.

B. 1. Any investigator certified as a peace officer by the Council on Law Enforcement Education and Training shall have statewide jurisdiction to perform the duties authorized by this section. In addition, the investigator shall be considered a peace officer and shall have the powers now or hereafter vested by law in peace officers.

§ 698.6 MEETINGS - NOTICE - EMERGENCY MEETINGS - TRAVEL EXPENSES -REVENUES AND FUNDS - INCREASES IN FEES, CHARGES, ETC.

A. The State Board of Veterinary Medical Examiners shall meet at least once each year in the first half of the calendar year and once each year in the second half of the calendar year. In addition, the Board may meet at other times of the year as is deemed necessary to conduct the business of the Board. The Board shall meet at the time and place fixed by order of the Board president or by order of three members of the Board acting jointly upon refusal of the president to call for or fix a time and place for said meeting.

B. 1. Notice of meetings shall be filed in conformance with the Oklahoma Open Meeting Act. Members shall be notified of each meeting at least twenty (20) days before said meeting, except in the case of a meeting called for emergency purposes.

2. Emergency meetings may be called at any time by the president or at the request of three Board members as required to enforce the Oklahoma Veterinary Practice Act. The Board may establish procedures by which the Board may call an emergency meeting in accordance with the Oklahoma Open Meeting Act. The Board may establish procedures by which committee advice may be obtained in cases of emergency.

3. The Board shall establish a system for giving all Board and committee members and the public reasonable notice of scheduled meetings.

4. Minutes of all Board and committee meetings shall be kept in accordance with promulgated rules of the Board and other applicable statutes.

C. All meetings of the Board and its committees shall be open to the public except as set out in Article II of the Administrative Procedures Act and the Oklahoma Open Meeting Act.

D. Each Board member shall receive reimbursement for expenses in accordance with the Oklahoma Travel Reimbursement Act and rules promulgated by the Board.

E. 1. The Board shall be fully supported by the revenues generated from its activities, including fees, charges and reimbursed costs.

2. All such revenues, with the exception of the ten percent (10%) of its revenue required to be deposited in the General Revenue Fund, shall be deposited to the Veterinary Medical Examiners Fund and shall be credited to the account of the State Board of Veterinary Medical Examiners. Any revenue remaining in the revolving fund at the end of any fiscal year shall be carried over to the next fiscal year in the account of the State Board of Veterinary Medical Examiners.

3. The Board shall operate on the fiscal year beginning July 1 and ending June 30 of each year.

4. The Board shall develop and adopt its own budget reflecting revenues, including reimbursed costs associated with the administrative investigative, and legal expenditures for taking disciplinary action, and the establishment and maintenance of a reasonable reserve fund.

F. All fees, charges, reimbursement minimums and other revenue generating amounts shall be promulgated by the Board by rule and shall reflect normal increases due to inflation or cost of doing business.

§ 698.7 POWERS AND DUTIES OF BOARD

The State Board of Veterinary Medical Examiners shall have the powers and it shall also be its duty to regulate the practice of veterinary medicine. In addition to any other powers placed on it by the Oklahoma Veterinary Practice Act or as otherwise provided by law, the Board shall have the power and duty to:

1. a. set standards for licensure or certification by examination and develop such examinations as will provide assurance of competency to practice, and

b. employ or enter into agreements with organizations or agencies to provide examinations acceptable to the Board or employ or enter into agreements with organizations or agencies to provide administration, preparation or scoring of examinations;

2. Set fees;

3. Prescribe the time, place, method, manner, scope and subjects of examination for licensure;

4. Prepare or select, conduct or direct the conduct of, set minimum requirements for, and assure security of licensing and other required examinations;

5. a. issue or deny licenses and certificates and renewals thereof,

b. acquire information about and evaluate the professional education and training of applicants for licensure or certification; accept or deny applications for licensure, certification or renewal of either licensure or certification based on the evaluation of information relating to applicant fitness, performance or competency to practice,

c. determine which professional schools, colleges, universities, training institutions and educational programs are acceptable in connection with licensure pursuant to the Oklahoma Veterinary Practice Act, and accept the approval of such facilities and programs by American Veterinary Medical Association-accredited institutions in the United States and Canada,

d. require supporting documentation or other acceptable verifying evidence for any information provided the Board by an applicant for licensure or certification, and

e. require information on an applicant's fitness, qualification and previous professional record and performance from recognized data sources including, but not limited to, other licensing and disciplinary authorities of other jurisdictions, professional education and training institutions, liability insurers, animal health care institutions and law enforcement agencies;

6. Develop and use applications and other necessary forms and related procedures for purposes of the Oklahoma Veterinary Practice Act;

7. a. review and investigate complaints and adverse information about licensees and certificate holders,

b. conduct hearings in accordance with the Oklahoma Veterinary Practice Act and the Administrative Procedures Act, and

c. adjudicate matters that come before the Board for judgment pursuant to of the Oklahoma Veterinary Practice Act upon clear and convincing evidence and issue final decisions on such matters to discipline licensees and certificate holders;

8. a. impose sanctions, deny licenses and certificates and renewals thereof, levy reimbursement costs, seek appropriate administrative civil or criminal penalties or any combination of these against those who violate examination security, who attempt to or who do obtain licensure or certification by fraud, who knowingly assist in illegal activities, or who aid and abet the illegal practice of veterinary medicine.

b. review and investigate complaints and adverse information about licensees and certificate holders,

c. discipline licensees and certificate holders,

d. institute proceedings in courts of competent jurisdiction to enforce Board orders and provisions of the Oklahoma Veterinary Practice Act,

e. 1. establish mechanisms for dealing with licensees and certificate holders who abuse or are dependent on or addicted to alcohol or other chemical substances, and enter into agreements, at its discretion, with professional organizations whose relevant procedures and techniques it has evaluated and approved for their cooperation or participation in the rehabilitation of the licensee or certificate holder,

2. establish by rules cooperation with other professional organizations for the identification and monitoring of licensees and certificate holders in treatment who are chemically dependent or addicted, and

f. issue conditional, restricted or otherwise circumscribed modifications to licensure or certification as determined to be appropriate by due process procedures and summarily suspend a license if the Board has cause to believe by clear and convincing evidence such action is required to protect public or animal health and safety or to prevent continuation of incompetent practices;

9. Promulgate rules of professional conduct and require all licensees and certificate holders to practice in accordance therewith;

10. Act to halt the unlicensed or illegal practice of veterinary medicine and seek administrative, criminal and civil penalties against those engaged in such practice;

11. Establish appropriate fees and charges to ensure active and effective pursuit of Board responsibilities;

12. Employ, direct, reimburse, evaluate and dismiss staff in accordance with state procedures;

13. Establish policies for Board operations;

14. Respond to legislative inquiry regarding those changes in, or amendments to, the Oklahoma Veterinary Practice Act;

15. Act on its own motion in disciplinary matters, administer oaths, issue notices, issue subpoenas in the name of the State of Oklahoma, including subpoenas for client and animal records, hold hearings, institute court proceedings for contempt or to compel testimony or obedience to its orders and subpoenas, take evidentiary depositions and perform such other acts as are reasonable and necessary under law to carry out its duties;

16. Use clear and convincing evidence as the standard of proof and issue final decisions when acting as trier of fact in the performance of its adjudicatory duties;

17. Determine and direct Board operating, administrative, personnel and budget policies and procedures in accordance with applicable statutes;

18. Promulgate uniform rules such as may be necessary for carrying out and enforcing the provisions of the Oklahoma Veterinary Practice Act and such as in its discretion may be necessary to protect the health, safety and welfare of the public;

19. Determine continuing education requirements;

20. Establish minimum standards for veterinary premises;

21. Establish standards for veterinary labeling and dispensing veterinary prescription drugs and federal Food and Drug Administration-approved human drugs for animals which would conform to current applicable state and federal law and regulations;

22. Promulgate rules such as may be necessary for carrying out and enforcing provisions relating to certification of animal euthanasia technicians and approval of drugs to be used for euthanasia of animals in an animal shelter pursuant to the requirements of Section 502 of Title 4 of the Oklahoma Statutes; and

23. Shall conduct a national criminal history records search for certified animal euthanasia technicians:

a. the applicant shall furnish the Board two complete fingerprint cards and a money order or cashier's check made payable to the Oklahoma State Bureau of Investigation,

b. the Board shall forward the fingerprint cards, along with the applicable fee for a national fingerprint criminal history records search, to the Bureau, and

c. the Bureau shall retain one set of fingerprints in the Automated Fingerprint Identification System (AFIS) and submit the other set to the Federal Bureau of Investigation (FBI) for a national criminal history records search;

24. Establish standards for animal chiropractic diagnosis and treatment. The standards shall include but not limited to a requirement that a veterinarian who holds himself or herself out to the public as certified to engage in animal chiropractic diagnosis and treatment shall:

a. carry at least One Million Dollars ($1,000,000.00) of additional malpractice coverage to perform animal chiropractic diagnosis and treatment, and

b. have appropriate training in animal chiropractic diagnosis and treatment. The Veterinary Examining Board shall have the authority to establish educational criteria for certification standard in animal chiropractic diagnosis and treatment. The Veterinary Examining Board shall work in conjunction with the Board of Chiropractic Examiners to establish comparable standards for the practice of animal chiropractic diagnosis and treatment for both medical professions within thirty (30) days after the effective date of this act. The Board shall certify any licensed veterinarian wishing to engage in animal chiropractic diagnosis and treatment who meets the standards established by the Board pursuant to this paragraph. Upon request, the Board shall make available to the public a list of licensed veterinarians so certified;

25. Perform such other duties and exercise such other powers as the provisions and enforcement of the Oklahoma Veterinary Practice Act may require.

§ 698.8 LICENSES - EVIDENCE OF SUITABILITY TO PRACTICE - PRACTICE WITHOUT A LICENSE - CERTIFICATE IN LIEU OF LICENSE

A. It shall be unlawful to practice veterinary medicine in this state without a license or certificate issued by the State Board of Veterinary Medical Examiners.

B. Requirements for licensure or certification shall be set by the Board and may be changed as the education and training for the practice of veterinary medicine changes. Prior to issuance of a license or certificate to practice veterinary medicine in this state, the applicant shall have been found by the Board to be of good moral character and the Board shall consider but not be limited to the following evidence of suitability to practice:

1. a. Graduation from an approved school of veterinary medicine whose requirements at the time of graduation are acceptable to the Board.

b. Graduates of schools of veterinary medicine located outside the United States and Canada shall be held to the same standards for evidence of suitability to practice as are graduates of schools of veterinary medicine located within the United States in that applicants shall conform in all respects to the requirements set forth in this section. Where necessary, further examination shall be administered by the Board or its designee to determine competency to practice. In addition, applicants shall demonstrate a command of the English language satisfactory to the Board. Documents and material submitted in support of application for licensure or certification, if in a foreign language, shall be translated and certified as accurate by an organization acceptable to the Board;

2. Satisfactory completion of a minimum number of months of education in veterinary medicine as a requirement for graduation from a school of veterinary medicine as set by the Board;

3. Evidence that the applicant for licensure or certification is of good moral character;

4. a. Except as otherwise provided by this paragraph, evidence that the applicant has passed examinations satisfactory to the Board and that the examination score is acceptable to the Board. The Board may set minimum passing scores for examinations and to limit the number of times an applicant may take an examination in this state.

b. In lieu of national examination requirements, an applicant shall have actively engaged in the clinical practice of veterinary medicine for a period of at least five thousand (5,000) hours during the five (5) consecutive years immediately prior to making application in Oklahoma and hold a license to practice veterinary medicine in another state, territory, district or province of the United States and Canada and successfully passed the Oklahoma State Jurisprudence Examination;

5. Evidence that the applicant has demonstrated familiarity with the statutes and rules set by the Board;

6. Evidence that the applicant is mentally and professionally capable of practicing veterinary medicine in a competent manner as determined by the Board and willing to submit, if deemed appropriate by the Board, to an evaluation of skills and abilities;

7. Evidence that the applicant has not been found guilty by a court of law of any conduct that would constitute grounds for disciplinary action under the Oklahoma Veterinary Practice Act or rules of the Board, and there has been no disciplinary action taken against the applicant by any public agency concerned with the practice of veterinary medicine;

8. If the Board deems it necessary, a personal appearance by the applicant before the Board in support of the applicant's application for licensure or certification. If the Board is not satisfied with the credentials of the applicant, or demonstration of knowledge or skills presented, the Board may require further examination or supervised practice before reconsideration of the application; and

9. Evidence that all required fees have been paid.

C. Practice without the legal possession of an active license or certificate shall be prohibited, and evidence of said practice shall be reported by the Board to the District Attorney of the county in which the practice is found to occur.

D. Certificates may be issued to any veterinarian who has failed to obtain or failed to maintain a regular license to practice veterinary medicine. Such certificates may be issued by the Board at such times as the Board determines that all requirements for possession of such certificate have been met as set by rules and policies of the Board. Certificates may be issued for, but not limited to, the practice of veterinary medicine under the direct supervision of a licensed veterinarian while the application for full licensure is pending.

§ 698.8a VETERINARY FACULTY LICENSE

The State Board of Veterinary Medical Examiners may issue a veterinary faculty license to any qualified applicant associated with one of the state's institutions of higher learning and involved in the instructional program of either undergraduate or graduate veterinary medical students, subject to the following conditions:

1. The holder of the veterinary faculty license shall be remunerated for the practice aspects of the services of the holder solely from state, federal or institutional funds and not from the patient-owner beneficiary of his practice efforts;

2. The applicant will furnish the Board with such proof as the Board may deem necessary to demonstrate that:

a. the applicant is a graduate of a reputable school or college of veterinary medicine,

b. the applicant has or will have a faculty position at one of the state's institutions of higher learning and will be involved in the instructional program of either undergraduate or graduate veterinary medical students, as certified by an authorized administrative official at such institution, and

c. the applicant understands and agrees that the faculty license is valid only for the practice of veterinary medicine as a faculty member of the institution;

3. The license issued pursuant to this section may be revoked, suspended or not renewed or the licensee may be placed on probation or otherwise disciplined in accordance with the provisions of the Oklahoma Veterinary Practice Act; and

4. The license issued pursuant to this section may be canceled by the Board upon receipt of information that the holder of the veterinary faculty license has left or has otherwise been discontinued from faculty employment at an institution of higher learning of this state.

§ 698.9a REINSTATEMENT OF SUSPENDED OR REVOKED LICENSES OR CERTIFICATES

A. 1. Licenses or certificates suspended or revoked or not renewed for any purpose may be reinstated upon the motion of the State Board of Veterinary Medical Examiners upon proper application of the licensee or certificate holder.

2. A license or certificate suspended for failure to renew may be reinstated by the president or secretary-treasurer of the Board.

Provided such action shall be approved or ratified, or may be rescinded by the Board at the Board meeting following such action.

B. Requirements for reinstatement of a license or certificate which has been suspended, revoked or not renewed shall be by rule and shall include, but not be limited to, evidence that:

1. All requirements for full licensure or certification have been met; and

2. The applicant has not been convicted or the applicant's license or certificate suspended, revoked or not renewed or placed on probation in another state for violations of an act that would constitute the same or similar penalty in this state.

§ 698.10a RENEWAL CERTIFICATE OF REGISTRATION - APPLICATION - FAILURE TO RENEW - FEE - AUTOMATIC SUSPENSION

A. Every licensed veterinarian who is the holder of license or certificate authorizing the practice of veterinary medicine in any manner whatsoever shall on or before the first day of July of each and every year apply to the State Board of Veterinary Medical Examiners on forms furnished by the Board, for a renewal certificate of registration entitling such veterinarian to practice veterinary medicine in this state during the next fiscal year. Each such application shall be accompanied by a renewal fee in an amount fixed by the Board.

B. The Board may modify the terms and dates of renewal requirements in order to expedite the efficiency of the procedure and to prevent inequitable financial burden on its applicants and licensees.

C. 1. Failure to renew a license or certificate properly shall be evidence of noncompliance with the laws of this state and rules of the Board.

2. The license or certificate shall automatically be placed in an inactive status for failure to renew and shall be considered inactive and not in good standing for purposes of practice of veterinary medicine.

D. 1. If, within sixty (60) calendar days after July 1 the licensee or certificate holder pays the renewal fee plus any reactivation fee set by rule by the Board, the president or secretary-treasurer of the Board may reactivate the license or certificate.

2. If sixty (60) calendar days elapses and the license or certificate is not reactivated, the license or certificate shall be automatically suspended for failure to renew.

3. A license or certificate suspended for failure to renew may be reinstated pursuant to the provisions of Section 698.9a of this title.

E. Practice of veterinary medicine is prohibited unless the license or certificate is active and in good standing with the Board.

§ 698.11 PRACTICE DEFINED

A. The practice of veterinary medicine shall include, but not be limited to:

1. Diagnosing, surgery, treating, correcting, changing, relieving, or preventing animal disease, deformity, defect, injury or other physical or mental conditions including the prescribing or administering of any drug, medicine, biologic, apparatus, application, anesthetic, telemedicine, animal chiropractic diagnosis and treatment, or other therapeutic diagnostic substance or technique; dentistry; complementary and alternative therapies to be defined by rule pursuant to Section 698.7 of Title 59 of the Oklahoma Statutes; testing for pregnancy or correcting sterility or enhancing fertility; or rendering advice or recommendation with regard to any of the above;

2. Representing, directly or indirectly, publicly or privately, an ability and willingness to do any act prescribed in paragraph 1 of this subsection; and

3. Using any title words, abbreviation or letters by any person other than a licensed veterinarian in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph 1 of this subsection. Such use shall be prima facie evidence of the intention to represent oneself as a licensed veterinarian engaged in the practice of veterinary medicine.

B. Any person licensed to practice veterinary medicine pursuant to the Oklahoma Veterinary Practice Act, may use the word "Doctor", or an abbreviation thereof, and shall have the right to use, whether or not in conjunction with the word "Doctor" or any abbreviation thereof, the designation "D.V.M." or "V.M.D."

§ 698.12 ACTS NOT PROHIBITED

The Oklahoma Veterinary Practice Act shall not be construed to prohibit;

1. Acts of animal husbandry consisting of dehorning, branding, tagging or notching ears, teeth floating, farriery, pregnancy checking by transrectal palpation, collecting semen, preparing semen, freezing semen, castrating, worming, vaccinating, injecting or nonsurgical artificial insemination of farm animals; or the acts or conduct of a person advising with respect to nutrition, feeds or feeding; and such other acts designated by administrative rule of the Board which may be recommended by the Animal Technology Advisory Committee;

2. The owner of any animal or the owner's employees or helpers from caring for or treating animals belonging to the owner; provided that, the acts of the owner's employees or helpers otherwise prohibited by the Oklahoma Veterinary Practice Act are only an incidental part of the employment duties and for which no special compensation is made;

3. Acts of a person in lawful possession of an animal for some other purpose than practicing veterinary medicine; provided that, no charge may be made or included in any other charge or fee or adjustment otherwise made of any charge or fee for acts performed pursuant to this subsection unless the acts are performed by a licensed veterinarian as provided by the Oklahoma Veterinary Practice Act;

4. Acts of auction markets and other shippers of food animals in preparing such animal for shipment;

5. Acts of a person who is a student in good standing in a veterinary school, in performing duties or functions assigned by the student's instructors, or working under the direct supervision of a licensed veterinarian for each individual case and acts performed by an instructor or student in a school of veterinary medicine recognized by the Board and performed as a part of the educational and training curriculum of the school under the direct supervision of faculty. The unsupervised or unauthorized practice of veterinary medicine even though on the premises of a school of veterinary medicine is prohibited;

6. Acts of any employee in the course of employment by the federal government or acts of a veterinarian practicing on property and persons outside the jurisdiction of the State of Oklahoma.

7. A veterinarian currently licensed in another state from consulting with a licensed veterinarian of this state;

8. Acts of agriculture education instructors or students while engaged in regular agriculture education instruction in programs approved by the Oklahoma Department of Vocational and Technical Education; provided that said acts are under the supervision of instructors and are carried out in the usual course of instruction and not as independent practice by an unlicensed veterinarian without supervision;

9. Any person employed by a licensed veterinarian who is assisting with the professional duties of the licensed veterinarian and who is under the direct supervision of the licensed veterinarian from administering medication or rendering auxiliary or supporting assistance under the direct supervision of such licensed veterinarian, provided that the practice is conducted in compliance with all laws of this state and rules of this Board;

10. Any chiropractic physician licensed in this state who is certified by the Board of Chiropractic Examiners to engage in animal chiropractic diagnosis and treatment from practicing animal chiropractic diagnosis and treatment; or

11. Any chiropractic physician licensed in this state who is not certified to practice animal chiropractic diagnosis and treatment by the Board of Chiropractic Examiners from providing chiropractic treatment to an animal referred to such chiropractic physician by a licensed veterinarian.
12. Any individual that is certified in animal massage therapy and acquires liability insurance from engaging in animal massage therapy after referral from a licensed veterinarian; or
13. Any individual that is certified by the State Board of Veterinary Medical Examiners and pays a certification fee of Two Hundred Dollars ($200.00) under subsection A of Section 698.30 of this title from engaging in nonveterinary equine dental care; or
14. Any individual that is certified by the Board pursuant to Section 3 of this act and pays a certification fee of Two Hundred Dollars ($200.00) from providing nonveterinary reproductive services as defined by Section 698.2 of this title.

§ 698.14a DISCIPLINARY ACTIONS - AUTHORITY OF BOARD - REPORT OF ACTION-CONFIDENTIAL LETTER OF CONCERN - UNPROFESSIONAL OR DISHONORABLE CONDUCT -LEGAL ACTION - INJUNCTIONS - SUSPENSION OR REVOCATION OF LICENSE-COMPLAINTS - HEARING - SUBPOENAS - REPORTING OF UNPROFESSIONAL CONDUCT - VIOLATIONS - PENALTIES

A. A range of sanctions is hereby made available to the State Board of Veterinary Medical Examiners which includes, but is not limited to:

1. Revocation of licensure or certification;
2. Suspension of licensure or certification;
3. Probation of licensure or certification;
4. Refusal to renew a license or certification;
5. Injunctions and other civil court actions;
6. Reprimand, censure, agreement to voluntary stipulation of facts and imposition of terms of disciplinary action;
7. Administrative citation and administrative penalties; and
8. Prosecution through the office of the district attorney.

B. 1. The Board may take such action as the nature of the violation requires.

2. Upon a determination that a violation has been committed, the Board shall have the authority to impose upon the alleged violator, the payment of costs expended by the Board in investigating and prosecuting the cause, to include but not be limited to staff time, salary and travel expenses, witness fees and attorney fees and same shall be considered part of the order of the Board.

3. The Board shall make report of action to any association, organization or entity deemed appropriate for transmittal of the public record but shall in no cause be held liable for the content of the reported action or be made a party to action taken as a result of the sanction imposed by the State Board of Veterinary Medical Examiners.

C. The president or secretary-treasurer of the Board may issue a confidential letter of concern to a licensee or certificate holder when, though evidence does not warrant formal proceedings, there has been noted indications of possible misconduct by the licensee or certificate holder that could lead to serious consequences and formal action.

D. The Board may require an applicant for licensure or certification or a licensee or certificate holder to be examined on the applicant's or holder's medical knowledge and skills should the Board find, after due process, that there is probable cause to believe the licensee or certificate holder or applicant may be deficient in such knowledge and skills.

E. The Board may take disciplinary action or other sanctions upon clear and convincing evidence of unprofessional or dishonorable conduct, which shall include, but not be limited to:

1. Fraud or misrepresentation in applying for or procuring a license or certificate to practice veterinary medicine in any federal, state or local jurisdiction;

2. Cheating on or attempting to cheat on or subvert in any manner whatsoever the licensing or certificate examination or any portion thereof;

3. The conviction of or entry of a guilty plea or plea of nolo contendere involving a felony in this or any other jurisdiction, whether or not related to the practice of veterinary medicine;

4. Conduct likely to deceive, defraud, or harm the public;

5. The making of a false or misleading statement regarding one's skill or the efficacy or value of the medicine, treatment or remedy prescribed by the licensed veterinarian or at the licensed veterinarian's direction in the treatment of any disease or other condition of the animal;

6. Representing to a client that a manifestly incurable condition, sickness, disease or injury can be cured or healed;

7. Negligence in the practice of veterinary medicine;

8. Practice or other behavior that demonstrates a manifest incapacity or incompetency to practice veterinary medicine;

9. The use of any false, fraudulent or deceptive statement in any document connected with the practice of veterinary medicine;

10. Failure to notify the Board of current address of practice;

11. Aiding or abetting the practice of veterinary medicine by an unlicensed, incompetent or impaired person;

12. Habitual use or abuse of alcohol or of a habit-forming drug or chemical which impairs the ability of the licensee or certificate holder to practice veterinary medicine;

13. Violation of any laws relating to the administration, prescribing or dispensing of controlled dangerous substances or violation of any laws of the federal government or any state of the United States relative to controlled dangerous substances;

14. Obtaining a fee by fraud or misrepresentation;

15. Directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered, not to preclude the legal function of a lawful professional partnership, corporation or association;

16. Failure to report to the Board any adverse action taken by another jurisdictional body, by any peer review body, health-related licensing or disciplinary jurisdiction, law enforcement agency or court for acts or conduct related to the practice of veterinary medicine;

17. Failure to report to the Board surrender of a license or other certificate of authorization to perform functions based on the holding of a license or certificate to practice veterinary medicine or surrender of membership in any organization or association related to veterinary medicine while under investigation by that association or organization for conduct similar to or the same as acts which would constitute grounds for action as defined in the Oklahoma Veterinary Practice Act;

18. Failure to furnish the Board, its staff or agents information legally requested or failure to cooperate with a lawful investigation conducted by or on behalf of the Board;

19. Failure to pay appropriately assessed fees or failure to make any personal appearance required by the Board or any of its officers;

20. The practice of veterinary medicine in the absence of a bona fide veterinarian-client-patient relationship. The preclusion of a veterinarian-client-patient relationship by a veterinarian who in good faith renders or attempts to render emergency care to a victim pursuant to a Good Samaritan application shall not constitute grounds for discipline pursuant to the Oklahoma Veterinary Practice Act;

21. Providing vaccinations or elective surgical procedures on skunks, namely Mephitis mephitis (striped), Conepatus mesoleusus (hog-nosed), and Spilogale putorius (spotted), unless the animal is under the custody and care of a recognized zoological institution, research facility, or person possessing an appropriate and current wildlife permit issued by the Oklahoma Department of Wildlife Conservation or Oklahoma Department of Agriculture; or

22. Violation of any provisions of the Oklahoma Veterinary Practice Act or the rules and policies of the Board or of an action, stipulation or agreement of the Board.

F. 1. The Board may commence any legal action to enforce the provision of the Oklahoma Veterinary Practice Act and may exercise full discretion and authority with respect to enforcement actions. Administrative sanctions taken by the Board shall be made in accordance with Article II of the Administrative Procedures Act, the Oklahoma Veterinary Practice Act, and other applicable laws of this state. The Board shall take appropriate enforcement action when required, assuring fairness and due process to the defendant.

2. The Board or its designee may hold informal conferences to negotiate a settlement of a dispute; provided that the conference is agreed to in writing by all parties and said conference does not preclude a hearing on the same matters. The Board shall not consider the agreement binding should a hearing be held subsequent to the agreement.

G. The Board may summarily suspend a license or certificate prior to a formal hearing when it has found upon clear and convincing evidence that such action is required to protect the public or animal health or welfare or when a person under the jurisdiction of the Board is convicted of a felony, whether or not related to the practice of veterinary medicine; provided such action is taken simultaneously with proceedings for setting a formal hearing to be held within thirty (30) days after the summary suspension.

H. 1. The Board may issue an order to any licensee or certificate holder, obtain an injunction or take other administrative, civil or criminal court action against any person or any corporation or association, its officers, or directors, to restrain said persons from violating the provisions of the Oklahoma Veterinary Practice Act.

2. Violations of an injunction shall be punishable as contempt of court. No proof of actual damage to any animal shall be required for issuance of an order or an injunction, nor shall an injunction relieve those enjoined from administrative, civil or criminal prosecution for violation of the Oklahoma Veterinary Practice Act.

I. 1. The State Board of Veterinary Medical Examiners may suspend, revoke or refuse to renew the license or certificate of any person holding license or certificate to practice veterinary medicine in this state or place such person on probation for unprofessional conduct, but no such suspension or revocation or refusal to renew, or probation shall be made, unless otherwise provided for herein, until such be cited to appear for hearing. No such citation shall be issued except upon a sworn complaint filed with the president or secretary-treasurer of said Board charging the licensee or certificate holder with having been guilty of unprofessional conduct and setting forth the particular act or acts alleged to constitute such unprofessional conduct.

2. In the event it comes to the attention of the Board that a violation of the rules of professional conduct may have occurred, even though a formal complaint or charge may not have been filed, the Board may conduct an investigation of such possible violation, and may, upon its own motion, institute a formal complaint. In the course of such investigation, persons appearing before the Board may be required to testify under oath.

J. 1. Upon the filing of a complaint, either by an individual or the Board, the citation shall be issued by the president or secretary-treasurer of the Board over such officer's signature and seal of the Board, setting forth the particulars of the complaint, and giving due notice of the time and place of the hearing by the Board. The citation shall be made returnable at the next meeting of the Board at which hearing is set and shall be no less than thirty (30) days after issuance of the citation;

2. The accused shall file a written answer under oath with notice of intent to appear or be represented within twenty (20) days after the service of the citation. Failure to respond to the citation within the prescribed time shall constitute default;

3. The license or certificate of the accused shall be suspended, revoked or not renewed if the charges are found, by clear and convincing evidence, sufficient by the Board; provided, the president or secretary-treasurer of the Board may extend the time of answer upon satisfactory showing that the defendant is for reasonable cause, unable to answer within the prescribed twenty (20) days, but in no case shall the time be extended beyond the date of the next scheduled meeting for hearing the complaint, unless continuance thereof be granted by the Board; and

4. All citations and subpoenas under the contemplation of the Oklahoma Veterinary Practice Act shall be served in general accordance with the statutes of this state applying to the service of such documents. All provisions of the statutes of this state relating to citations and subpoenas are hereby made applicable to the citations and subpoenas herein provided. All the provisions of the statutes of this state governing the taking of testimony by depositions are made applicable to the taking of depositions pursuant to the Oklahoma Veterinary Practice Act.

K. The Executive Director, secretary-treasurer, designee, or prosecuting attorney for the Board, during the course of any lawful investigation, may order or subpoena the attendance of witnesses, the inspection of records, and premises and the production of relevant records, books, memoranda, documents, radiographs, or other papers or things for the investigation of matters that may come before the Board.

L. 1. The attendance of witnesses may be compelled in such hearings by subpoenas issued by the president or secretary-treasurer of the Board over the seal thereof, and the president or secretary-treasurer shall in no case refuse to issue subpoenas upon praecipe filed therefore accompanied by the fee set by the Board by rule for the issuance of such subpoenas.

2. If any person refuses to obey a subpoena properly served upon such person or in the manner, the fact of such refusal shall be certified by the secretary-treasurer of the Board over the seal thereof to the district attorney of the county in which such service was had, and the court shall proceed to hear said matter in accordance with the statutes of this state then in force governing contempt as for disobedience of its own process.

M. 1. The State of Oklahoma is a proper and necessary party in the prosecution of all such actions and hearings before the Board in all matters pertaining to unprofessional conduct and disciplinary action. The Attorney General of the state, in person or by deputy, is authorized to appear in behalf thereof. The defendant in any such actions shall have the right to be represented by counsel.

2. The Board is empowered to enter into agreement with or employ one or more attorneys to conduct the business of the Board in the absence of representation by the Attorney General or designee or in conjunction with representation by the Attorney General or designee.

3. The Board shall sit as a trial body and the rulings of the Board shall be by majority vote. Appeal to the rulings thereof shall be by petition to the district court of the district in which the hearing was held. The secretary-treasurer of the Board shall cause a record of all proceedings to be made and a transcript of the proceedings or any part thereof may be obtained by payment of actual cost of taking and preparation of transcript of such proceedings or part thereof.

N. All final disciplinary actions, license denials, related findings of fact and conclusions of law are matters of public record. Voluntary surrender of and voluntary limitations on the veterinarian's practice or license shall be public record.

O. Certificate holders or faculty of veterinary medical schools shall report to the Board in writing any information that gives reason to believe a veterinarian is incompetent, guilty of unprofessional conduct or is unable to engage safely in the practice of veterinary medicine. Cause for reporting shall be for, but not limited to, the following instances:

1. Voluntary resignation from a professional partnership, corporation or practice for reason of inability to practice;

2. Malpractice claims, judgments, settlements or awards;

3. Civil or criminal convictions; or

4. Other actions that indicate inability to practice with reasonable skill and safety.

P. The Board shall consider violation of any of the Rules of Professional Conduct a violation of the Oklahoma Veterinary Practice Act section on unprofessional conduct and shall proceed with disciplinary action as set out in the Oklahoma Veterinary Practice Act.

Q. 1. In addition to other penalties prescribed by the Oklahoma Veterinary Practice Act, any person who the Board has determined by clear and convincing evidence to have violated any provisions of the Oklahoma Veterinary Practice Act, or any rule, or order issued pursuant thereto shall be liable for an administrative penalty of not more than Five Thousand Dollars ($5,000.00) for each day that the violation continues.

2. The amount of the penalty shall be assessed by the Board pursuant to the provisions of paragraph 1 of this subsection, after notice and hearing. In determining the amount of the penalty, the Board shall, by clear and convincing evidence, include, but not be limited to, consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the Oklahoma Veterinary Practice Act.

3. All penalties collected pursuant to the provisions of this subsection shall be deposited in the Veterinary Medical Examiners fund.

§ 698.14b INABILITY TO PRACTICE DUE TO MENTAL ILLNESS OR DRUG ABUSE - REQUIRED SUBMISSION TO ALCOHOL OR DRUG TESTING - ACTIONS OF BOARD - REPORTING OF IMPAIRED PERFORMANCE

A. Impairment is defined as the inability of a person to practice veterinary medicine with reasonable skill and safety by reason of:

1. Mental illness; or

2. Habitual use or excessive use or abuse of drugs or chemicals defined in law as controlled substances or habit-forming substances, to include, but not be limited to, alcohol or other substances that impair the ability of the licensee or certificate holder to practice veterinary medicine.

B. Upon probable cause, the State Board of Veterinary Medical Examiners may require a licensee or certificate holder or applicant for license or certificate to submit to any test to determine the use of alcohol or drugs which affects the ability of the licensee or certificate holder to practice veterinary medicine. The Board, by rule, shall establish the nature and criteria for any such test. The results of the test shall be admissible in any hearing before the Board. Failure to submit to the required test by any licensee, certificate holder or applicant when properly directed to do so by the Board shall be grounds for disciplinary action against a licensee or certificate holder and, for any applicant, shall be grounds for denial of license or certificate.

C. Upon findings by the Board, after evaluation and hearing, that the licensee, certificate holder or applicant is impaired, the Board may take one of the following actions or any other action deemed appropriate to the circumstances by the Board;

1. Direct the person to submit to care, counseling or treatment acceptable to the Board;

2. Suspend, limit or restrict the license or certificate to practice for the duration of the impairment; or

3. Revoke or refuse to renew the license or certificate or deny the application.

D. Any person who is prohibited from practicing pursuant to the provisions of this section shall be afforded at reasonable intervals the opportunity to present evidence or material not before seen by the Board to demonstrate to the satisfaction of the Board that such person can resume or begin the practice of veterinary medicine with reasonable skill and safety; provided, that all fees have been paid and all requirements for licensure, certification, reinstatement or other form of authorization to practice have been satisfactorily completed.

E. 1. All licensees, certificate holders or faculty of veterinary medical schools shall report to the Board information about any and all colleagues that shows the colleagues are impaired.

2. The Board may establish rules for the approval of medically directed, nonprofit, voluntary treatment programs for impaired practitioners and to set standards for the treatment of practitioners.

3. The Board may exempt from reporting those who are conducting a Board-approved treatment program; provided that the impaired veterinarian who is participating in the program is doing so satisfactorily. Should the impaired veterinarian leave the program without first achieving a release by the program, the administrator of the program is required to report same to the Board. Participation in an approved treatment program does not protect an impaired veterinarian from Board action resulting from a report from another source of violation of the Oklahoma Veterinary Practice Act, whether related to the impairment or not.

4. Programs for the treatment of impaired professionals approved by this Board shall be reviewed annually or more frequently at the Board's discretion.

§ 698.15 REPORT OF CONTAGIOUS OR INFECTIOUS DISEASES

It shall be the duty of every person engaged in the practice of veterinary medicine to report to the State Veterinarian of the State of Oklahoma the name of the owner or person in possession of all domestic animals afflicted with any contagious or infectious diseases required to be reported to the State Board of Agriculture together with the location of the animals and the disease with which the animals are afflicted immediately upon such knowledge or information coming to such practitioners.

§ 698.16 ABANDONED ANIMALS

A. 1. Any animal except domestic animals as such term is defined in Section 85.1 of Title 4 of the Oklahoma Statutes placed in the custody of a licensed veterinarian for services which is abandoned by its owner, the owner's agent, or any other person for a period of more than three (3) days after written notice, is given by registered or certified mail, return receipt, is receipted, refused, unclaimed or by actual hand-delivery to the owner or owner's agent at the last known address of the owner or the owner's agent, shall be deemed abandoned and may be sold, disposed of in a humane manner by the veterinarian or turned over to the custody of the nearest humane society or animal shelter.

2. Any animal except domestic animals as such term is defined in Section 85.1 of Title 4 of the Oklahoma Statutes placed in the custody of a licensed veterinarian for, but not limited to, boarding, treatment, or any other care, which is abandoned by an anonymous individual for a period of more than five (5) days, shall be deemed to be abandoned and may be sold, disposed of in a humane manner by the veterinarian or turned over to the custody of the nearest humane society or animal shelter .

B. Any domestic animal as such term is defined by Section 85.1 of Title 4 of the Oklahoma Statutes placed in the custody of a licensed veterinarian for boarding, treatment or any other reason which is abandoned by the owner, the owner's agent or by an anonymous individual may be disposed of as required for estrays pursuant to Chapter 4 of Title 4 of the Oklahoma Statutes.

C. 1. Compliance with the notice provisions of this section by the licensed veterinarian or the disposal of an animal pursuant to subsection B of this section, as provided in subsection A of this section, shall relieve the licensed veterinarian and any custodian to whom such animal may be given of any further liability for disposal.

2. Such procedure by a licensed veterinarian shall not constitute grounds for disciplining pursuant to the Oklahoma Veterinary Practice Act.

3. Compliance with this section shall relieve the veterinarian from liability for such disposal or sale.

§ 698.16a RECORDKEEPING

A. Animal health records shall be the property of the owner or manager of a veterinary practice that has prepared such records, and shall include, but not be limited to, written records and notes, radiographs, sonographic images, video tapes, photographs, laboratory reports, or other diagnostic or case management information received as the result of consulting with other licensed veterinarians or medical specialists.

B. Each licensed veterinarian shall keep and maintain a legible patient record for a period of thirty-six (36) months from the date of the last visit of the patient. Each licensed or certificate holder veterinarian shall maintain records in a manner that will permit any authorized licensed veterinarian to proceed with the care and treatment of the animal, if required, by reading the medical record of that particular patient, and the record shall clearly explain the initial examination. The State Board of Veterinary Medical Examiners shall promulgate such rules as may be necessary to ensure that patient records include certain necessary elements.

C. The owner or manager of any veterinary practice maintaining animal health records shall provide the client or client's agent copies or a detailed written summary within ten (10) working days of a request made in writing by the owner, unless the records are required in an immediate life-threatening situation, at which time the original records, copies of the written records or a detailed written summary shall be forwarded to the attending or primary care-licensed veterinarian within the same working day. The owner or manager of any veterinary practice maintaining records shall furnish the copies to the case upon tender of the expense of such copy or copies. Cost of each copy shall not exceed the amount specified in the Open Records Act per page, and no more than a reasonable cost of duplicating diagnostic images, tapes, or radiographs. There shall be no search fees assessed for the protection or retrieval of any medical records.

D. 1. No veterinarian licensed pursuant to the Oklahoma Veterinary Practice Act shall be required to disclose any information concerning the licensed veterinarian's care of an animal except on written authorization or by other waiver by the licensed veterinarian's client or on appropriate court order, by subpoena or as otherwise provided by this section.

2. Copies of or information from veterinary records shall be provided without the owner's consent to public or animal health, wildlife or agriculture authorities, employed by federal, state or local governmental agencies who have a legitimate interest in the contents of said records for the protection of animal and public health.

E. 1. Any licensed veterinarian releasing information under written authorization or other waiver by the client or under court order, by subpoena or as otherwise provided by this section shall not be liable to the client or any other person.

2. The privilege provided by this section shall be waived to the extent that the licensed veterinarian's client or the owner of the animal places the licensed veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding.

§ 698.16b REPORTING INFORMATION

No person or entity which, in good faith, reports or provides information or investigates any person as authorized by the Oklahoma Veterinary Practice Act, shall be liable in a civil action for damages or relief arising from the reporting, providing of information or investigation except upon clear and convincing evidence that the report of information was completely false, or that the investigation was based on false information, and that the falsity was actually known to the person or entity making the report, providing the information or conducting the investigation at the time thereof.

§ 698.17 GOOD SAMARITAN APPLICATION

Any veterinarian or registered veterinary technician who is licensed or certified in this state or licensed veterinarian or licensed veterinary technician who is a resident of another state or the District of Columbia, and who in good faith renders or attempts to render emergency care or treatment to an animal at the scene of an accident or disaster or emergency care or treatment to a human victim thereof, shall not be liable for any civil damages as a result of any acts or omissions by such person rendering or attempting to render the emergency care or treatment.

§ 698.18 PENALTIES

A. It shall be unlawful for any person to practice or attempt to practice veterinary medicine without a current license or certificate issued pursuant to the Oklahoma Veterinary Practice Act, or to knowingly aid or abet another person in the unlicensed practice or attempted practice of veterinary medicine in this state.

B. Any person who violates any of the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine in an amount not less than Five Hundred Dollars ($500.00), nor more than Five Thousand Dollars ($5,000.00), or by imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment.

§ 698.19a CITATION AND FINE

A. 1. If, upon completion of an investigation, the Executive Director of the State Board of Veterinary Medical Examiners has probable cause to believe that a licensed veterinarian or any other person has violated provisions of the Oklahoma Veterinary Practice Act or rules promulgated thereto, the Executive Director may issue a field citation to the licensed veterinarian or other person, as provided in this section. Each field citation shall be in writing and shall describe with particularity the nature of the violation, including but not limited to a reference to the provision of the Oklahoma Veterinary Practice Act alleged to have been violated.

2. In addition, each field citation may contain an order of abatement fixing a reasonable time for abatement of the violation, and may contain an assessment of an administrative penalty not to exceed Five Hundred Dollars ($500.00) for a first offense and not to exceed Five Thousand Dollars ($5,000.00) for a second or each subsequent offense. Each day such violation continues shall constitute a separate offense.

3. The field citation shall be served upon the licensed veterinarian or other person personally or by any certified mail, return receipt requested.

B. Before any field citation shall be issued to any licensed veterinarian, the Executive Director shall have submitted the alleged violation for the review and examination to a probable cause committee, comprised of the Board's attorney, an investigator, and a veterinarian licensed in the state of Oklahoma. The probable cause committee, during its review, may contact the licensed veterinarian to discuss and resolve the alleged violation. Upon conclusion of the probable cause committee's review, the committee shall prepare findings of fact and a recommendation. If the committee concludes that probable cause exists that the veterinarian has violated any provisions of the Oklahoma Veterinary Practice Act or rules promulgated thereto, an administrative penalty shall be assessed upon the licensed veterinarian.

C. 1. If a licensed veterinarian or other person who has been determined by the Board or agent thereof to have violated any provision of the Oklahoma Veterinary Practice Act or rules promulgated or issued pursuant thereto desires to contest a field citation or the proposed assessment of an administrative penalty therefore, the licensed veterinarian or other person shall, within ten (10) business days after service of the field citation, notify the Executive Director in writing, requesting an informal conference with the probable cause committee.

2. The probable cause committee shall hold, within sixty (60) days from the receipt of the written request, an informal conference. After the conclusion of the informal conference, and based on recommendations thereof, the Executive Director may

affirm, modify or dismiss the field citation or proposed assessment of an administrative penalty and the Executive Director shall state with particularity in writing the reasons for the action, and shall immediately transmit a copy thereof to the licensed veterinarian or other person and the person who submitted the complaint.

D. 1. If the veterinarian or person desires to contest administratively, a decision made after the informal conference, the licensed veterinarian or other person shall inform the Executive Director in writing within thirty (30) calendar days after such person receives the decision resulting from the informal conference.

2. If the licensed veterinarian or other person fails to request an informal conference within the time specified in this section, the field citation, the proposed assessment of the administrative penalty or the decision made after an informal conference shall be deemed a final order of the Board and shall not be subject to further administrative reviews.

E. If a fine is paid to satisfy an assessment based on the findings of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for the purpose of public disclosure.

F. A veterinarian or other person, in lieu of contesting a field citation pursuant to this section, may transmit to the Board the amount assessed in the citation as an administrative penalty, within thirty (30) days after service of the field citation. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged.

G. 1. If a veterinarian or other person has notified the Executive Director within ten (10) working days of the issuance of the assessment or field citation that such veterinarian or other person intends to contest the decision made after the informal conference, the Board shall hold a hearing to be held in accordance with the Administrative Procedures Act and adjudicating such matters for judgment only upon clear and convincing evidence as required by the Oklahoma Veterinary Practice Act with the Board having all of the powers granted therein.

2. After the hearing, the Board shall issue a decision based on findings of the fact, affirming, modifying or vacating the citation, or directing other appropriate relief which shall include, but need not be limited to, a notice that the failure of the veterinarian or other person to comply with any provision of the Board's decision may subject such veterinarian or person to the imposition of the sanctions authorized by the Oklahoma Veterinary Practice Act.

H. After the exhaustion of the review procedures provided for in this section, the Board may bring an action for judicial review and administrative penalty and obtain an order compelling the cited person to comply with any order issued pursuant to this section.

I. Failure of a licensee to pay a fine within thirty (30) days of the date of assessment, unless the field citation is being appealed may result in action being taken by the Board. When a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for the renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

J. The Board shall promulgate rules covering the issuance of field citations, the assessment of administrative penalties and other duties specified by this section pursuant to this section which give due consideration to the appropriateness of the penalty with respect to the following factors:

a. the gravity of the violation,

b. the good faith of the person being charged, and

c. the history of previous violations.

§ 698.28 VETERINARY MEDICAL EXAMINERS FUND

There is hereby created in the State Treasury a revolving fund to be designated the "Veterinary Medical Examiners Fund" which shall consist of all monies received by the State Board of Veterinary Medical Examiners as provided by statute. The fund shall be a continuing fund not subject to fiscal year limitations. Monies accruing to the credit of the fund are hereby appropriated and may be expended by the Board for carrying out the provisions of the Oklahoma Veterinary Practice Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims submitted by the Board to the Director of State Finance for audit and payment.

§ 698.29 CONFIDENTIALITY OF INFORMATION

A. Except as provided in subsection D of this section, the State Board of Veterinary Medical Examiners and its employees, independent contractors, appointed committee members, or other agents shall keep confidential, all information obtained:

1. During an investigation of citizen complaints into allegations of violations of the Oklahoma Veterinary Practice Act, including:

a. any review or investigation made to determine whether to allow an applicant to take an examination, or

b. whether the Board shall grant a certificate, license, or permit; and

2. In the course of conducting an investigation, including:

a. investigative reports provided to the Board by a registrant, and

b. examinations and test scores.

B. To ensure the confidentiality of the information for the protection of the affected individual or entity, the information obtained shall not be deemed to be a record as that term is defined in the Oklahoma Open Records Act.

C. Except as provided in subsection D of this section, information obtained by the Board or any of its agents shall be considered competent evidence in a court of competent jurisdiction only in matters directly related to actions of the Board and the affected individual or entity as a result of the Board obtaining the information and the information shall not be admissible as evidence in any other type of civil or criminal action.

D. At the discretion of the Board or any committee designated by the Board and in the interest of protecting the health, safety and welfare of the public, any information contained in the investigation files of the Board may upon request be provided to the following:

1. Any board or commission of the District of Columbia or any state or territory of the United States which exercises disciplinary authority; and

2. Any law enforcement agency which makes a proper showing that such information is necessary to conduct or complete a pending investigation of a crime not covered by the Oklahoma Veterinary Practice Act.

§ 698.30 NEW LAW

A. The State Board of Veterinary Medical Examiners shall annually certify any practitioner of teeth floating, known as a nonveterinary equine dental care provider and as defined by paragraph 25 of Section 698.2 of Title 59 of the Oklahoma Statutes. Certification shall be issued within ninety (90) days of application, and to be eligible for this certification, nonveterinary equine dental care providers shall provide proof of qualification to be a nonveterinary equine dental care provider using one of the following methods:

1. Completion of at least eighty (80) hours of training in equine dentistry at the Texas Institute of Equine Dentistry, the Academy of Equine Dentistry or a similar program approved by the State Board of Veterinary Medical Examiners; or

2. Certification as an equine dental technician by the International Association of Equine Dentistry or its equivalent by a similar certifying organization approved by the State Board of Veterinary Medical Examiners.

B. Prior to July 1, 2011, teeth floaters shall be granted certification upon submission of a signed and notarized affidavit from three persons who are residents of this state, stating that they know this individual and the individual is known by the community to be a nonveterinary equine dental care provider. Of the three residents, one shall be from a veterinarian that is licensed

to practice in the state; and one shall be from the current president of any official statewide association representing horses, horse breeds or horsemen, or a horse owner currently residing in the state.

C. Proof of four (4) hours of continuing education shall be required for annual certification renewal for teeth floaters. This continuing education shall be a course approved by the Texas Institute of Equine Dentistry, the Academy of Equine Dentistry, the State Board of Veterinary Medical Examiners, the International Association of Equine Dentistry or a similar organization approved by the State Board of Veterinary Medical Examiners and shall be obtained in the twelve-month period immediately preceding the year for which the certification is to be issued.

D. If prescription drugs, not to include any controlled dangerous substances as defined in the Uniform Controlled Dangerous Substances Act, are to be used in nonveterinary equine dental care procedures, the equine owner shall contact a veterinarian licensed by the state. If the veterinarian deems that prescription drugs, not to include any controlled dangerous substances as defined in the Uniform Controlled Dangerous Substances Act, are necessary, the veterinarian may assemble those drugs and may allow the owner or the owner's agent, who can be a nonveterinary equine dental care provider, to pick up those drugs and deliver them to the equine owner. No prescription drugs shall be prescribed, dispensed, or administered without the establishment of a valid client-patient relationship between the equine owner and the veterinarian. Prescription drugs must be used in accordance with United States Food and Drug Administration regulations.

E. Complaints related to any teeth floater shall be filed with the State Veterinarian through the Oklahoma Department of Agriculture, Food, and Forestry. The State Veterinarian may investigate complaints, and may forward findings as it deems appropriate to the appropriate law enforcement entity.

§ 698.30a NEW LAW

A. The State Board of Veterinary Medical Examiners shall certify an individual as a nonveterinary reproductive services technician who qualifies and passes a written certification examination approved by the Board and who holds a Ph.D. from an accredited college or university with emphasis in animal reproductive physiology, or a Master of Science degree from an accredited college or university with emphasis in animal reproductive physiology and Board Certification in animal physiology by the American Registry of Professional Animal Scientists, which certification authorizes them to provide nonveterinary reproductive services as defined in the Oklahoma Veterinary Practice Act.

B. Prior to July 1, 2012, an individual with a Bachelor of Science degree from an accredited college or university, which includes completion of at least six (6) semester hours in reproductive physiology and who has practical experience in embryo transfer in ruminating animals as verified in writing by sworn affidavit from at least two client animal owners and from two approved certified members of the American Embryo Transfer Association, shall be allowed to become certified as a nonveterinary reproductive services technician upon passing a written certification examination approved by the Board.

C. In connection with performing nonveterinary reproductive services, federal legend drugs shall be prescribed and dispensed only on the order of a licensed veterinarian who has an existing veterinarian-client-patient relationship as defined by the Oklahoma Veterinary Practice Act and the rules of the Board and shall only be administered in accordance with the act. Every nonveterinary reproductive services technician shall keep and maintain medical records that include the source of any prescription drugs used in connection with providing nonveterinary reproductive services, including the name and address of the veterinarian prescribing or dispensing the drugs, the date the drugs are received, the species and description of the animal involved, the animal owner or client name and address, and the medications administered including date and dosage. All medical records pertaining to prescription drugs shall be made available for inspection by the Board or the Board's agent upon request and must be kept and maintained for a period of two (2) years from the date the drug was administered.

D. Proof of at least eight (8) hours of continuing education from courses and study approved by the Board shall be required for annual certification renewal as a nonveterinarian reproductive services technician.

E. The certification examination and continuing education described in this section shall be approved by the Examination Committee that is overseen by the Board and consists of:

1. A veterinarian designated by the Dean of the Oklahoma State University Center of Veterinary Health Sciences;
2. An animal scientist with a Ph.D. with an emphasis in animal reproductive physiology designated by the head of the Oklahoma State University Department of Animal Science; and
3. An animal embryologist as designated by the American Embryo Transfer Association.

698.30b NEW LAW

A. The Animal Technology Advisory Committee shall be overseen by the Board and the Oklahoma Department of Agriculture, Food, and Forestry and shall investigate, examine, discuss and determine whether any new or evolving technology, procedure, method or practice should be considered or designated an act of animal husbandry, the practice of veterinary medicine, or added to the list of acts not prohibited in paragraph 1 of Section 698.12 of the Oklahoma Veterinary Practice Act.

B. The Animal Technology Advisory Committee shall be chaired by the State Veterinarian employed by the Department who shall have the following duties:

1. Call and give notice of all meetings of the committee;
2. Establish the agenda for the meetings of the committee;
3. Keep and maintain minutes of all meetings of the committee; and
4. Publish and distribute all determinations of the committee to the State Board of Veterinary Medical Examiners and Oklahoma Department of Agriculture, Food, and Forestry.

C. In addition to the chairperson, who shall be a nonvoting member, the Animal Technology Advisory Committee shall be comprised of the following voting members:

1. Two veterinarians appointed by the Board;
2. One veterinarian appointed by the head of the Oklahoma State University Center of Veterinary Health Sciences;
3. Two individuals actively involved in the livestock industry appointed by the Secretary of Agriculture; and
4. One faculty member of the Oklahoma State University Department of Animal Science appointed by the head of the Department.

D. Recommendations of the Advisory Committee shall be made by a majority vote of the voting members of the committee and shall be presented to the Board, in writing, for consideration and review at least thirty (30) days before a regularly scheduled meeting of the Board. The Board shall consider the committee recommendations and if approved take necessary action through the rulemaking process to adopt the rules accordingly.

VETERINARY TECHNICIAN

§ 698.21 PERSON AUTHORIZED TO ACT AS VETERINARY TECHNICIAN - PERSON NOT CONSIDERED TO BE VETERINARY TECHNICIAN

A. Individuals certified as veterinary technicians pursuant to the Oklahoma Veterinary Practice Act may use the terms registered veterinary technician, veterinary technician, or abbreviations such as CVT, RVT, and VT.

B. It shall be unlawful for any person to use any recognized title, abbreviation, or sign to indicate that such person is a registered veterinary technician, unless that person has been certified as having met the qualifications provided for in the Oklahoma Veterinary Practice Act. Such use shall be prima facie evidence of the intention to represent oneself as a registered veterinary technician.

C. A person shall not act as a veterinary technician in this state unless that person is certified by the Board and is under direct supervision of a veterinarian licensed pursuant to the provisions of the Oklahoma Veterinary Practice Act.

D. A person shall not be considered to be a registered veterinary technician in this state who:

1. Administers to animals for which such person holds title, unless such person has received title for the purpose of circumventing the Oklahoma Veterinary Practice Act; or

2. Is a regular student in a legally chartered and recognized curriculum for veterinary technician training, while in the performance of studies and acts assigned by that person's instructors.

§ 698.22 CANDIDATES FOR EXAMINATION - FEES - QUALIFICATIONS -EMPLOYMENT

A. The State Board of Veterinary Medical Examiners shall examine a candidate for certification as a veterinary technician. A candidate for examination shall pay to the secretary of the Board a reasonable fee established by rule of the Board and shall furnish satisfactory proof of graduation from a program of veterinary technology accredited by the American Veterinary Medical Association and approved by the Board.

B. The provisions of the Oklahoma Veterinary Practice Act shall not require a licensed veterinarian to hire a registered veterinary technician nor prohibit a licensed veterinarian from employing a veterinary assistant. Licensed veterinarians may delegate animal care responsibilities to employees commensurate with their training, experience, and skills.

C. On or before July 1 of each year, every registered veterinary technician shall apply to the State Board of Veterinary Medical Examiners for a renewal certificate of registration. Completion of the renewal certificate will permit the veterinary technician to be registered in Oklahoma during the next fiscal year. Forms for the renewal registration shall be furnished by the Board. Each renewal application shall be accompanied by a renewal fee in an amount to be established by the Board by rule.

§ 698.23 ISSUANCE OF CERTIFICATE

Upon receiving from the State Board of Veterinary Medical Examiners a report that an applicant has successfully passed the examination and is recommended for certification, the Board shall issue a certificate in a form approved by the Board.

§ 698.25 REVOCATION OR SUSPENSION OF CERTIFICATE - PROBATION

The State Board of Veterinary Medical Examiners may revoke, suspend or refuse to renew the certificate of a veterinary technician or place the veterinary technician on probation, after notice and opportunity for a hearing, upon a determination based on clear and convincing evidence of a violation of the Oklahoma Veterinary Practice Act or rules promulgated or orders issued pursuant thereto or any other law or rule relating to the practice of veterinary medicine.

§ 698.26 UNAUTHORIZED PRACTICE OF VETERINARY MEDICINE - PENALTIES

A. It is unlawful for a registered veterinary technician, veterinary technologist, nurse, veterinary assistant or other employee to diagnose animal diseases, prescribe medical or surgical treatment, or perform as a surgeon and such acts shall constitute the unlawful practice of veterinary medicine as prohibited in Section 698.18 of this title.

B. It is unlawful for any person to assume the title of registered veterinary technician, or the abbreviation RVT, or any other words, letters, signs, or figures that might induce a person to believe that the person using the name is a registered veterinary technician, when in fact such person is not certified.

C. A registered veterinary technician may perform emergency treatments in a life saving situation in accordance with rules promulgated by the Board.

D. Except as provided in Section 698.18 of this title, any person certified as a veterinary technician, veterinary technologist, veterinary nurse, or veterinary assistant who practices veterinary medicine contrary to the provisions of the Oklahoma Veterinary Practice Act, or any person who aids or abets another in the practice or attempted practice as a veterinary technician, veterinary technologist, veterinary nurse, or veterinary assistant without license or certification, or any person violating any provision of subsection B of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00), or by imprisonment in the county jail for a term of not less than thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment. In addition to criminal penalties, the violator shall be subject to denial, revocation, suspension, probation or nonrenewal of certification by the Board.

E. The penalties provided in subsection D of this section shall not apply to a student enrolled in an accredited school of veterinary technology while the student is under the supervision of an instructor and is performing activities required as a part of the student's training.

F. Any veterinarian licensed in this state who permits or directs a veterinary technician, veterinary technologist, veterinary nurse, aide or animal attendant to perform a task or procedure in violation of the provisions of the Oklahoma Veterinary Practice Act, upon conviction, shall be guilty of aiding or abetting the unlicensed practice of veterinary medicine as prohibited by Section 698.18 of this title, and shall be, in addition to any criminal penalties, subject to revocation, probation, nonrenewal or suspension of license by the Board.

LARGE ANIMAL VETERINARIAN INCENTIVE ACT

§ 698.31 SHORT TITLE

This act shall be known and may be cited as the "Large Animal Veterinarian Incentive Act".

§ 698.32 DEFINITIONS

As used in the Large Animal Veterinarian Incentive Act:

1. "Veterinary Center" means the Center for Veterinary Health Sciences at Oklahoma State University;
2. "Program" means the veterinary training program for rural Oklahoma established pursuant to Section 3 of this act; and
3. "Program agreement" means an agreement to meet all the obligations provided in Section 3 of this act by a person who is a first-year veterinary student at the Veterinary Center or currently practicing large animal veterinarian in exchange for the benefits provided in Section 3 of this act.

§ 98.33 VETERINARY TRAINING PROGRAM FOR RURAL OKLAHOMA

A. There is hereby established the veterinary training program for rural Oklahoma to be administered by the Oklahoma State University Center for Veterinary Health Sciences. The program shall be developed and implemented in order to provide encouragement, opportunities, and incentives for persons pursuing a veterinary medicine degree at Oklahoma State University to locate their veterinary practice in rural Oklahoma communities, and receive specialized training targeted to meet the needs of livestock producers in rural Oklahoma communities.

B. Subject to available funds, each year the Veterinary Center may enter into program agreements with up to three first-year veterinary students or currently practicing large animal veterinarians with qualifying school loans, as determined by the Veterinary Center. Preference shall be given to those students and large animal veterinarians who are Oklahoma residents and who agree to serve in a community as described in paragraph 3 of subsection D of this section, which is determined by the Veterinary Center to be an underserved area for the practice of veterinary medicine.

C. Subject to available funds, each student or large animal veterinarian entering into a program agreement under this section shall receive assistance in an amount not to exceed Twenty Thousand Dollars ($20,000.00) per year for not more than four (4) years for tuition, books, supplies, and other school expenses, and travel and training expenses incurred by the student in pursuing a veterinary medicine degree. Upon satisfaction of all commitments under the provisions of the agreement and the provisions of this section, the financial obligations pursuant to this section shall be deemed satisfied and forgiven.

D. Each program agreement shall require that the person receiving the assistance:

1. Complete the veterinary medicine degree program at the Veterinary Center;
2. Complete all requirements in public health, livestock biosecurity, foreign animal disease diagnosis, regulatory veterinary medicine and zoonotic disease, and an externship and mentoring requirement with a licensed, accredited veterinarian in rural Oklahoma as required by the Veterinary Center;
3. Engage in the full-time practice of veterinary medicine in any community in Oklahoma which has a population not exceeding twenty-five thousand (25,000) as determined by the most recent Federal Decennial Census at the time the person entered into the program agreement for a period of at least twelve (12) continuous months for each separate year a student receives assistance under the program, unless the obligation is otherwise satisfied as provided in this section. If, after the date a program agreement was entered into by the parties, a community no longer meets the maximum population requirements provided in this paragraph, a person engaging in the full-time practice of veterinary medicine pursuant to the program agreement shall continue to practice in that designated community; and
4. Commence the full-time practice of veterinary medicine in that community within ninety (90) days after completion of the person's degree program, or if the person enters a postdegree training program, such as a graduate school or internship or residency program, within ninety (90) days after completion of the postdegree training program.

E. Upon the failure of a person to satisfy the obligation to engage in the full-time practice of veterinary medicine in accordance with the provisions of this section, that person shall repay to the Veterinary Center, within ninety (90) days of the failure, the amount equal to the assistance provided to the person less a prorated amount based on any periods of practice of veterinary medicine meeting the requirements of this section, plus interest at the prime rate of interest plus two percent (2%) from the date the assistance accrued. The interest shall be compounded annually.

F. An obligation to engage in the practice of veterinary medicine in accordance with the provisions of this section shall be postponed during:

1. Any period of temporary medical disability during which the person obligated is unable to practice veterinary medicine due to the disability; and
2. Any other period of postponement agreed to or determined in accordance with criteria agreed to in the practice agreement.

G. An obligation to engage in the practice of veterinary medicine in accordance with the provisions of the agreement and this section shall be satisfied:

1. If the obligation to engage in the practice of veterinary medicine in accordance with the agreement has been completed;
2. If, because of permanent disability, the person obligated is unable to practice veterinary medicine; or
3. The person who is obligated dies.

H. The Veterinary Center may adopt additional provisions, requirements, or conditions to participate in this program as are practicable and appropriate to accomplish the provisions of the program or may be required for the implementation or administration of the program, and are not inconsistent with the provisions of this section.

I. The Veterinary Center shall not enter into any program agreements pursuant to the provisions of this section after July 1, 2018. All agreements entered into prior to such date shall be valid.

OKLAHOMA VETERINARY ADMINISTRATIVE RULES
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Previously Revoked: Chapters 1-4; 775:10-3-10, 11, 13; 775:10-5-1-28; 775:10-7-5; and 775:10-8-32 and 33.

The Oklahoma State Board of Veterinary Medical Examiners is not responsible for the misinterpretation of any Administrative Rules and Regulations in this book, which may be caused by any error of miswording or by the misspelling, inclusion or exclusion of any word or words.

CHAPTER 5. PURPOSE AND PROCEDURES

SUBCHAPTER 1. PURPOSE AND DEFINITIONS

775:5-1-1. Purpose
The purpose of this chapter is to describe the powers and purpose of the Board, the organization of the Board and administrative processes of the Board.

775:5-1-2. Definitions
The following words and terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:
"Act" means the Oklahoma Veterinary Practice Act, 59 O.S. Sec. 698.1, et seq.
"APA" means Article I and/or Article II of the Oklahoma Administrative Procedures Act, 75 O.S.Sec. 250, et seq.
"Applicant" means any person who submits an application for licensure to the Board.
"Board" means the Board of Veterinary Examiners.
"Executive Director" means the Executive Director of the Board.
"President" means the President of the Board.
"Secretary-Treasurer" means the Secretary-Treasurer of the Board.
"Vice-President" means the Vice-President of the Board.

SUBCHAPTER 3. GENERAL PURPOSES AND PROCEDURES

775:5-3-1. Purpose of the Board
The purpose of the Board is to regulate the practice of veterinary medicine in this State, as provided in the Act, and to implement, administer and enforce provisions of the Act.

775:5-3-2. Meetings of the Board
(a) All meetings of the Board shall be conducted in compliance with the Oklahoma Open Meeting Act, 25 O.S. Sec. 300, et seq. The Board shall provide advance public notice of the date, time and place of each meeting to be convened as well as provide an agenda of all matters to be considered.
(b) The Board shall hold regular meetings at least two (2) times per year at a place and time determined by the Board.
(c) The Board may convene special meetings, emergency meetings or continue or reconvene meetings as may be expedient, necessary or proper. Special meetings may be called by the President or any two members of the Board.
(d) The Board shall create written minutes of each meeting, which minutes shall be the official summary of all matters undertaken by the Board during each meeting and all action of the Board. In the written minutes of an emergency meeting, the nature of the emergency and all actions which occurred at the meeting, including the reason or reasons for declaring the emergency meeting, shall be included.
(e) Copies of all minutes of the meetings of the Board, except for minutes which are confidential pursuant to the Open Records Act, may be obtained at the offices of the Board upon payment of copy fees.

775:5-3-3. Election of officers
The Board shall organize annually at the last meeting of each fiscal year by electing from among its members a President, Vice-President and Secretary-Treasurer.

775:5-3-4. Requests for information
(a) The Board shall act at all times in accordance with the provisions of the Open Records Act, 51 O.S. Sec. 24A.1, et seq.
(b) The public may review public records of the Board, or obtain copies thereof, by submitting written, telephonic, facsimile or electronic requests for such to the Executive Director or the Executive Director's designee. All public records of the Board shall be available for inspection and copying during normal business hours. A member of the Board's staff shall be available during normal business hours to receive and respond to requests for inspection and copying.
(c) All records of the Board shall be public unless protected by a mandatory or permissive privilege of confidentiality. In the event a request is made for the release of a record subject to a permissive privilege of confidentiality, the Secretary-Treasurer shall determine whether or not disclosure is proper.

775:5-3-5. Forms and instructions
The Board shall cause to be created appropriate forms and instructions related to licensure, renewal of licenses, continuing education requirements and such other matters as deemed necessary by the Board. Forms and instructions shall be maintained at the offices of the Board and shall be available to any person upon request and the payment of appropriate copy fees. Forms and instructions shall be subject to revision as needed.

SUBCHAPTER 5. ADMINISTRATIVE PROCESSES

775:5-5-1. Purpose
The purpose of this Subchapter is to describe procedures for the submission, consideration and disposition of petitions requesting the promulgation, amendment or repeal of an administrative rule.

775:5-5-2. Copies of rules
An unofficial copy of any rule of the Board may be obtained at the offices of the Board. The public may obtain a copy of any petition for the promulgation, amendment or repeal of any rule of the Board upon request and the payment of appropriate copy fees.

775:5-5-3. Petitions for rulemaking
(a) Any interested person may petition the Board in writing to promulgate, amend or repeal a rule.
(b) The Board shall maintain a permanent docket concerning petitions for the promulgation, amendment or repeal of a rule. At such time a petition is filed, it shall be numbered, and the number of the petition, the date of filing, the designation of the action sought, and the name and address of the person who filed the petition shall be shown. The address shall include the city, state, street number or post office and zip code of the person who filed the petition.
(c) The petition shall be filed with the Board in duplicate and shall be typewritten, except as may be waived by the Board upon written request.
(d) The petition shall contain the following information as applicable and except as may be waived by the Board:
(1) A statement of the legal authority and jurisdiction under which the petition is filed;
(2) The exact language of the proposed rule, amendment or repeal requested;
(3) A statement and legal references which show that the requested rule, amendment or repeal is not in conflict with any existing rule, ruling, order or opinion of the Board or any policy or provision of the APA or Act, or that any existing rule, ruling, order or opinion should be set aside or amended;
(4) A statement of the purpose of the requested rule, amendment or repeal and at least one example of fact situation to which the rule, amendment or repeal will apply; and
(5) The name and address of the person who requested the rule, amendment or repeal. In the event the request is made by an association or corporate body, the request shall also include the name and address of a contact person at said association or

corporate body who is able to provide meaningful information related to the request.
(e) The petition shall be submitted for review for a minimum period of 45 days.
(f) The Board, on its own motion or upon the request of any other interested party, may require any petitioner to provide additional information, as may be specified by the Board, for use in the Board's consideration and disposition of the petition. The failure of a petitioner to provide additional requested information shall constitute grounds for the Board to take no action on a petition.
(g) Upon completion of the study period, the Board, at a regular or special meeting, shall meet to consider the merits and proper disposition of the petition. Not less than ten (10) days prior to such meeting, the Executive Director shall notify the petitioner of the date, time and place the petition shall be considered. The Board may request the petitioner's presence for the purpose of argument or the submission of other information related to the petition.
(h) At the time and place designated for the public hearing, proponents and opponents of the proposed rulemaking action may be heard in the manner and order prescribed by the Board at that time.
(i) At the conclusion of the public hearing, the Board shall render its decision on the petition. In the event the Board concurs with the action requested in the petition, it shall take prompt action, either by permanent promulgation procedures or emergency promulgation procedures, to implement its decision. The Board shall take emergency promulgation action only in the event a basis for emergency promulgation is patent.
(j) Dissatisfied parties may request a rehearing or reconsideration within ten (10) days from the date of the Board decision, in a manner allowed by the APA.

SUBCHAPTER 7. DECLARATORY RULING.

775:5-7-1. Purpose
This Subchapter describes procedures of the Board related to the filing and disposition of petitions for declaratory rulings.

775:5-7-2. Petitions for declaratory rulings
(a) Any person who desires a ruling as to the applicability of any rule or order of the Board may file a petition with the Executive Director, in writing, for a declaratory ruling. A request for declaratory ruling shall provide a full, factual description of the scenario the petitioner requests to have ruled upon and the rule, rules or order pertinent to the request. The Board may request additional information from the petitioner.
(b) The Board may request the assistance of the Attorney General prior to making a response to the petition.
(c) At a regular or special meeting of the Board, the Board shall discuss and rule upon the petition. The ruling shall be reduced to writing and shall consist of:
(1) a restatement of the question posed in the petition;
(2) an answer to the question posed in the petition; and
(3) the reason or reasons for the answer given.
(d) A copy of the declaratory ruling shall be mailed to the petitioner.

775:5-7-3. Filing of declaratory rulings
The Board shall create a file that contains copies of all declaratory rulings issued by the Board. Any person may obtain a copy of any ruling so issued by the Board upon request and the payment of the appropriate copy fee.

CHAPTER 10. LICENSURE OF VETERINARIANS, VETERINARY TECHNICIANS AND ANIMAL EUTHANSIA TECHNICIANS

SUBCHAPTER 1. GENERAL PROVISIONS

775:10-1-1. Purpose
The rules in this chapter describe the procedures for licensing and renewal procedures of veterinarians, registered veterinary technicians, animal euthanasia technicians and the rules of professional conduct for veterinarians.

SUBCHAPTER 3. LICENSURE OF VETERINARIANS

775:10-3-1. Application for licensure
The application for license to practice veterinary medicine and surgery shall be on a form prescribed by the Board. The forms may be obtained upon request to the Executive Director.

775:10-3-2. Minimum educational requirements
An applicant for licensure shall furnish evidence of successful completion of 36 months of education in a school of veterinary medicine as a requirement for graduation.

775:10-3-3. Examination criteria
In the event an applicant twice fails any veterinary licensing examination, whether or not taken in the State of Oklahoma, before the applicant can retake any veterinary licensing exam in Oklahoma, the Board may require the applicant to demonstrate successful completion of additional training and clinical competency. Such evidence may include but not be limited to:
(1) One additional year of education training in a school approved by the Board.
(2) Obtaining licensure in another state or jurisdiction and/or passing the ECFVG.

775:10-3-4. Granting of license
Where the information furnished on the application for the license, or for the renewal thereof, appears to establish all requirements for the grant thereof and there appears no reason to question its authenticity, the Board may issue the license, or renewal thereof, without a hearing. The Board reserves the authority to require any applicant to provide additional information or evidence to support an application for licensure. The Board, in its sound discretion, may require an applicant to appear before the Board to provide the Board such additional information or evidence.

775:10-3-5. Continuing education for renewal of license
(a) Before an active license is reissued, the licensee shall, on a form provided by the Board, certify that he or she has obtained twenty (20) hours of continuing education in veterinary medicine or surgery. Acceptable hours of credit will be determined as follows:
(1) One hour of credit for each hour of attendance at veterinary college and extension seminars.
(2) One hour of credit for each hour of attendance at national, regional, state or local scientific meetings.
(3) One hour of credit for each hour spent developing or presenting original, peer-received presentations or publication. A maximum of four hours credit may be gained by this means.
(4) One hour of credit for each hour of study with autotutorial tapes of scientific material related to veterinary practice. A maximum of four hours credit may be gained by this means.
(5) One hour of credit for each hour of study of scientific or non-scientific articles in veterinary journals or periodicals pertaining to veterinary medicine or state and federal controlled

dangerous substance laws. A maximum of four hours credit may be gained by this means.

(6) Two of the twenty hours of continuing education per year shall encompass state or federal controlled dangerous substance laws, or review of the Oklahoma Veterinary Practice Act and applicable rules.

(7) One hour of credit for each approved hour of completed interactive online courses approved by the Board. For all online courses, a copy of the certificate indicating the number of course hours must be submitted to qualify.

(b) Graduates who receive a license to practice veterinary medicine in the State of Oklahoma within one calendar year of graduation are exempt from reporting continuing education credits until the submission of the second renewal application after initial licensure.

(c) The Board may waive these requirements upon written request and a finding of good cause.

(d) Each licensee shall maintain verifiable documentary proof of attendance in a readily retrievable file of reported continuing education credit for random audit purposes. Documentary proof shall be maintained for a period of five years from the date of attendance.

(e) Only those courses, meetings or seminars previously approved and/or offered by the American Veterinary Medical Association (AVMA), the American Association of Veterinary State Boards (AAVSB), or any other state veterinary board or recognized state veterinary association, shall not require previous approval by the Board to qualify as continuing education hours to be counted towards the fulfillment of the twenty (20) required hours, so long as the material offered complies with the requirements of this section.

(f) Regional veterinary associations, corporations, individuals or any other organizations must submit course material to the Board for evaluation to qualify for continuing education hours being offered at regional or local meetings, and shall adhere to the following procedure:

(1) Submit a published notice of the meeting,

(2) Submit a planned program as evidenced by a published agenda,

(3) Submit a formal presentation on printed material (i.e. papers, brochures, videos with printed material describing the video contents, etc), and

(4) Submit a verification of attendance form after the conclusion of the meeting, which contains the attendees printed name and signature taken previously to the initiation of the material presented, and the attendees printed name and signature after the conclusion of the material presented.

(g) Non-scientific topics may be acceptable as continuing education credits provided that:

(1) Not more than twenty-five percent (25%) of the total hours submitted to meet the required credits for renewal of license are devoted to non-scientific material, and

(2) Any meetings shall be conducted by or sponsored by a veterinary association, organization or professional recognized as such by the Oklahoma Board of Veterinary Medical Examiners.

(h) The Vice-President of the Board may evaluate and approve any Continuing Education (CE) credit requests received by the Board office, or the Vice-President of the Board may submit the request to the full Board at the next regularly scheduled meeting of the Board for consideration.

(i) Regional veterinary associations, corporations, individuals or any other organizations that submitted Continuing Education credit program requests which were deemed ineligible, may appeal the decision upon the presentation of new and additional material to the full Board at the next regularly scheduled meeting of the Board for consideration.

775:10-3-6. Continuation of license until final determination

When a licensee has made timely and sufficient application for renewal of a license, the existing license shall not expire until the application for renewal has been finally determined, or in case of a determination adverse to the licensee until the last day for seeking review of the Board's order or a later date fixed by order of the reviewing court. If a licensee does not make a timely and sufficient application for renewal of a license prior to the twenty-ninth day of August of each year in question, then said person's license shall be suspended.

775:10-3-7. Continuing education for reinstatement of license

(a) Before any license is reinstated, the licensee shall on a form provided by the Board, certify that he/she has obtained twenty (20) hours of continuing education in veterinary medicine or surgery for each year the license has been inactive. Acceptable hours of credit will be determined as follows:

(1) One hour of credit for each hour of attendance at veterinary college and extension seminars, courses and meetings.

(2) One hour of credit for each hour of attendance at national, regional, state or local scientific meetings.

(3) One hour of credit for each hour spent developing or presenting original, peer-received presentations or publications. A maximum of four hours credit may be gained by this means.

(4) One hour of credit for each hour of study with autotutorial tapes of scientific material related to veterinary practice. A maximum of four hours credit may be gained by this means.

(5) One hour of credit for each hour of study of scientific or non-scientific articles in veterinary journals or periodicals pertaining to veterinary medicine or state and federal controlled dangerous substance laws. A maximum of four hours credit may be gained by this means.

(6) Two hours of continuing education per year shall encompass state or federal controlled dangerous substance laws and/or review of the Oklahoma Veterinary Practice Act and applicable rules.

(7) One hour of credit for each approved hour of completed interactive online courses approved by the Board. For all online courses, a copy of the certificate indicating the number of course hours must be submitted to qualify.

(b) The Board may waive all or part of the required continuing education hours and accept in lieu practice, training or education considered comparable by the Board.

775:10-3-8. Faculty licensure

(a) Practice in Oklahoma requires licensure or certification. Any faculty member of any school of veterinary medicine located in the State of Oklahoma shall obtain licensure if said faculty member is:

(1) Representing to the public himself/herself as a practicing veterinarian;

(2) Engaged in any clinical or practice related conduct that could be reasonably construed by the public as the practice of veterinary medicine and that is not specifically conducted as part of the academic training curriculum of the school of veterinary medicine.

(b) Said license or certificate must be prominently displayed in full view of the public.

775:10-3-8.1. Requirements for obtaining faculty licensure

(a) The Board may, within its discretion, issue a Veterinary Faculty License.

(b) Candidates for Veterinary Faculty License have the burden to furnish the Board with evidence on the following issues, to-wit:

(1) Applicant must submit proof that he/she holds or will hold a veterinary faculty position at one of the state's institutions of higher learning and that such position will involve the Applicant in the instructional program of either undergraduate or graduate veterinary medical students. Such faculty position and duties shall be certified by an authorized administrative official at the educational institution. The Board will review other applicants on individual merit and position sought in the interest of the public.

(2) Applicant is a graduate of a college of veterinary medicine approved by the American Veterinary Medical Association (AVMA) or certified by the Education Council on Foreign Veterinary Graduates (ECFVG); or Applicant may have passed the National Board Examination (NBE), the Clinical Competency Test (CCT), or North American Veterinary Licensing Examination (NAVLE); or be currently licensed in good standing in another state, or be board certified in a specialty recognized by the AVMA.

(3) Applicant must be prepared for personal interview with the Board or its designee to provide evidence of competency in their specialty or subspecialty and their ability to communicate in the English language.

(4) For veterinarians whose native language is not English and who have graduated from AVMA-approved or accredited colleges, in addition to requirements (1) through (3) of this subsection, the Board may require satisfactory completion of the same English competency tests used by the ECFVG. Currently these tests include the Test of English as a Foreign Language, Test of Written English and Test of Spoken English.

(5) Applicant is required to take and pass the Oklahoma Jurisprudence examination before issuance of a Faculty license.

(c) Any Veterinary Faculty license is valid only for the practice of veterinary medicine as a faculty member of the aforesaid educational institution.

(d) Any Veterinary Faculty License is limited only to the specialty or subspecialty that the Applicant teaches at the educational institution, and shall be enumerated on the application and on the license.

(e) Any fees charged for the professional veterinary services of the holder of a Veterinary Faculty License shall be equal to that charged by fully licensed veterinary practitioners in the area. All fees received for the professional veterinary services provided by a veterinary faculty licensee shall go to the educational institution and the holder of any Veterinary Faculty License shall be reimbursed for practice aspects of his services only from federal, state or institutional funds, not from clients.

(f) Each person holding a Veterinary Faculty License must at all times clearly identify and represent himself as a veterinary faculty licensee.

(g) Each person holding a Veterinary Faculty License must renew that license prior to July 15 each year.

775:10-3-8.3 Provisional License

(a) The Board may, within its discretion, issue a provisional license with such restrictions and limitations as the Board deems appropriate.

(b) Qualifications. Candidates for a provisional license must fulfill the following criteria:

(1) Must be licensed to practice veterinary medicine in another jurisdiction.

(2) Completion of application and payment of all fees.

(3) The provisional license to practice will not exceed a period of 60 days in any 12-month period.

(4) Candidates are required to take and pass the Oklahoma Jurisprudence examination before issuance of the provisional license.

775:10-3-9. Certificate holders

All certificate holders may practice veterinary medicine within certain limitations and restrictions.

(1) Qualifications. Any applicant for a certificate must fulfill the following criteria:

(A) Demonstrate good moral character.

(B) Graduation from an American Veterinary Medical Association approved college of veterinary medicine or an ECFVG certificate holder.

(C) Completion of application and payment of all fees.

(D) Successfully passing either a national exam or Oklahoma veterinary exam, or be an active candidate for one or more examinations to be administered by the Board.

(2) Direct Supervision. All veterinary practice by a certificate holder shall be performed under the direct supervision of a licensed veterinarian who has completed a Supervising Veterinarian Form with the Board and been accepted by the Board. The Board may require a personal appearance by either the applicant or the supervising veterinarian.

(3) Identification. All certificate holders shall identify themselves to the public as non-licensed veterinarians on all signs, business cards, letterheads, and other forms of communication or public representation. Each certificate holder shall wear a name tag in one of the following forms, to-wit:

(a) Name, SDVM
(b) Name, DVM Supervised
(c) Name, DVM Intern
(d) Name, Supervised Doctor of Veterinary Medicine

775:10-3-10.1 Temporary licensure during a declared emergency

In the event of a disaster, a veterinarian not licensed in this state that is responding to a request for assistance from Oklahoma Emergency Management or related entity and is licensed and in good standing in another state may apply for temporary licensure on forms provided by the Board. Temporary licensure may be approved by the President or Secretary/Treasurer of the Board.

775:10-3-12. Fees

(a) Fee Schedule.

(1) Examination. The following fees shall be assessed for licensure and examination of veterinarians:

(A) North American Veterinary Licensing Examination – At Cost + $185.00

(B) Oklahoma State Examination - $150.00

(2) Licensure. The following fees shall be assessed for licensure of veterinarians:

(A) Annual renewal (prior to June 30) - $225.00

(B) Annual renewal Faculty License (prior to July 15) - $175.00

(C) Reactivation fee (between July 1 and August 29 as referenced in the Act 698.10a(D)) - $275.00

(D) Reinstatement fee (after August 29) - $625.00

(E) Licensure by Endorsement - $625.00

(F) Faculty License - $125.00

(G) Provisional License - $300.00

(3) Duplication or modification of license. A fee of $50.00 shall be assessed for duplication or modification of a veterinary license.

(4) Supervised Doctor of Veterinary Medicine. The following fees shall be assessed for certification as a supervised doctor of veterinary medicine:

(A) Original Certificate - $125.00

(B) Extension - $100.00

(C) Transfer - $50.00

(5) Miscellaneous fees. The following miscellaneous fees shall be assessed by the Board.

(A) Certification of scores - $40.00

(B) Verification of license - $20.00

(C) Duplication of proof of renewal of license - $10.00

(D) Certification of public records (per page) - $1.00

(E) Duplication of public records (per page) - $.25

(F) Transcript of public records recorded (per page) - At Cost

(G) Issuance of subpoena - $.25

(H) Returned check processing fee - $35.00

(I) Probation fees:

(i) $50.00/month, unless otherwise modified by the Board or the Secretary/Treasurer

(ii) Investigation/Prosecution – At cost (Non-payment of investigation, prosecution or probation costs or fees within 30 days

of billing may be grounds for imposition of additional sanctions by the Board).

(J) Declaratory ruling - $300.00 plus costs.

(K) Continuing education extension fee - $100.00 (active military exempt)

(6) Registered Veterinary technician fees. The following registered veterinary technician fees shall be assessed by the Board:

(A) National Veterinary Technician Examination - At cost

(B) State Examination - $60.00

(C) Application Processing Fee - $50.00

(D) Certificate - $20.00

(E) Annual Renewal - $45.00

(7) Animal Euthanasia technician fees. The following animal euthanasia technician fees shall be assessed by the Board:

(A) Training and Practical Examination - At cost

(B) Oklahoma State Bureau of Investigation criminal history search - At cost

(C) State Written Examination - $60.00

(D) Application Processing Fee - $50.00

(E) Certificate - $20.00

(F) Annual Renewal - $40.00

(G) Reactivation fee - $25.00

(b) Submission of fees. All fees are non-refundable.

SUBCHAPTER 4. VETERINARIAN EMERITUS

775:10-4-1. Veterinarian emeritus application and issuance

(a) Any licensed Veterinarian in good standing in the State of Oklahoma may apply for Veterinarian Emeritus status.

(b) There is no requirement for continuing education or fee.

(c) The applicant will receive a Veterinarian Emeritus seal to be placed on the certificate of licensure and a wallet identification card reflecting the status as a Veterinarian Emeritus.

775:10-4-2. Restrictions on activities

As a Veterinarian Emeritus there are certain restrictions on the veterinarian's activities, to-wit:

(1) The veterinarian must indicate retired status, i.e., John Doe, DVM (Ret.). The veterinarian can still be referred to as "Doctor".

(2) The veterinarian cannot practice veterinary medicine in any form. When dealing with the veterinarian's privately owned animal, the veterinarian is referred to O.S. 59:698.12 "Acts Not Prohibited."

(3) The veterinarian cannot write prescriptions for controlled dangerous substances as the Drug Enforcement Administration (DEA) and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBNDDC) will be notified of this retirement.

(4) The veterinarian cannot write health certificates as the USDA will be notified and their accreditation will be suspended.

(5) The veterinarian cannot dispense or administer drugs.

(6) The veterinarian cannot consult on individual patients in any form on a fee basis.

(7) The veterinarian's wall certificate and wallet identification card will reflect retired status.

(8) The veterinarian must notify the Board of application for retired status.

775:10-4-3. Return to active practice from emeritus status

(a) When a Veterinarian has taken Veterinarian Emeritus status and subsequently chooses to return to active practice of veterinary medicine from Veterinarian Emeritus status within six (6) months of the date said status was granted, the Veterinarian shall:

(1) Pay required fees, and

(2) Complete required forms as required by the Board.

(b) When a Veterinarian has taken the Veterinarian Emeritus status and then chooses to return to active veterinary medical practice more than six (6) months after the date of taking the Veterinarian Emeritus status, in addition to the requirements of payment of fees and completion of forms, the Veterinarian may be required by the Board to:

(1) Make a personal appearance before the Board or Secretary of the Board; and/or

(2) Submit to a physical examination, psychological and/or psychiatric examination; and/or

(3) Provide evidence of successful completion of continuing veterinarian education; and/or

(4) Provide evidence of successful completion of a competency and/or jurisprudence examination as directed by the Board or the Secretary of the Board.

SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT

775:10-5-26. Disciplinary action

(a) The Board may revoke, suspend, probate or otherwise modify a license or certificate in accordance with the Oklahoma Veterinary Practice Act. Any veterinarian impaired by abuse of alcohol or other drugs, or found unable to practice veterinary medicine with reasonable skill and safety or to deliver competent professional care may be the subject of disciplinary action. The Board may use its own discretion, or the advice of competent authorities, in approving a treatment modality for each individual case. The Board may also monitor the veterinarian to ensure compliance with the terms of treatment.

(b) In accordance with the Oklahoma Administrative Procedures Act and the Rules and Regulations of the Board, a program of therapy for the veterinarian, against whom allegations of impairment have been made and properly filed with the Board, may be determined by mutual consent and voluntary submittal to Board jurisdiction before a license suspension or revocation hearing is held. In this case, the hearing may be deferred pending the termination of treatment, at which time the hearing may be convened or canceled.

775:10-5-30 Unprofessional conduct

The following acts and/or omissions shall be considered unprofessional conduct and shall constitute grounds for disciplinary action by the Board. They shall include, but not be limited to:

(1) failing to meet the minimum standards for veterinary clinics as set forth by Chapter 20 herein and for the practice of veterinary medicine as set forth by Chapter 25.

(2) engaging in conduct likely to deceive, defraud or harm the public or a demonstration of willful or careless disregard for the health, welfare or safety of a patient. For the purposes of this provision, acts of fraud herein shall include, but not be limited to:

(A) claiming to have performed or charging for an act or treatment that was, in fact, not performed or given;

(B) providing professional services to more than one party in any transaction where such parties have conflicting interests, without providing full, written disclosure of the dual representation and consent of the interested parties;

(C) claiming certification or recognition as a specialist which is untrue. Specialization shall be limited to those areas of specialization accepted by the American Veterinary Medical Association;

(D) practicing veterinary medicine under a false or assumed name or impersonating another practitioner;

(E) using a corporate or assumed name which is deceptive or misleading to the public;

(F) making a false, fraudulent or misleading statement of professional superiority in the practice of veterinary medicine;

(G) using any form of advertisement which is false, deceptive or misleading;

(H) performing surgery to conceal genetic or congenital defects, in any species, with the knowledge the surgery is performed to perpetrate a fraud;

(I) fraudulently issuing or using:

(i) certificate of veterinary inspection;
(ii) test chart;
(iii) vaccination report;
(iv) any other official report for the prevention of the dissemination of animal disease, the transportation of diseased animals or the sale of edible products of animal origin for human consumption;

(J) fraud or misrepresentation in applying for, procuring or renewing a veterinary license or certificate;

(K) the use of any false, fraudulent or deceptive statement in any document connected with the practice of veterinary medicine and surgery;

(3) practice under an expired, revoked or suspended Oklahoma veterinary license;

(4) promoting, aiding, abetting or allowing the practice of veterinary medicine by any unlicensed person, except as specifically authorized by the Veterinary Practice Act or rules of the Board. For the purposes of this provision, aiding the unlicensed practice of veterinary medicine shall also include, but shall not be limited to:

(A) allowing an unlicensed person to issue an animal health certificate with the veterinarian's signature affixed to the certificate, or to inoculate or treat animals unless the inoculation or treatment was performed under the direct supervision of the licensed veterinarian;

(B) allowing the issuance by any person in the employ of the veterinarian a certificate of veterinary inspection of an animal unless the veterinarian performs the inspection and appropriate tests as required.

(5) performing any aspect of veterinary medicine outside a valid veterinarian, client, and patient relationship, except as specifically authorized by rules of the Board;

(6) violating any state or federal statute, rule or regulation regarding the prescription, dispensation or administration of veterinary prescription drugs or controlled dangerous substances. For the purposes of this provision, such violations shall include, but shall not be limited to:

(A) prescribing, providing, obtaining, ordering, administering, dispensing, giving or delivering any veterinary prescription drug or controlled dangerous substance to or for an animal solely for training, show or racing purposes and not for a medically sound reason;

(B) failing to provide appropriate labels on veterinary prescription drugs or controlled dangerous substances;

(C) prescribing or dispensing, delivering, or ordering any veterinary prescription drug or controlled dangerous substance without first having established a veterinarian/client/patient relationship and determining that such prescription drug is therapeutically indicated for the health or well being of the animal;

(D) prescribing, providing, ordering, administering, possessing, dispensing, giving or delivering any veterinary prescription drugs or controlled dangerous substance under the following circumstances:

(i) when the drugs are not necessary or required for the medical care of animals; or

(ii) when the use or possession of the drugs would promote addiction thereto.

(E) prescribing, providing, obtaining, ordering, administering, dispensing, giving or delivering any controlled dangerous substance for the veterinarian's personal use.

(7) failing or refusing to cooperate in an investigation by the Board where no privilege for such exists. For the purposes of this provision, such failure to cooperate shall include, but shall not be limited to:

(A) failing or refusing to allow the Board or its investigator the ability to inspect a veterinary facility at reasonable hours, pursuant to an investigation by or on behalf of the Board and permitted by the Act or rules of the Board, or in accordance with other applicable State and/or Federal Statutes and regulations;

(B) failing or refusing to respond to reasonable inquiry from the Board or its investigator in the course of an investigation;

(8) failing to report to the proper authorities cruel or inhumane treatment to animals by any person, when the veterinarian has direct knowledge of the cruel or inhumane treatment;

(9) practicing any form of medicine on humans, except that a veterinarian may render first aid or emergency care, without expectation of compensation, in an emergency or disaster situation;

(10) any disciplinary action taken against the licensee by any other licensing jurisdiction, professional veterinary association, veterinary specialty board, or government or regulatory agency, where the basis for such disciplinary action would be a basis for action by the Board;

(11) failing to report to the Board within 30 days any disciplinary action taken against the licensee by any other licensing jurisdiction, professional veterinary association, veterinary specialty board, or government or regulatory agency, where the basis for such disciplinary action would be a basis for action by the Board;

(12) except as appropriate in the course of a valid veterinarian, patient, client relationship, allowing any unlicensed person, as defined by 59 O.S. 698.2 (13) to control the professional judgment of the veterinarian;

(13) failing to post or display, in a public area of the veterinarian's practice, the veterinarian's original license to practice veterinary medicine and current year's renewal certificate;

(14) failing to practice veterinary medicine with reasonable skill and safety. For the purpose of this provision, reasonable skill and safety shall refer to a level of care, skill and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the profession in good standing in the community;

(15) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's practice of veterinary medicine and surgery;

(16) improper preparation, recording, management and/or maintenance of veterinary records.

(17) no person, as defined by O.S., Sec. 698.2 (19) shall control, exploit, or intervene between the patient, client and the veterinarian. A veterinarian shall not allow a non-licensed person or entity to interfere with or intervene in the veterinarian's practice of veterinary medicine. Each veterinarian shall be responsible for the veterinarian's own actions and shall be directly responsible to the client for the care and treatment of the patient.

(18) failure to confirm an individual is duly registered as a veterinary technician with the Board prior to allowing that person to perform specific RVT services without direct supervision directly to a patient in the State of Oklahoma.

(19) making a referral for animal massage therapy without first confirming an animal massage provider is certified and has liability insurance coverage.

SUBCHAPTER 7. CERTIFICATION OF VETERINARY TECHNICIANS

775:10-7-1. Application for certification form; time for filing; fee

(a) Application for certification as a veterinary technician shall be made on printed forms provided by the Oklahoma Board of Veterinary Medical Examiners, herein after referred to as the Board.

(b) An application for certification shall be sworn to and accompanied by fees as listed in Board rule 775:10-3-12 (a)(6). This application shall be filed with the Board not less than sixty (60) days prior to the date of an examination.

(c) The applicant shall also submit documents sufficient to establish proof of graduation from an approved program in veterinary technology.

(d) The application shall not be considered until the application is complete.

775:10-7-2. Certification by examination

(a) An application for certification by examination may be thoroughly investigated. The Board may inquire from the references or by such other means as the Board deems expedient as to the accuracy of the information submitted. If the replies from the references cited are not received within a reasonable time the Board may so notify the applicant and may request additional references. Information so obtained shall then be filed with the application as a permanent record and shall remain the property of the Board.

(b) In the event an applicant twice fails any veterinary examination, whether or not taken in the State of Oklahoma, before the applicant can retake any veterinary exam in Oklahoma, the Board may require the applicant to demonstrate successful completion of additional training and clinical competency. Such evidence may include but not be limited to:

(1) One additional year of education training in a school approved by the Board.

(2) Obtaining certification in another state or jurisdiction.

775:10-7-3. Issuance of certificate; notification

After the Board determines that an applicant is eligible for certification, the applicant shall be properly notified and issued a certificate as required in 59 O.S., Section 698.23.

775:10-7-4. Current certification

(a) In order to hold current certification in the State of Oklahoma, a registered veterinary technician must apply for renewal each year on a form provided by the Board. However, the Board may refuse to issue any certification pending its investigation into questions of negligence, noncompliance with the Oklahoma Veterinary Practice Act, or noncompliance with the Rules and Regulations of the Board.

(b) Before certification is renewed, the applicant shall:

(1) Certify that he or she has obtained 10 (ten) hours of continuing education,

(2) Pay the annual renewal fee as determined by the Board and

(3) Complete an application for certificate renewal and provide current information with regard to, mailing address, telephone number and other contact information.

(c) Acceptable hours of continuing education credit will be determined as follows:

(1) One hour of credit for each hour of attendance at veterinary college and extension seminars, veterinary technology schools, courses and meetings.

(2) One hour of credit for each hour of attendance at national, regional, state or local scientific meetings.

(3) One hour of credit for each hour spent developing or presenting original, peer-received presentations or publications. A maximum of two hours credit may be gained by this means.

(4) One hour of credit for each hour of study with autotutorial tapes of scientific material related to veterinary practice. A maximum of two hours credit may be gained by this means.

(5) One hour of credit for each hour of study of scientific or non-scientific articles in veterinary journals or periodicals pertaining to veterinary medicine or state and federal controlled dangerous substance laws. A maximum of two hours credit may be gained by this means.

(6) Two hours of continuing education per year shall-encompass state or federal controlled dangerous substance laws and/or review of the Oklahoma Veterinary Practice Act and applicable rules.

(7) One hour of credit for each approved hour of completed interactive online courses approved by the Board. For all online courses, a copy of the certificate indicating the number of course hours must be submitted to qualify.

(d) Graduates who receive a certificate to practice veterinary technology in the State of Oklahoma within one calendar year of graduation are exempt from reporting continuing education credits until the submission of the second renewal application after initial certification.

(e) The Board may waive these requirements upon written request and a finding of good cause.

(f) Each certificate holder shall maintain verifiable documentary proof of attendance in a readily retrievable file of reported continuing education credit for random audit purposes. Documentary proof shall be maintained for a period of five years from the date of attendance.

(g) Only those courses, meetings or seminars previously approved and/or offered by the American Veterinary Medical Association (AVMA), the American Association of Veterinary State Boards (AAVSB), or any other state veterinary board or recognized state veterinary association, shall not require previous approval by the Board to qualify as continuing education hours to be counted towards the fulfillment of the ten (10) required hours, so long as the material offered complies with the requirements of this section.

(h) Regional veterinary associations, corporations, individuals or any other organizations must submit course material to the Board for evaluation to qualify for continuing education hours being offered at regional or local meetings, and shall adhere to the following procedure:

(1) Submit a published notice of the meeting,

(2) Submit a planned program as evidenced by a published agenda,

(3) Submit a formal presentation on printed material (i.e. papers, brochures, videos with printed material describing the video contents, etc), and

(4) Submit a verification of attendance form after the conclusion of the meeting, which contains the attendees printed name and signature taken previously to the initiation of the material presented, and the attendees printed name and signature after the conclusion of the material presented.

(i) The Vice-President of the Board may evaluate and approve any Continuing Education (CE) credit requests received by the Board office, or the Vice-President of the Board may submit the request to the full Board at the next regularly scheduled meeting of the Board for consideration.

775:10-7-6. Qualifications for reinstatement of lapsed certificate

A registered veterinary technician must qualify for reinstatement of a certificate by the following:

(1) Make application for reinstatement on a form provided by the Board,

(2) Pay fees as determined by the Board, and

(3) Certify that he or she has obtained ten (10) hours of continuing education per year for each year certification has lapsed.

775:10-7-7. Approval of veterinary technology programs

(a) The Board may approve the schools of veterinary technology if the school satisfies the standards of the American Veterinary Medical Association regarding veterinary technology programs.

(b) The Board approves and incorporates, herein, by reference the standards adopted by the American Veterinary Medical Association relative to the accredited schools of veterinary technology.

775:10-7-8. Complaint against the veterinary technician

(a) A complaint against a registered veterinary technician shall be sworn to and submitted in writing to the Secretary of the Board. It shall contain sufficient facts to enable the Board to properly dispose of the matter.

(b) A sworn complaint submitted to the Board shall be reviewed by the Board. If the Board determines that the complaint does not warrant formal action, it shall close the case. If the Board determines that disciplinary action may be appropriate, a hearing

shall be held in accordance with the laws of the Oklahoma Veterinary Practice Act.

775:10-7-9. Supervision of a veterinary technician

(a) Direct supervision is defined as directions given to a Veterinary Technician, nurse, laboratory technician, intern, assistant, or other employee for medical care following the examination of an animal by the veterinarian responsible for professional care of the animal.

(b) Under conditions of an emergency a Veterinary Technician may render life saving aid to an animal in accordance with applicable provisions of the Veterinary Practice Act and Board rules. "Emergency" means the animal is in a life threatening condition where immediate treatment is necessary to sustain life.

775:10-7-9.1. Duties Performed Without Direct Supervision

(a) The duties of a Registered Veterinary Technician shall be performed pursuant to the direction and under the general supervision of a licensed veterinarian. Where appropriate, depending upon the services provided, such general supervision shall not be construed to require the physical presence of the supervising veterinarian at the time and place where such services are performed.

(b) A Registered Veterinary Technician may perform the following procedures listed below as directed by or on the order of a licensed veterinarian without the continuing physical presence of the licensed veterinarian, but the RVT must comply with the general record keeping requirements as set forth in the Oklahoma Veterinary Practice Act:

(1) Euthanasia of animals;
(2) Thoracocentesis;
(3) Abdominocentesis;
(4) Ocular Tonometry, Schirmer tear test, fluorescein staining;
(5) Animal Massage Therapy;
(6) Vaccinations;
(7) Dental Scaling and Polishing;
(8) Suturing existing skin incisions made by a veterinarian;
(9) Microchipping or tattooing for identification purposes;
(10) Pregnancy checking of farm animals with or without diagnostic equipment, rectal palpation, artificial insemination, correcting of uterine prolapse, uncomplicated fetal extractions excluding fetotomies and c-sections;
(11) Flotation or dressing of equine teeth;
(12) Gavage;
(13) Ear flush;
(14) EKG, Ultrasound or other diagnostic imaging or monitoring;
(15) Administration and management of anesthetic and analgesic agents;
(16) Application of splints and bandages; and
(17) Wound management and care.

775:10-7-10. Denial, suspension or revocation of a veterinary technician certificate

Upon written complaint under oath by any person and after notice and hearing, as prescribed in the Oklahoma Veterinary Practice Act, the Board may deny, suspend for a definite period or revoke the certificate of a veterinary technician for:

(1) Fraud, misrepresentation or deception in obtaining a license, certificate or permit.
(2) Adjudicated to be incompetent.
(3) Use of advertising or solicitation which is false, misleading or as otherwise deemed unprofessional under the regulations promulgated by the Board.
(4) Conviction of a felony.
(5) Incompetence, gross negligence or other malpractice in the practice of the profession.
(6) Having professional association with any person practicing veterinary medicine unlawfully.
(7) Engaging in conduct likely to deceive, defraud or harm the public or a demonstration of willful or careless disregard for the health, welfare or safety of a patient.
(8) Fraud or dishonesty in the application or reporting of any test or disease in animals.
(9) Unprofessional conduct by violation of a regulation promulgated by the Board under the Oklahoma Veterinary Practice Act.
(10) Representing himself/herself as a doctor of veterinary medicine.
(11) Violation of the Oklahoma Veterinary Technician Act.
(12) Conviction of a violation of a Federal or State law regarding dangerous substances as defined by House Bill 1100 of the 1st session of the 33rd Legislature and as hereafter amended.
(13) Habitually using intoxicating liquors or habit-forming drugs.

SUBCHAPTER 8. CERTIFICATION OF EUTHANASIA TECHNICIANS

775:10-8-1. Purpose

This subchapter sets forth the procedures for the certification of Animal Euthanasia Technicians, including rules of professional conduct and disciplinary actions; registration, security and record keeping requirements for controlled dangerous substances; standards for euthanasia of animals; procedures for recognition and approval of law enforcement agencies, animal control agencies, and animal shelters; and approval of training courses for animal euthanasia technicians.

775:10-8-2. Definitions

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion or any other means, to the body of an animal.

"Animal" means any animal other than humans, whether wild or domestic, and includes, but is not limited to, mammals, birds, fish, and reptiles.

"Animal Control Agency" means a federal, state, county or municipal agency or an agency which is a political division or subdivision of a federal, state, county or municipal agency authorized by law with the duties of enforcing laws or ordinances relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any federal, state or local law enforcement agency which employs animal control officers, peace officers or other employees whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

"Animal handler" means a person who is trained in techniques of animal handling and human safety and is not certified as an animal euthanasia technician.

"Animal Shelter" means a private animal shelter, humane society organization or wildlife rehabilitation facility, which is recognized and approved by the Board.

"Board" means the Oklahoma State Board of Veterinary Medical Examiners.

"Citizen complaint" means a written or oral statement of complaint from any person of a possible violation of the Veterinary Practice Act or implementing rules.

"Commercial container" means any container in which a controlled dangerous substance is packaged by the manufacturer or distributor and includes, but is not limited to, vials, bottles and cartons. The term "commercial container" does not include package inserts, such as drug information.

"Committee" means the committee on animal euthanasia technicians.

"Complaint" means a written statement of alleged violation of the Veterinary Practice Act and/or implementing rules by a person or entity under the jurisdiction of the Board and which is filed with the Secretary-Treasurer in anticipation of the issuance of a citation. This definition is distinct from a citizen complaint.
"Controlled Dangerous Substance" means a drug, substance or immediate precursor in Schedules I through V of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes.
"DEA" means the Drug Enforcement Administration.
"Denatured sodium pentobarbital" means sodium pentobarbital to which an agent has been added that makes it unsuitable for use other than for euthanasia of animals.
"Dispense" means to deliver a controlled dangerous substance to an ultimate user by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for such delivery.
"Dispose" or "disposal" means the physical delivery of a controlled dangerous substance to the OSBI, OBN or DEA for destruction.
"Employee" means an individual who is under wages or a salary, and where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed. The term "Employee" does not include an individual providing services under contract.
"Euthanasia drug" means denatured sodium pentobarbital or other drug approved for animal euthanasia by the Board.
"Euthanasia Technician" means an employee of a law enforcement agency, an animal control agency, or animal shelter that is recognized and approved by the Board, who is certified by the Board and trained to administer sodium pentobarbital to euthanize injured, sick, homeless or unwanted domestic pets and other animals. This person may use the title "Certified Animal Euthanasia Technician (CAET)".
"Fiscal year" means the fiscal year of the Board, which is July 1 through June 30.
"Law Enforcement Agency" means a federal, state, county or municipal agency or other agency authorized by law with the duties to maintain public order, make arrests, serve warrants, and enforce the laws of the United States, this state, and county or municipal ordinances.
"Licensed veterinarian" means a veterinarian who holds an active license to practice veterinary medicine in this state.
"Mid-level practitioner" means an individual practitioner, other than a physician, dentist, veterinarian, or podiatrist, who is licensed, regulated, or otherwise permitted by the United States or the jurisdiction in which he/she practices, to dispense a controlled substance in the course of professional practice.
"Non-commercial container" means any container other than a commercial container which contains a controlled dangerous substance. A non-commercial container includes, but is not limited to, vials, bottles, boxes or envelopes into which a controlled dangerous substance has been transferred from a commercial container.
"OAC" means the Oklahoma Administrative Code.
"OBN" means the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.
"OSBI" means the Oklahoma State Bureau of Investigation.
"Primary container" means any container, whether commercial or non-commercial, which is in direct contact with a controlled dangerous substance, whether the substance is liquid, solid or encapsulated, and includes, but is not limited to, vials, bottles, boxes or envelopes.
"Regulations" means federal regulations as published in the Code of Federal Regulations and which are promulgated under and implement federal statutes.
"Rules" means the administrative rules as published in the Oklahoma Administrative Code and which are promulgated under and implement Oklahoma Statutes.
"Transfer" means the physical transfer of a controlled dangerous substance from one individual registered with the OBN and DEA to another individual registered with the OBN and DEA.
"Veterinary Practice Act" means Title 59, Section 698.1 et seq. of the Oklahoma Statutes.
"Wildlife rehabilitation facility" means a non-profit organization that cares for and rehabilitates sick or injured wildlife.

775:10-8-3. Application for certification form; time for filing

(a) Any person who desires to be certified as an animal euthanasia technician must make written application on printed forms provided by the Board.
(b) An application for certification shall be sworn to and accompanied by fees as listed in Rule 775:10-3-12(a)(7). The application shall be filed with the Board not less than seven (7) calendar days prior to the date of the examination for certification.
(c) The applicant shall submit satisfactory proof that the applicant:
(1) Is of good moral character;
(2) Is at least 21 years of age;
(3) Has received a high school diploma or its equivalent, or the applicant has submitted additional information and three (3) sworn letters of recommendation.
(4) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
(5) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or misdemeanor involving cruelty to animals, moral turpitude or relating to any controlled dangerous substance as defined by the Uniform Controlled Dangerous Substance Act, in this or any other jurisdiction;
(6) Has successfully completed a course which complies with the requirements of the Board for the training of animal euthanasia technicians, as set forth in Rules 775:10-8-32 and 775:10-8-33; and
(7) Is an employee of a law enforcement agency, animal control agency, or animal shelter. An applicant who has satisfied all other requirements for certification, including passing the examination for certification, shall be considered as eligible for certification and a certificate shall be issued when verification of employment by a law enforcement agency, animal control agency, or animal shelter recognized and approved by the Board has been received by the Board. No certificate shall be issued until verification of employment by a law enforcement agency, animal control agency, or animal shelter recognized and approved by the Board has been received by the Board.
(d) Any person who shall apply for certification as an animal euthanasia technician in the State of Oklahoma shall undergo a national fingerprint-based criminal history search.
(1) The employing Law Enforcement Agency may submit the applicant's fingerprint cards to the Oklahoma State Bureau of Investigation (OSBI) and the FBI directly.
(A) When the reports of the criminal history search are received by the employing Law Enforcement Agency it shall submit a copy of the reports to the Board.
(2) The applicant may submit to the Board or its agent(s), as part of the application for certification, two (2) completed fingerprint cards. The fingerprint cards shall bear full sets of the applicant's fingerprints created by a law enforcement agency. The Board shall forward the fingerprint cards, along with the applicable fee for a national fingerprint-based criminal history check, to the Oklahoma State Bureau of Investigation (OSBI).
(3) No application for certification shall be considered complete until the reports from the national based criminal history search have been obtained by the Board.
(e) An application for certification may be thoroughly investigated. Information so obtained shall be filed with the

application as a permanent record and shall remain the property of the Board.
(f) The Board reserves the authority to require any applicant to provide additional information or evidence to support an application for certification. The Board may require an applicant to appear before the Board to provide the Board such additional information or evidence.
(g) The Board or its agent(s) may deny certification of an applicant based on evidence of unsuitability of the applicant or failure of the applicant to satisfy any of the requirements for certification.

775:10-8-4. Employment requirements for certification
(a) Any person who submits an application to be certified as an animal euthanasia technician shall provide notarized, documented proof of employment by a law enforcement agency, animal control agency, or animal shelter recognized and approved by the Board before a certificate will be issued.
(b) A CAET shall be required to maintain active employment for the purposes of holding a valid Animal Euthanasia Technician certificate.
(c) A CAET employed by a law enforcement agency, animal control agency, or animal shelter recognized and approved by the Board may enter into a contract to provide animal euthanasia services to another law enforcement agency, animal control agency, or animal shelter recognized and approved by the Board providing:
(1) The contract for services contains a clause immediately terminating the contract if the Animal Euthanasia Technician either ceases to be an employee of a law enforcement agency, animal control agency, or animal shelter recognized and approved by the Board or the certificate of the CAET is suspended, revoked or denied renewal; and
(2) A copy of every contract to provide euthanasia services is submitted to the Board within five (5) business days of the execution (signing) of the contract by both parties to the contract.

775:10-8-5. Examination for certification
(a) The Board or its agent(s) shall examine every qualified applicant for certification as an Animal Euthanasia Technician to determine the applicant's qualifications.
(b) The examination shall consist of a written examination and a practical examination.
(c) The written examination shall be administered by the Board or its agent(s) and shall include questions covering the materials and topics included in, but not limited to, the:
(1) Veterinary Practice Act and Rules, Oklahoma Bureau Narcotics and Drug Enforcement Administration Laws and Rules.
(2) Correct calculation of a dosage of a euthanasia drug not less than the minimum recommended by the manufacturer or approved by the Board.
(d) An applicant shall score no less than 70 percent on the written examination.
(e) The practical examination shall be administered by the Board or its agent(s) and shall require the examinee to demonstrate competence in the following subjects:
(1) Administration of injectable agents by:
(A) Proper intravenous injection of a sterile solution into a vein of an animal in at least one of two attempts;
(B) Intraperitoneal injection by proper insertion of a needle into the injection site in at least one of two attempts; and
(C) Intracardiac injection by proper insertion of a needle into the heart of an anesthetized or unconscious animal in at least one of two attempts.
(2) Proper selection and handling of needles by:
(A) Selecting a needle of the appropriate gauge and length for the size of the animal and the route of administration; and
(B) Using universal precautions for handling and disposal of needles and syringes.
(3) Handling of animals by:
(A) Exercising care and regard for the humane treatment of animals;
(B) Exercising care and regard for human safety;
(C) Using appropriate restraining devices and techniques for the control of fractious or potentially dangerous animals;
(D) Communicating effectively with an animal handler;
(E) Using appropriate techniques and criteria to accurately determine the level of consciousness of an animal; and
(F) Using appropriate techniques and criteria to verify the death of an animal.
(f) A score of 100 percent shall be obtained by the applicant on the practical portion of the exam.

775:10-8-6. Issuance of a certificate; Renewal of certificate; Reinstatement of certificate; Fees of the Board
(a) The Board shall have the authority to issue an Animal Euthanasia Technician certificate after an applicant has completed all requirements for certification.
(b) Every Animal Euthanasia Technician who is the holder of a certificate authorizing animal euthanasia, shall, on or before the first day of July of each and every year, apply to the Board on forms furnished by the Board for a renewal certificate of registration entitling such technician to perform animal euthanasia techniques in this state during the next fiscal year. A renewal fee in an amount fixed by the Board shall accompany each such application.
(c) Failure to renew a certificate on or before the first day of July shall cause the certificate to be considered suspended for failure to renew and subject to the provisions of Rule 775:10-8-11.
(d) If, on or before the thirty-first day of July, the certificate holder pays the renewal fee plus any reactivation fee set by the Board, the President or Secretary-Treasurer of the Board may reactivate the certificate.
(e) If the certificate is not reactivated before the first day of August, the certificate shall be considered as lapsed, and the certificate may be reinstated only upon approval by the Board after proper re-application of the certificate holder.
(f) The Board or its agent(s) may require any individual who has received a certificate as an Animal Euthanasia Technician to retake all or part of the examination and/or attend all or part of the training course as the result of investigative findings and/or disciplinary action by the Board.
(g) Performing animal euthanasia by administering a controlled dangerous substance or any other drug approved for euthanasia by the Board is unlawful unless the individual administering the drug is a licensed veterinarian, an Animal Euthanasia Technician whose certificate is active and in good standing, or the individual is working under the direct supervision of a licensed veterinarian.

775:10-8-7. Continuing education hours required for renewal of certificate
(a) Before any certificate is renewed, the certificate holder shall certify on a form provided by the Board that they have obtained six (6) hours of continuing education approved by the Board which covers topics that relate to animal euthanasia, the care and custody of animals in preparation for adoption and/or shelter management. Acceptable hours of credit will be determined as follows:
(1) One hour of credit for each hour of attendance at veterinary college and extension seminars, and veterinary technology schools.
(2) One hour of credit for each hour of attendance at national, regional, state or local approved scientific meetings.
(3) One hour of credit for each hour of study with autotutorial tapes or reading of scientific or non-scientific articles in journals or periodicals pertaining to animal euthanasia, the care and custody of animals in preparation for adoption and/or shelter management. A maximum of two hours credit may be gained by this means.

(4) Two hours of continuing education per year must encompass review of state and federal controlled dangerous substance laws and applicable rules and regulations and/or review of the Oklahoma Veterinary Practice Act and applicable rules.

(b) Individuals who are certified as a CAET in the State of Oklahoma within one calendar year of completing a training course for Animal Euthanasia Technicians are exempt from reporting continuing education credits until submission of the second renewal application after initial certification.

(c) The Board or its agent(s) may waive all or part of the required continuing education hours and accept in lieu training or education considered comparable by the Board.

(d) Each certificate holder shall maintain verifiable documentary proof of attendance of reported continuing education credit in a readily retrievable file for random audit purposes. Documentary proof shall be maintained for a period of five years from the date of attendance.

(e) Only those courses, meetings or seminars previously approved and/or offered by the American Veterinary Medical Association (AVMA), the American Association of Veterinary State Boards (AAVSB), or any other state veterinary board or recognized state veterinary association, shall not require previous approval by the Board to qualify as continuing education hours to be counted towards the fulfillment of the six (6) required hours, so long as the material offered complies with the requirements of this section or comply with Rules 775:10-3-5(f)(h)(i).

775:10-8-8. Continuing education required for reinstatement of certificate

Before any certificate is reinstated, the certificate holder shall certify on a form provided by the Board that he/she has obtained six (6) hours of continuing education for each year the certificate has lapsed. Acceptable hours of credit are outlined in Rule 775:10-8-7.

775:10-8-9. Continuation of certificate until final determination

(a) When a certificate holder has made timely and sufficient application for renewal of a certificate, the existing certificate shall not expire until action on the application for renewal has been finally determined.

(b) If the determination of the Board is adverse to the certificate holder, the existing certificate shall not expire until the last day for seeking review of the Board's order or a later date fixed by order of the reviewing court.

775:10-8-10. Duties of Animal Euthanasia Technicians

An Animal Euthanasia Technician shall perform all euthanasia services in a professional manner and with due regard for the humane treatment of animals and for the safety of the public. The duties of an Animal Euthanasia Technician shall include, but are not limited to:

(1) Maintaining active certification as an Animal Euthanasia Technician;

(2) Maintaining current Certificates of Registration with the OBN and DEA for every location where controlled dangerous substances are administered or stored;

(3) Promptly reporting any change of address or other contact information to the Board, the OBN and DEA;

(4) Performing animal euthanasia in accordance with Rules 775:10-8-16 through 775:10-8-19;

(5) Supervising and communicating effectively with an animal handler who is aiding during the euthanasia of an animal;

(6) Verifying death of an animal before disposal of the body;

(7) Maintaining the security of all controlled dangerous substances and other drugs used for the purposes of animal euthanasia;

(8) Promptly and accurately recording the quantity of controlled dangerous substances administered to animals and any drug waste;

(9) Reporting suspected or documented theft or diversion of controlled dangerous substances to the Board, DEA and OBN within three calendar days in accordance with Rule 775:10-8-15;

(10) Promptly reporting a violation of the Oklahoma Veterinary Practice Act or implementing rules to the Board;

(11) Promptly reporting a violation of the federal or state Uniform Controlled Dangerous Substances Acts or implementing rules or regulations to the OBN and/or DEA; and

(12) Filing a written response to a formal complaint or inquiry from the Board within ten (10) days after service of the formal complaint or inquiry, as required by Rule 775:15-3-6.

775:10-8-11. Duties of an Animal Euthanasia Technician upon cessation of qualified employment

When an Animal Euthanasia Technician fails to renew a certificate on or before the first day of July of each and every year, or ceases to be employed by a law enforcement agency, animal control agency, or animal shelter that is recognized and approved by the Board, the animal euthanasia technician or the employing agency shall within 5 days:

(1) notify the Board by phone, in writing by facsimile, or electronic mail, and

(A) physically surrender his/her certificate to the Board or its agent(s); and

(B) The Board shall be notified in writing within 5 days of cessation of employment to the OBNDD and DEA.

775:10-8-12. Registration of Animal Euthanasia Technicians to purchase and possess controlled dangerous substances

An Animal Euthanasia Technician shall register as a mid-level practitioner with, and have received Certificates of Registration from the OBN and DEA, prior to the purchase, possession or administration of any drugs for the purposes of animal euthanasia, except that an Animal Euthanasia Technician working under the direct supervision of a licensed veterinarian may administer drugs for the purposes of animal euthanasia prior to receiving his/her Certificates of Registration from OBN and DEA.

775:10-8-13. Authority of animal euthanasia technicians to purchase, possess and administer controlled substances; Limitations on authority

(a) An Animal Euthanasia Technician who is registered with the OBN and DEA to purchase and possess controlled dangerous substances is authorized to:

(1) Purchase, possess and administer any controlled dangerous substance approved for euthanasia of animals by the Board;

(2) Transfer a controlled dangerous substance to either an Animal Euthanasia Technician or a licensed veterinarian who holds valid Certificates of Registration from the OBN and DEA for the schedules of the drugs to be transferred; and

(3) Dispose of controlled dangerous substances in accordance with Rule 475:35-1-4 of the OAC.

(b) An Animal Euthanasia Technician who is registered with the OBN and DEA to purchase and possess controlled dangerous substances is prohibited from:

(1) Purchasing, possessing or administering any controlled dangerous substance or any other drug which is not approved for the euthanasia of animals by the Board;

(2) Transferring a controlled dangerous substance to anyone other than an Animal Euthanasia Technician or a licensed veterinarian who holds valid Certificates of Registration from the OBN and DEA for the schedules of the drugs to be transferred;

(3) Prescribing, or writing a prescription for, a controlled dangerous substance or any other drug;

(4) Dispensing a controlled dangerous substance or any other drug in any manner other than by administration of the drug to an animal;

(5) Disposing of a controlled dangerous substance in any manner other than that required by Rule 475:35-1-4 of the OAC; and

(6) Executing a power of attorney which authorizes any other individual to use the Animal Euthanasia Technician's Certificates of Registration to purchase or possess a controlled dangerous substance.

775:10-8-14. Storage and security of controlled dangerous substances, certificates of registration and drug order forms

All controlled dangerous substances shall be stored in accordance with the Uniformed Controlled Dangerous Substances Act and implementing state and federal rules and regulations at the level of security required for practitioners. The level of security required may vary depending on the registered location, the number of employees and other personnel who have access to the area where controlled substances are stored, the quantity of controlled substances kept on hand, and the prior history of theft or diversion. Specific questions regarding the adequacy of security measures shall be directed to the OBN and/or DEA.

775:10-8-15. Maintenance of records and inventories of controlled dangerous substances

(a) An Animal Euthanasia Technician shall comply with all applicable State and Federal laws, rules and regulations relating to, but not limited to, registration, ordering and receiving, security, record keeping, inventory and disposal of controlled dangerous substances.

(b) A CAET shall keep inventory of all controlled dangerous substances and maintain a running count of the master log book.

(c) The master log book shall be in the form of a bound ledger or substantially constructed three-ring binder that is identified on the cover with the name of Animal Euthanasia Technician and the registered location (e.g., the name and address of the law enforcement or animal control agency or animal shelter).

(d) The drug administration records shall be recorded on a form provided by the Board or approved by the Board.

(e) An Animal Euthanasia Technician having one or more contracts to provide animal euthanasia services to a law enforcement agency, animal control agency or animal shelter shall maintain the original copies of the records at the registered location where controlled substances were stored. If the location where controlled dangerous substances are administered is different than the registered location where controlled substances were stored, the Animal Euthanasia Technician shall provide a current duplicate copy of the records to the law enforcement agency, animal control agency or animal shelter where the controlled dangerous substances were administered. Duplicate copies of the records shall be clearly marked as copies.

(f) The original copies of the records shall be maintained at the registered location for not less than two years.

775:10-8-16. Standards for euthanasia of animals in the custody of a law enforcement agency, animal control agency or animal shelter.

In accordance with Sections 501 et seq. of Title 4 of the Oklahoma Statues, the euthanasia of animals held by or in the custody of a law enforcement agency, animal control agency or animal shelter shall comply with the standards set forth in this chapter.

(1) Euthanasia of animals shall be performed by one of the following methods:

(A) administration of denatured sodium pentobarbital; or

(B) the use of a carbon monoxide chamber, using commercially compressed cylinder gas, provided that kittens and puppies under the age of sixteen (16) weeks shall not be euthanized with carbon monoxide but with injections of denatured sodium pentobarbital or other drugs not prohibited by statute approved for euthanasia by the Board.

(2) The method of euthanasia shall be as painless as possible to the animal as determined by the best available medical and scientific knowledge and technology.

(3) The animal shall be kept as free from anxiety and fear as possible.

(4) Death shall be confirmed by the cessation of all vital signs.

(5) Denatured sodium pentobarbital approved for euthanasia of animals by the Board shall be administered only by a licensed veterinarian, a certified animal euthanasia technician, or a person trained for this purpose and under the direct supervision of a licensed veterinarian.

(6) No controlled dangerous substances or other drugs approved by the Board for euthanasia of animals shall be used to euthanize an animal after the expiration date printed on the primary commercial container by the manufacturer.

775:10-8-17. Standards for injection of animals.

Any person performing animal euthanasia by injection of denatured sodium pentobarbital or other drug approved for animal euthanasia shall comply with the following standards for the injection of an animal:

(1) Except as otherwise provided in 775:10-8-17(a)(2) and 775:10-8-17(a)(5), an animal shall be held or restrained after injection of a euthanasia drug until the animal is unconscious.

(2) If an animal should not be held or restrained because holding or other physical restraint would either increase the anxiety or fear of the animal or would place the person holding or restraining the animal in physical danger, it must be placed alone in an enclosure which is appropriate for the species and size of the animal and permits adequate visual observation of the animal, except that dogs or cats under the age of 16 weeks or other animals which have not been weaned may be placed together in an enclosure with their littermates and/or dam.

(3) An individual administering euthanasia drugs shall have available the assistance of an animal handler when administering an intravenous injection unless the animal is heavily sedated, anesthetized, or comatose.

(4) Intravenous injection must be used on all dogs and cats over the age of 16 weeks and any other animal, unless the physical condition, size or behavior of the animal presents a danger to the individual performing the injection or the animal handler; the physical restraint required for intravenous injection would cause unnecessary fear or anxiety in the animal; or the small size of the animal would make location and injection into a vein extremely difficult or impossible.

(5) A euthanasia drug may be administered by intraperitoneal injection only when the physical condition, size or behavior of the animal presents a danger to the individual performing the injection or the animal handler; the physical restraint required for intravenous injection would cause unnecessary fear or anxiety in the animal; or the small size of the animal would make location and injection into a vein extremely difficult or impossible.

(A) After an intraperitoneal injection of a euthanasia drug, the animal shall be placed alone in an enclosure which is appropriate for the species and size of the animal and permits adequate visual observation of the animal, except that dogs or cats under the age of 16 weeks or other animals which have not been weaned may be placed together in an enclosure with their littermates and/or dam.

(B) An animal which has received a euthanasia drug by intraperitoneal injection shall be observed every 5 minutes after injection until death is verified.

(6) Intracardiac injection shall not be performed on any animal unless it is heavily sedated, anesthetized, or comatose.

(7) The gauge and length of the needle used shall be appropriate for the size and species of the animal and the method of injection.

(8) A new, unused disposable needle of medical quality shall be used for the administration of denatured sodium pentobarbital or other drug approved by the Board for euthanasia to each separate animal. A needle that is barbed or that may otherwise cause unnecessary discomfort to the animal shall never be used. Each

needle shall be disposed of in a commercial sharps container immediately after a single use.

(9) The same syringe may be used to inject more than one animal so long as:

(A) A separate syringe is used for each euthanasia agent and each syringe is clearly labeled with the name of the drug for which it is used;

(B) All disposable syringes must be discarded in a commercial sharps container after the conclusion of all euthanasia procedures for a single day.

(C) All non-disposable syringes shall be cleaned and disinfected after the conclusion of all euthanasia procedures for a single day.

(10) An animal may be euthanized under field conditions when an emergency situation requires euthanasia to eliminate animal pain and suffering or is required for the safety of the public.

775:10-8-18. Euthanasia by injection of controlled dangerous substances; Verification of death

(a) An additional dose of a euthanasia drug shall be administered if, within 30 seconds after an intravenous or intracardiac injection, or 15 minutes after an intraperitoneal injection an animal fails to demonstrate:

(1) Loss of consciousness;

(2) Absence of heartbeat and respiration; and

(3) Lack of corneal and pupillary reflexes.

(b) The additional dose of euthanasia drug may be administered by intravenous, intraperitoneal, or intracardiac injection, as appropriate to the size and level of consciousness of the animal, and in accordance with the guidelines set forth in Rule 775:10-8-17.

(c) To verify death, each animal shall be examined and be found to have:

(1) Absence of a heartbeat and respiration; and

(2) Lack of corneal and pupillary reflexes.

775:10-8-19. Euthanasia by oral administration of denatured sodium pentobarbital; Verification of death

(a) Powdered denatured sodium pentobarbital or other drugs approved for euthanasia by the Board may be administered orally by mixing with food in accordance with the instructions of the manufacturer or as approved by the Board to an animal that can be captured or restrained only with serious danger to human safety or when physical restraint would cause extreme anxiety and fear in the animal.

(b) Adequate precautions must be taken to protect other animals and humans against accidental exposure to, or ingestion of, denatured sodium pentobarbital or other drugs approved for euthanasia by the Board.

(c) Another dose of a euthanasia drug shall be administered, if, within 60 minutes after an oral administration of denatured sodium pentobarbital or other drug approved for euthanasia by the Board, the animal fails to demonstrate:

(1) Loss of consciousness;

(2) Absence of heartbeat and respiration; and

(3) Lack of corneal and pupillary reflexes.

(d) The additional dose of euthanasia drug may be administered by intravenous, intraperitoneal, or intracardiac injection, as appropriate to the size and level of consciousness of the animal, and in accordance with the guidelines set forth in Rule 775:10-8-17.

(e) To verify death, each animal shall be examined and be found to have:

(1) Absence of a heartbeat and respiration; and

(2) Lack of corneal and pupillary reflexes.

775:10-8-20. Area used for animal euthanasia; Recommended equipment and supplies

(a) The area used for animal euthanasia at a law enforcement agency, animal control agency or animal shelter should:

(1) Be an area that is separated from the rest of the agency or shelter and from public view by a wall, barrier or other divider or an area that is not used for any other purpose while an animal is being euthanized;

(2) Have bright and even lighting. Additional lighting over the location where euthanasia agents are administered by injection is highly recommended;

(3) Have an ambient temperature that is between 60 and 90 degrees Fahrenheit;

(4) Have adequate ventilation to prevent the accumulation of odors. At least one exhaust fan which is vented directly to the outside from an enclosed room is suggested;

(5) Have flooring which is dry and non-slip to prevent accidents, and is easy to clean and disinfect; and

(6) Be kept clean and disinfected.

(b) The law enforcement agency, animal control agency or animal shelter is recommended to provide the following equipment and supplies for the area used for animal euthanasia, unless a contract exists between a law enforcement agency, animal control agency or an animal shelter and an Animal Euthanasia Technician, in which case the Animal Euthanasia Technician may provide items (7) through (24):

(1) A table or work area where an animal can be handled and restrained while being euthanized. The surface must be non-pervious and easily disinfected;

(2) A cabinet, table or workbench where the controlled dangerous substances, needles, syringes, clippers and other equipment and supplies can be placed while euthanasia is being performed. This surface should be adjacent to, but separate from, the area described in 775:10-8-20(b)(1) where the animals are handled and restrained for injection;

(3) A hand washing sink or faucet within 25 feet of the area used for animal euthanasia;

(4) An emergency eye wash station;

(5) Laundry facilities for cleaning and sanitizing personnel uniforms, towels, cat restraint bags and capture/restraint nets;

(6) Equipment and supplies as needed for adequate room sanitation, such as detergents, disinfectants, paper towels, brooms and mops;

(7) Eye or face protection for personnel either performing injections or restraining animals for injection;

(8) Disposable medical exam gloves;

(9) Elbow-length heavy duty leather gloves suitable for restraining animals;

(10) An assortment of muzzles for dogs and cats and/or appropriate disposable material which can be used for muzzles;

(11) A control stick for dogs, feral cats and wild mammals, such as raccoons and opossums;

(12) Cat restraint bags constructed of washable material;

(13) Capture/restraint nets suitable for the species and size of animals normally handled by the agency or shelter and constructed of materials, which can be sanitized;

(14) Towels of terry cloth or other fabric suitable for restraining animals;

(15) Hair clippers with a minimum of two sets of #30 or #40 or equivalent size clipper blades, maintained sharp and in good condition;

(16) Quick-release tourniquets appropriate for the sizes of animals normally handled by the agency or shelter;

(17) Isopropyl (rubbing) alcohol and either cotton balls or roll cotton;

(18) An adequate supply of 18, 20, and 22 gauge disposable needles of medical quality in appropriate lengths and in other gauges and lengths as required by the species and size of animals normally handled by the agency or shelter;

(19) An adequate supply of disposable or non-disposable syringes of medical quality in sizes appropriate for the volumes of drugs which must be administered based on the species and sizes of animals normally handled by the agency or shelter. The use of

syringes equipped with non-slip or Luer-Lok®-type hubs is strongly recommended for the safety of personnel;

(20) A commercially available sharps container for used needles and syringes, constructed of puncture resistant material and which complies with Title 21, Section 1910.1030(d)(viii) of the Code of Federal Regulations;

(21) A stethoscope;

(22) A penlight and spare batteries;

(23) Medical grade disinfectant hand soap; and

(24) A first-aid kit for humans.

(c) All equipment and supplies shall be kept in good working order and stored in an orderly and safe manner.

775:10-8-21. Complaints against an Animal Euthanasia Technician

In accordance with Rule 775:15-3-1, any person may file a citizen complaint with the Board in regard to any person certified as an Animal Euthanasia or any person who is performing animal euthanasia and is otherwise under the Board's statutory jurisdiction.

775:10-8-22. Denial, suspension or revocation of an Animal Euthanasia Technician certificate

(a) Upon written complaint, and after notice and hearing pursuant to the disciplinary procedures as provided for in Section 698.14a of the Veterinary Practice Act, Rule 775:15-1-1 et seq. and Rule 775:30-1-1 et seq. the Board may deny, suspend or revoke the certificate of an Animal Euthanasia Technician and/or impose a penalty upon the certificate holder for:

(1) Violation of any part of the Oklahoma Veterinary Practice Act or implementing rules;

(2) Fraud, misrepresentation or deception in obtaining a certificate, or failure to provide accurate information upon request by the Board for initial certification or renewal, reactivation or reinstatement of certification, or during an investigation or disciplinary hearing;

(3) Conviction of, or entry of a plea of guilty or nolo contendere to, a felony or misdemeanor involving cruelty to animals, moral turpitude or relating to any controlled dangerous substance as defined by the Uniform Controlled Dangerous Substance Act, in this or any other jurisdiction;

(4) Violation of any laws relating to the administration, prescribing or dispensing of controlled dangerous substances or violation of any federal laws or the laws of any state relative to prescription drugs or controlled dangerous substances;

(5) Accepting employment as an Animal Euthanasia Technician by, or entering into a contract to perform euthanasia services for, any person or organization other than a law enforcement agency, animal control agency or animal shelter that is recognized and approved by the Board;

(6) Having a working association with any person, agency or organization practicing veterinary medicine or performing animal euthanasia unlawfully;

(7) Incompetence or negligence;

(8) Cruelty to animals;

(9) Use of advertising or solicitation that is false, misleading, or otherwise deemed unprofessional under the rules promulgated by the Board;

(10) Representing him/herself as a licensed veterinarian or a Registered Veterinary Technician, unless licensed or certified as such;

(11) Fraud or dishonesty in the application for, or in the reporting of the results of, any diagnostic test, or in the reporting of disease in animals;

(12) Adjudication of insanity or incapacity; or

(13) Habitual use or abuse of alcohol or of a habit-forming drug or chemical.

(b) The President or Secretary-Treasurer of the Board may issue a confidential letter of concern to a certificate holder when, although evidence does not warrant formal proceedings, there has been noted indications of possible misconduct by the certificate holder that could lead to serious consequences and formal action.

(c) In the event it comes to the attention of the Board that a violation of the rules may have occurred, even though a formal complaint or charge may not have been filed, the Board may conduct an investigation of such possible violation, and may, upon its own motion, institute a formal complaint.

775:10-8-23. Emergency temporary suspension of a certificate

In accordance with Rule 775:15-3-4, the Secretary-Treasurer of the Board, or his/her designee, upon concurrence of the President or his/her designee, based upon clear and convincing evidence that an emergency exists for which the immediate suspension of the certificate of an Animal Euthanasia Technician is imperative to protect the public or animal health, safety and welfare, or where the Animal Euthanasia Technician is convicted of any felony, may conduct a hearing to temporarily suspend the certificate of the Animal Euthanasia Technician upon a showing of clear and convincing evidence of unprofessional conduct, provided any such action temporarily suspending the certificate is taken simultaneously with proceedings for setting a formal hearing pursuant to Rule 775:15-1-1 et seq. before the Board en banc to be held within thirty (30) days after emergency temporary suspension.

775:10-8-24. Recognition and approval by the Board

(a) A law enforcement agency or animal control agency which intends to employ an Animal Euthanasia Technician or enter into a contract for services with an Animal Euthanasia Technician shall first apply to the Board for recognition and approval on a form provided by the Board.

(b) An animal shelter which intends to employ an Animal Euthanasia Technician or enter into a contract for services with an Animal Euthanasia Technician shall first apply to the Board for recognition and approval on a form provided by the Board. As part of the application the animal shelter shall be required to provide documentation that it is:

(1) A tax exempt organization, as defined by Title 26, Section 501(c)(3) of the United States Code (Internal Revenue Service), and is organized and operated exclusively for scientific or educational purposes, for the prevention of cruelty to animals, or for the care and rehabilitation of sick or injured wildlife; and

(2) Has obtained all licenses and/or permits required for the possession of wildlife under the rules implementing Title 29 of the Oklahoma Statutes (Game and Fish) and regulations implementing Title 16 of the United States Code (Fish and Wildlife).

775:10-8-25. Notice of termination of employment of a certified Animal Euthanasia Technician

Any law enforcement agency, animal control agency or animal shelter, whether directly employing an animal euthanasia technician or engaged in a contract for services with an Animal Euthanasia Technician shall notify the Board within five business days of the termination of the employment or contractual agreement with the Animal Euthanasia Technician.

775:10-8-26. Inspection

Under Title 63, Section 2-101 et seq. (Uniform Controlled Dangerous Substances Act) and Title 59, Section 698.1 et seq. (Veterinary Practice Act) of the Oklahoma State Statutes and implementing rules, any peace officer of the State of Oklahoma, including but not limited to Investigators from the Board, upon stating his/her purpose and presenting his/her credentials to the certificate holder, registrant, owner, operator, or agent(s) in charge of the premises where animal euthanasia is performed, shall have the right to enter such premises and conduct inspections at reasonable times and in a reasonable manner.

775:10-8-27. Inspection; Failure to correct deficiency

(a) If a deficiency is found during a Board inspection of a law enforcement agency, animal control agency, animal shelter or registered location of an Animal Euthanasia Technician, and a field citation is issued which contains an abatement order pursuant to Section 698.19A of the Veterinary Practice Act, a Board investigator shall conduct a second inspection after the time specified for the correction of the deficiency and at the expense of the Animal Euthanasia Technician or the law enforcement agency, animal control agency or animal shelter.

(b) If the deficiency has not been corrected within the time specified for the correction of the deficiency:

(1) A report shall be forwarded to the Secretary-Treasurer or Executive Director of the Board recommending that:

(A) The Animal Euthanasia Technician's certificate be suspended or revoked pursuant to the provisions of Rule 775:15-1-1 et seq. and/or a penalty imposed under Rule 775: 30-1-1; and/or

(B) The Board approval of the law enforcement agency, animal control agency or animal shelter be suspended or revoked pursuant to the provisions of Rule 775:15-1-1 et seq. and/or a penalty imposed under Rule 775: 30-1-1.

(2) If the deficiency is related to the security, storage and/or record keeping for controlled dangerous substances, a report of any action taken by the Board shall be forwarded to DEA and OBN.

775:10-8-28. Complaints

(a) In accordance with Rule 775:15-3-1, any person may file a citizen complaint with the Board in regard to any law enforcement agency, animal control agency, or animal shelter that is recognized and approved by the Board or is otherwise under the Board's statutory jurisdiction.

(b) Citizen complaints may be written or oral. The Board or its agent(s) may require complainants to reduce oral complaints to writing if such would facilitate the review of the complaint.

(c) The Board or its agent(s) shall investigate all facially credible citizen complaints over which the Board would reasonably have jurisdiction.

(d) In addition, the Board or its agent(s) may refer complaints to other entities or other law enforcement agencies.

775:10-8-29. Denial, suspension or revocation of Board recognition

(a) The Board may deny, suspend or revoke the recognition and approval of a law enforcement agency, animal control agency, or animal shelter and/or impose a penalty upon an agency or shelter for:

(1) Violation of any part of the Oklahoma Veterinary Practice Act or the Oklahoma Veterinary Administrative Rules;

(2) Violation of Title 4, Section 501 et seq. of the Oklahoma Statutes;

(3) Fraud, misrepresentation or deception in obtaining recognition and approval by the Board, or failure to provide accurate information upon request by the Board during an investigation or disciplinary hearing;

(4) Violation of any state or federal laws and/or implementing rules or regulations relating to the purchase, storage or administration of controlled dangerous substances;

(5) Having a working association with any person, agency or organization practicing veterinary medicine or performing animal euthanasia unlawfully;

(6) Incompetence or negligence in performing animal euthanasia; or

(7) Cruelty to animals.

(b) The President or Secretary-Treasurer of the Board may issue a confidential letter of concern to a certificate holder when, although evidence does not warrant formal proceedings, there has been noted indications of possible misconduct by the certificate holder that could lead to serious consequences and formal action.

(c) In the event it comes to the attention of the Board that a violation of the rules may have occurred, even though a formal complaint or charge may not have been filed, the Board may conduct an investigation of such possible violation, and may, upon its own motion, institute a formal complaint.

775:10-8-30. Emergency temporary suspension of Board recognition and approval

In accordance with Rule 775:15-3-4, the Secretary-Treasurer of the Board, or his/her designee, upon concurrence of the President or his/her designee, based upon clear and convincing evidence that an emergency exists for which the immediate suspension of the recognition and approval of the law enforcement agency, animal control agency, or animal shelter is imperative to protect the public or animal health, safety and welfare, may conduct a hearing to temporarily suspend the recognition and approval of the law enforcement agency, animal control agency, or animal shelter upon a showing of clear and convincing evidence of violation of the Veterinary Practice Act and implementing rules or Title 4, Section 501 et seq of the Oklahoma Statutes, provided any such action temporarily suspending recognition and approval is taken simultaneously with proceedings for setting a formal hearing pursuant to Rule 775:15-1-1 et seq. before the Board en banc to be held within thirty (30) days after emergency temporary suspension.

775:10-8-31. Persons reporting information or investigating; Liability

Pursuant to Section 698.16b, of the Veterinary Practice Act, no person or entity which, in good faith, reports or provides information or investigates any person or agency or shelter under this Chapter shall be liable in a civil action for damages or relief arising from the reporting, providing of information or investigation except upon clear and convincing evidence that the report of information was completely false, or that the investigation was based on false information, and that the falsity was actually known to the person or entity making the report, providing the information or conducting the investigation at the time thereof.

SUBCHAPTER 9. ANIMAL CHIROPRACTIC DIAGNOSIS AND TREATMENT

775:10-9-3. Certification for a veterinarian in animal chiropractic diagnosis and treatment

A veterinarian who has completed certification from the American Veterinary Chiropractic Association or the equivalent, will be certified in animal chiropractic diagnosis and treatment as approved by the Board.

775:10-9-5. Continuing education hours

Each veterinarian certified in animal chiropractic diagnosis and treatment applying for renewal of a license related to animal chiropractic diagnosis and treatment shall have completed a minimum of (12) twelve hours annually, in addition to the required (20) twenty hours of continuing education. The additional (12) twelve hours shall be approved and completed per biennium.

SUBCHAPTER 10. COMPLEMENTARY AND ALTERNATIVE THERAPY

775:10-10-1. Definition of Complementary and Alternative Therapy

Complementary and Alternative therapies, include, but are not limited to: acupuncture and related acupoint therapies; manual therapy which includes physical therapy, massage therapy, and osteopathic therapy; energy therapies which includes ultrasound, pulsating electromagnetic field (PEMF), static magnetic fields, laser, Reiki, therapeutic touch, Bowen, and shock wave therapy; integrative medicine which includes Ayurveda, aromatherapy,

flower remedy therapy, holistic medicine, homeopathy, nutritional therapy, and phytotherapy; and shall be performed on animals only by a licensed veterinarian or under the direct supervision of a licensed veterinarian.

775:10-10-10. Requirements prior to providing animal massage services

(a) No person shall provide animal massage services to any patient until certified in animal massage therapy, acquire liability insurance coverage and a written referral for such services is received from an Oklahoma licensed veterinarian.

(b) A copy of the written referral must be kept by the referring veterinarian on file for review or audit by the Board or its representative for three (3) years post term.

(c) The referring veterinarian shall confirm the animal massage provider has written proof of liability insurance coverage for providing animal massage services from an insurance company duly licensed to conduct business in the State of Oklahoma with the Oklahoma Insurance Commission prior to making any referral for massage therapy upon an animal.

SUBCHAPTER 11. ANIMAL HUSBANDRY

775:10-11-1. [Reserved]

SUBCHAPTER 12. EQUINE TEETH FLOATING

775:10-12-1. [Reserved]
775:10-12-2. [Reserved]
775:10-12-3. [Reserved]

CHAPTER 15. INVESTIGATIONS AND DISCIPLINARY ACTIONS

SUBCHAPTER 1. PURPOSE AND DEFINITIONS

775:15-1-1. Purpose

This Chapter sets forth the procedures of the Board used in the investigation of and hearings held for complaints and individual proceedings.

775:15-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Veterinary Practice Act, 59 O.S. Sec. 698.1, et seq.

"APA" means Article I and/or Article II of the Oklahoma Administrative Procedures Act, 75 O.S. Sec. 250, et seq.

"Board" means the Board of Veterinary Examiners.

"Citizen complaint" means refers to a written or oral statement of complaint from any person of a possible violation of the Act or rules of the Board and which is then available for investigation by the Board's staff.

"Complaint" means a written statement of alleged violation of the Act and/or rules of the Board by any person and which is filed with the Secretary-Treasurer in anticipation of the issuance of a citation. This definition is distinct from citizen complaint.

"Defendant" means the person against whom an individual proceeding is initiated.

"Executive Director" means the Executive Director of the Board.

"Hearing" means the trial mechanism employed by the Board to provide due process to a defendant in an individual proceeding.

"Hearing Examiner" means an Oklahoma licensed attorney who assists and advises the Board regarding legal matters in the conduction of an individual proceeding.

"Individual proceeding" means the formal process by which the Board undertakes administrative disciplinary action against a person licensed or certified by the Board in accordance with the Act and the APA.

"Plaintiff" means the State Of Oklahoma ex rel. Oklahoma State Board of Veterinary Medical Examiners.

"Secretary-Treasurer" means the Secretary-Treasurer of the Board.

"Staff" means employees of the Board or other persons specifically authorized to investigate complaints.

SUBCHAPTER 3. INVESTIGATIONS AND DISCIPLINARY ACTIONS

775:15-3-1. Investigations

Any person may file a citizen complaint with the Board in regard to any person licensed or certified by the Board or any person otherwise under the Board's statutory jurisdiction. Citizen complaints may be written or oral. The Staff may require complainants to reduce oral complaints to writing if such would facilitate review of the complaint. The Staff shall investigate all facially credible citizen complaints over which the Board would reasonably have jurisdiction. In addition, the Staff may refer complaints to other entities, such as the Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs, other law enforcement agency, or appropriate district attorney, for action when such other entity has jurisdiction.

775:15-3-2. Recusal of the Secretary-Treasurer

It is the determination of the Board to use the Secretary-Treasurer's professional knowledge, training and experience in the investigation of complaints presented to the Board. In the event the Secretary-Treasurer is unable to participate in the investigation, for any reason, the President of the Board shall designate another Board member to assist in the investigation. The Secretary-Treasurer shall not participate in any other capacity in any hearing concerning a matter investigated by the agency for possible disciplinary action. No person designated to substitute for the Secretary-Treasurer in an investigation shall participate in any other capacity in an administrative proceeding. The President of the Board shall, as needed, request from the Office of the Governor the appointment of a pro-tempore Board member for any recused Board member.

775:15-3-3. Complaint and citation

(a) An individual proceeding, whether propounded by the Board or by a citizen complainant shall be initiated by the filing of a sworn formal complaint with the President or Secretary/Treasurer of the Board. The formal complaint shall contain a brief statement setting forth the allegations which are the basis of the formal complaint and naming the person against whom the complaint is made. The formal complaint shall set forth all notice and hearing requirements of the APA.

(b) After a formal complaint has been filed in accordance with (a) of this section, the President, Secretary-Treasurer or his/her designee shall review the formal complaint and may issue a citation notifying the person named in the formal complaint of said filing and the date and place of the hearing.

(c) The decision whether to issue a citation shall be left to the discretion of the President, Secretary-Treasurer or his/her designee.

775:15-3-4. Emergency temporary suspension

The Secretary-Treasurer of the Board, or his/her designee, upon concurrence of the President or his/her designee, based upon clear and convincing evidence that an emergency exists for which the immediate suspension of a license or certificate is imperative to protect the public or animal health, safety and welfare, or where a

person under the jurisdiction of the Board is convicted of any felony, may conduct a hearing as contemplated by 75 O.S. §314 and §314.1 of the A.P.A. and 59 O.S. §698.14(a)(G) of the Veterinary Practice Act, to temporarily suspend the license or certificate of any person under the jurisdiction of the Board upon a showing of clear and convincing evidence of unprofessional conduct; provided, any such action temporarily suspending said license or certificate is taken simultaneously with proceedings for setting a formal hearing before the Board en banc to be held within (30) days after summary temporary suspension.

775:15-3-5. Hearing examiner

The Board may, upon the initiation of an individual proceeding, direct that a hearing examiner be used to hear matters in an individual proceeding as set forth in this section. The duties of the hearing examiner in an individual proceeding shall be:

(1) to hear and rule upon discovery disputes;
(2) to hear and rule upon motions in limine;
(3) to review and rule upon motions to dismiss;
(4) to hear and rule upon motions for continuance;
(5) to hear and rule upon other preliminary motions; and
(6) at the hearing:
(A) to mark and admit or deny exhibits;
(B) to rule upon objections or motions raised during the hearing; and
(C) to direct the orderly presentation of witnesses, exhibits and arguments.
(7) After the hearing, settle the final order if necessary.

775:15-3-6. Response to a formal complaint

(a) The defendant shall file a written response to the formal complaint with the Board within twenty (20) days after service of the formal complaint. If a response is not filed, the defendant may be considered in default. At the hearing, in the event the defendant does not appear and has not responded to the formal complaint, the Board may accept the allegations set forth in the formal complaint as true. Further, the Board may impose disciplinary action against the defendant based upon the unanswered allegations in the formal complaint, which may include any sanction authorized by law, as appropriate, including revocation.

(b) The hearing examiner may, upon request, extend the time within which the defendant must respond to the complaint.

775:15-3-7. Prehearing conference

(a) Upon the filing of a formal complaint, the hearing examiner may schedule and conduct a prehearing conference. Attendance at the conference by the prosecuting attorney and defendant or defendant's attorney is mandatory. The prehearing conference shall be scheduled approximately twenty (20) days after the initiation of the individual proceeding.

(b) Upon the date of the scheduled prehearing conference, there shall be determined deadline dates for the exchange of witness and exhibit lists, discovery cut-off, filing of dispositive motions, and the hearing date for the individual proceeding, all memorialized in an executed scheduling order.

(c) Continuances are disfavored by the Board. If either party seeks a continuance, the party shall specify to the hearing examiner the basis for such motion at any time prior to the hearing. The hearing examiner may confer with both parties by telephonic conference call and then rule upon the motion. If a party requests a continuance and the other party does not object, a continuance may be granted without further review.

(d) The parties are required to confer to formulate a statement of stipulations in the case. The Board prefers stipulations to be reached by the close of discovery, with a written statement of stipulations to be filed in the matter within five (5) days of the close of discovery. In no event shall the parties fail to provide a statement of stipulations later than five (5) days prior to the hearing date, if applicable.

775:15-3-8. Discovery

Discovery shall be limited to those procedures authorized by the APA. In the event either party seeks to expand the scope of discovery to procedures other than those authorized by the APA, such shall be allowed only upon the agreement of the other party or where necessary to preserve the interests of justice.

775:15-3-9. Motions prior to hearing

Every motion in the individual proceeding shall be filed with the Board and heard by the hearing examiner. The hearing examiner may schedule oral argument on the motion or may rule based upon written argument only, at the discretion of the hearing examiner. The ruling of the hearing examiner shall be reduced to writing and may be appealed to the Board prior to the hearing. In the event the appeal of such a ruling is set for the day of the hearing, it shall be presented to the Board prior to the hearing on the merits.

775:15-3-10. Procedure of the hearing

(a) Immediately prior to calling the first case at a meeting of the Board during which hearings shall be held, the President or the hearing examiner at the designation of the President shall conduct a docket call, in which cases to be heard by the Board shall be scheduled. Scheduling may take into consideration factors such as the anticipated length of a hearing, whether a matter is contested or uncontested, and, if necessary, special requirements of the parties or witnesses.

(b) Each hearing shall be conducted in an orderly manner and shall be presided over by the President. In the event of the absence of the President, the Vice-President or designee of the President shall preside.

(c) The burden of proof shall be upon the plaintiff, State of Oklahoma ex rel. Oklahoma State Board of Veterinary Medical Examiners by clear and convincing evidence.

(d) Rules of evidence shall be those authorized by the APA.

775:15-3-11. Failure to appear

Any defendant who fails to appear as directed, after first having received proper notice, shall be deemed to have waived his or her right to present a defense to the charges alleged in the complaint. The Board may accept the allegation of the complaint as true and correct as alleged. Thereupon, the Board may vote to take disciplinary action upon the allegation of the complaint, as appropriate to the nature of the allegations.

775:15-3-12. Opening statements and closing arguments

The Board will hear, at the request of either party in a hearing, opening statements and/or closing arguments. Parties are required to keep statements and arguments as brief as possible. Each party shall be entitled to five (5) minutes for opening statement and ten (10) minutes for closing arguments. The defendant may present his or her opening statement after the plaintiff rests its case and prior to the presentation of the defense.

775:15-3-13. Deliberations

Following the conclusion of the presentation of evidence and closing arguments, if any, the Board may engage in deliberations of the matter. The Board may, if it so votes and has given proper notice under the Open Meeting Act, enter executive session for deliberations. The Board shall return to open session to vote and render a decision.

775:15-3-14. Subpoenas

(a) Subpoenas to compel the attendance of witnesses, for the furnishing of information required by either party in the case, and/or for the production of evidence or records of any kind allowable by the APA may be issued by the Executive Director, the Hearing Examiner, or upon request by the attorney for either party. Subpoenas shall be served, and a return made, in any manner prescribed by general civil law.

(b) The cost of any subpoena issued by the Board shall be borne by the party which sought to obtain the subpoena. In the event a sanction is imposed by the Board following a hearing, the costs of subpoenas issued may be included in the costs imposed against the defendant.

775:15-3-15. Answer to subpoena
Upon the failure of any person to obey a subpoena, upon the refusal of any witness to be sworn or make an affirmation or to answer a question properly posed, the Board may authorize the initiation of judicial proceedings under the laws of the State for an order to compel compliance with the subpoena or the giving of testimony. The hearing shall proceed while such action is pending so far as is possible, but the Board or the Hearing Examiner, at any time, may continue the proceedings for such time as may be necessary to secure a final ruling in the compliance proceeding.

775:15-3-16. Hearing record
(a) A record of the hearing, by means of tape recording, shall be made of all hearings conducted by the Board. The record of the proceeding shall not be transcribed except upon written application of the party seeking transcription and the payment of a deposit sufficient to cover the costs of transcription. The Staff shall then make appropriate arrangements with a certified court reporter to transcribe the hearing.
(b) A defendant may, at his or her own expense, arrange for a record of the hearing to be made by a court reporter.

775:15-3-17. Final orders
Upon completion of the hearing and the rendering of a decision by the Board, the prevailing party shall reduce the Board's decision to writing, obtain the signature of the opposing party or opposing party's counsel, and provide the order to the Board for the Signature of the President or designee. The order shall contain Findings of Fact, Conclusions of Law, separately stated, as well as the order of the Board.

775:15-3-18. Petitions for rehearing
(a) A petition for rehearing is not required before an appeal may be filed in accordance with the APA. A petition for rehearing, reopening or reconsideration of a final order may be filed with the Board within ten (10) days from the entry of the order. The petition for rehearing must be signed by the party or the party's counsel and must set forth with particularity the grounds upon which it is based. A petition for rehearing based upon fraud by any party or procurement of the order by perjured testimony or fictitious evidence may be filed at any time.
(b) The Board shall not conduct a rehearing of a decision more than one time and shall limit the reconsideration of its decision on a rehearing to the findings of fact, conclusions of law, and imposition of terms, sanctions or other directions as set forth in the order.

SUBCHAPTER 5. COSTS

775:15-5-1. Costs
In the event disciplinary action is imposed against the defendant of an individual proceeding, the Board may require the defendant to reimburse the Board for its actual costs in the investigation and prosecution of the disciplinary action. Such costs shall include, but not be limited to:
(1) staff time and expenses
(2) salary expenses
(3) travel expenses
(4) witness fees and expenses
(5) attorney fees and expenses
(6) long distance telephone charges
(7) copy costs
(8) court reporter fees, if applicable

775:15-5-2. Deferral of payment of fees
All requests for a deferral of fee payments as a result of financial hardship shall be made in writing to the Board by the requesting party. The requester shall specify the nature of his/her inability to make timely payment. All requests for deferral of payment shall include copies of the requester's most recent state and federal income tax returns. The Board shall act upon the request at a meeting of the Board. State and federal income tax forms submitted to the Board in support of a request hereunder shall be kept confidential by the Board.

SUBCHAPTER 7. OTHER DISCIPLINARY MECHANISMS

775:15-7-1. Voluntary submission to jurisdiction
In lieu of taking a complaint to administrative hearing, the Board may accept a voluntary submission to jurisdiction entered into by the plaintiff and the defendant. The submission may be made to resolve a complaint pending before the Board on any matter in which the parties can reach an agreement. The voluntary submission shall not be binding on the Board or defendant until voted upon and approved by the Board at a meeting of the Board. Once approved by the Board, the voluntary submission shall be binding upon the defendant as though rendered following an administrative hearing.

775:15-7-2. Letters of concern
(a) The Secretary-Treasurer is hereby authorized, in the exercise of his/her sound discretion, to issue a letter of concern to a licensee of the Board whose conduct does not warrant formal disciplinary action by the Board, but whose action does warrant written notice to the licensee that the licensee's action raises a serious question about a violation of the Act or rules of the Board.
(b) A letter of concern may be used in a subsequent disciplinary action as appropriate.
(c) Letters of concern shall be confidential.

CHAPTER 20. MINIMUM STANDARDS FOR VETERINARY PREMISES

775:20-1-1. Purpose
The rules in this chapter set forth the minimum standards for veterinary premises.

775:20-1-2. Building and grounds standards
(a) Buildings and grounds at which animals are accepted for veterinary medical services shall be constructed and maintained in accordance with applicable federal, state and local building, zoning, and health department regulations.
(b) Fire prevention measures shall meet state and local fire codes.
(c) The veterinary medical premises shall be identifiable as a veterinary medical facility during all hours in which services are available. If the premise is to remain open to the public at night, outside lighting to identify the premises shall be maintained.

775:20-1-3. Equipment standards
(a) Each veterinary premise shall be equipped with adequate diagnostic and treatment equipment and supplies to provide the services offered at a level consistent with the standards of veterinary practice within the community in which the premise is located.
(b) Each veterinary medical premise shall meet manufacturers label requirements for biologics and other supplies and medications requiring temperature control.
(c) Oxygen and/or ventilation equipment and supplies for administration shall be readily available any time general anesthesia is to be administered to a small animal.

(d) Premises offering surgery shall have properly sterilized surgical supplies and instruments.
(e) An individual compartment of adequate size shall be provided on the premises for each small animal being housed.

775:20-1-4. Housekeeping standards
(a) All areas of the veterinary medical grounds, buildings and facilities shall be kept clean and free of refuse.
(b) Floors, countertops, tables, sinks, and similar equipment and fixtures shall be cleaned and disinfected after contact with any internal organ, body fluid or other bodily discharge of a patient.
(c) Examination tables, surgery tables, anesthetic equipment, and all indoor animal compartments shall be cleaned and disinfected after each patient use with disinfectants capable of eliminating harmful viruses and bacteria.
(d) Indoor animal compartments and exercise runs shall be cleaned at least once a day when in use.
(e) Outdoor animal compartments shall be cleaned regularly.
(f) Ventilation and cleaning shall be routinely provided to keep odors from lingering in the rooms. Noxious odors, gases and vapors shall not exceed the most recent American Conference of Governmental Industrial Hygienists threshold limit values in parts per million in any one room when sampled by a singular draw per room from no less than a manually operated bellows pump or similar equipment specifically designed to measure concentrations of gases and vapors.

775:20-1-5. Mobile Clinics
(a) A mobile clinic is a self-contained trailer, van, or mobile home not attached to the ground designed to function as a clinic.
(b) All facility, housekeeping and equipment standards enumerated in this Chapter for fixed site clinics shall be applicable to mobile clinics.
(c) All mobile clinics shall be equipped with:
(1) Hot and cold water source.
(2) Collection tank for the disposal of waste materials.
(3) A power source to operate all diagnostic equipment.
(d) Drugs shall be maintained in a safe and orderly manner. Controlled dangerous substances shall be maintained in a locked compartment permanently attached to the vehicle. Copies of the Drug Enforcement Administration (DEA) and Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD) certificates shall be maintained in the vehicle and the veterinarian shall permit inspection of the certificates by a peace officer or agency official in the enforcement of laws relating to controlled dangerous substances.
(e) All licensees shall have in their possession a current State issued wallet ID card while engaged in the practice of veterinary medicine. All original and certified copies of applicable permits, current licenses, and renewals shall be displayed in full view of the public.

775:20-1-6. Mobile/Ambulatory Units
(a) A mobile/ambulatory unit is a vehicle from which out-patient veterinary services are delivered to temporary sites and which is not designed to function as a self-contained clinic.
(b) Drugs shall be maintained in a safe and orderly manner. Controlled dangerous substances shall be maintained in a locked compartment permanently attached to the vehicle. Copies of the Drug Enforcement Administration (DEA) and Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD) certificates shall be maintained in the vehicle and the veterinarian shall permit inspection of the certificates by a peace officer or agency official in the enforcement of laws relating to controlled dangerous substances.
(c) Facilities shall be provided for meeting manufacturer requirements for biologics, medications and supplies requiring temperature control.
(d) Surgical equipment shall be in either individual sterilized packs or a properly maintained sterilizing solution.
(e) All licensees shall have in their possession a current State issued wallet ID card while engaged in the practice of veterinary medicine. Copies of all applicable permits, current licenses, and renewals shall be carried in the vehicle at all times and displayed upon request.

CHAPTER 25. RECORDKEEPING AND SUPERVISION REQUIREMENTS

775:25-1-1. Purpose
The rules in this chapter describe the procedures for recordkeeping and supervision.

775:25-1-2. Patient records.
(a) Each veterinarian shall maintain a legible patient record for three years, unless the records contain information with respect to the dispensation of veterinary prescription drugs, in which case the records shall be maintained for no less than five years. All patient records shall include the following necessary elements:
(1) Patient identification shall include the patient's name, species, breed, age or date of birth, sex, color, and markings if applicable;
(2) Client identification shall include the owner's name, home address and telephone number;
(3) The vaccination record;
(4) Physical examination findings to include diagnosis, treatment regimen, and medications dispensed, prescribed or administered; and
(5) A record of every visit or stay on the veterinary premise.
(b) Additionally, each veterinarian shall maintain records in a manner that will permit any authorized veterinarian to proceed with the care and treatment of the animal, if required, by reading the medical record of that particular patient. The record shall clearly explain the initial examination.
(c) The veterinarian shall ensure that each dose of a medication administered is properly recorded on the patient's medical record, in addition to any medications dispensed or prescribed. All drugs administered, prescribed or dispensed shall only be done solely upon the order of a licensed veterinarian.

775:25-1-3. Dispensing and Labeling Requirements
(a) All controlled dangerous substances and veterinary prescription drugs lawfully possessed and to be dispensed for use by a companion animal shall be dispensed only on the order of a licensed veterinarian who has an existing veterinary-client-patient relationship as defined by the Act and the rules of the Board. The veterinarian shall ensure that labels will be affixed to any unlabeled container containing any medication dispensed and to each factory labeled container that contains veterinary prescription drugs for companion animals. The label shall be affixed to the immediate container and shall include the following information:
(1) the name and address of the dispensing veterinarian, and the veterinarian's telephone number if the drug is a controlled dangerous substance;
(2) the date of delivery or dispensing;
(3) the name of the patient, the client's name, and the client's address if the drug is a controlled dangerous substance;
(4) the established name or active ingredient of the drug, strength, and quantity of the drug dispensed;
(5) directions for use specified by the practitioner including dosage, frequency, route of administration, and duration of therapy; and
(6) any cautionary statements required by law, including the words "For Veterinary Use Only", and/or any withdrawal periods associated with the drug. If the size of the immediate container is insufficient to be labeled, the small container shall be enclosed within another container large enough to be labeled.

(b) "Companion animal" shall mean those animals considered to be a pet, and may include horses (for the purposes of this chapter only), birds and exotics, but shall exclude poultry and horses intended for food purposes.

(c) All controlled dangerous substances and veterinary prescription drugs to be dispensed or prescribed for use in food or for administration to a food or commercial animal for medical purposes, may be dispensed only on order of a licensed veterinarian with an existing veterinary-client-patient relationship as defined by the Act and the rules of the Board. The veterinarian shall ensure that labels will be affixed to each factory labeled container, unlabeled container, or multiple unit/dose container or box containing any medication dispensed or prescribed that contains any controlled dangerous substance or veterinary prescription drugs for food or commercial animals.

(d) All controlled dangerous substances and veterinary prescription drugs shipped directly from a wholesale or retail distributor to the client, to be dispensed or prescribed for use in food or for administration to a food or commercial animal for medical purposes, may be dispensed only on the written order of a licensed veterinarian with an existing veterinary-client-patient relationship as defined by the Act and the rules of the Board. The veterinarian and the wholesale/retail distributor shall ensure that labels will be affixed to each factory labeled container, unlabeled container, or multiple unit/dose container or box containing any medication dispensed or prescribed that contains any controlled dangerous substance or veterinary prescription drugs for food or commercial animals. The veterinarian shall maintain the original written order on file in the veterinarian's office. A copy of the written order shall be on file with the distributor and a second copy shall be maintained on the premises of the patient-client.

(e) The label and the written order if applicable with respect to paragraphs (c) and (d) shall include the following information:

(1) the name and address of the veterinarian and the veterinarian's telephone number if the drug is a controlled dangerous substance;

(2) the date of delivery or dispensing;

(3) the name of the patient or herd identification, the client's name, and the client's address if the drug is a controlled substance;

(4) the established name or active ingredient of the drug, or if formulated from more than one ingredient, the established name of each ingredient, as well as the strength and quantity of the drug or drugs dispensed:

(5) directions for use specified by the practitioner, including the following:

(A) the class or species of the animal or animals receiving the drug or some other identification of the animals; and

(B) the dosage, the frequency and route of administration, and duration of therapy; and

(C) any cautionary statements required by law, including "For Veterinary Use Only" or whether there are withdrawal periods associated with the drug.

(f) the written order if applicable with respect to paragraph (c) and (d), shall include a written statement from the veterinarian confirming that a valid VCPR exists as defined by the Oklahoma Veterinary Practice Act in addition to the information in paragraph (e) above.

775:25-1-4. Supervision Requirements.

(a) Each licensed veterinarian shall provide direct supervision of any registered veterinary technician, employed assistant or Supervised Doctor of Veterinary Medicine ("SDVM") who are involved with their practice of veterinary medicine. A licensed veterinarian may delegate only those acts within the practice of veterinary medicine that are allowed by law to be delegated and which are consistent with that person's training, experience and professional competence.

(1) When a licensed veterinarian is not on the premises, said licensed veterinarian shall have in place written instructions or a written hospital/clinic policy for follow up treatment of the animal patient, provided that the animal has been examined by the supervising veterinarian at such time as good veterinary medical practice requires.

(b) A licensed veterinarian may delegate the procedures referenced by and in accordance with Subchapter 7 of Chapter 10 of these rules to any registered veterinary technician.

(c) While the licensed veterinarian is physically on the premises they may delegate the following to any registered veterinary technician or employed assistant under direct supervision as defined in 59 O.S. Section 698.2:

(1) inducing anesthesia by inhalation or intravenous injection;

(2) applying casts or splints;

(3) performing dental extractions; or

(4) administering controlled dangerous substances or veterinary prescription drugs, subject to a veterinary-client-patient relationship having been previously established and if the licensed veterinarian is not on the premises, previously written orders must be in place for the administration of such drugs.

(d) Under direct supervision a licensed veterinarian may delegate any of the following to any SDVM;

(1) any act of diagnosis or prognosis;

(2) performance of any surgical procedure;

(3) inducing anesthesia by inhalation or intravenous injection;

(4) applying casts or splints;

(5) performing dental extractions.

(6) suturing existing skin incisions;

(7) prescribing, dispensing and administering controlled dangerous substances, veterinary prescription drugs or vaccinations. The prescribing, dispensing, and administering of controlled dangerous substances may only be performed after a federal (DEA) controlled dangerous substance certificate and a state Oklahoma Bureau of Narcotics and Dangerous Drug certificate has been procured by the certificate holder (SDVM).

(e) In emergency life saving situations where a licensed veterinarian is not on the premises, a SDVM, registered veterinary technician or an employed assistant who possesses the appropriate training, experience and professional competence may perform the following treatments:

(1) apply tourniquets and/or pressure bandages to control hemorrhage;

(2) administer pharmacological agents to prevent or control shock, including parenteral fluids, provided that the SDVM or employee has direct communication with a licensed veterinarian. When direct communication cannot be established with respect to this paragraph (e), a SDVM or competent employed assistant may provide emergency care in accordance with pre-established written instructions provided by their employer veterinarian(s);

(3) initiate resuscitative oxygen procedures;

(4) establish open airways including intubation appliances but excluding surgery;

(5) perform external cardiac resuscitation;

(6) apply temporary splints or bandages to prevent further injury to bones or soft tissues;

(7) apply wound dressings and external supportive treatment for severe burns; and

(8) provide external supportive treatment in thermal injury cases.

CHAPTER 26. WHOLESALER/ DISTRIBUTOR OF VETERINARY PRESCRIPTION DRUGS

775:26-1-1. Distribution of veterinary prescription labeled drugs

(a) This chapter sets forth the rules for compliance with those sections of the Oklahoma Pharmacy Act (Pharmacy Act), 59 O.S. Suppl. 2005 §353.1, et seq., which relate to veterinary prescription labeled drugs. A wholesaler or distributor means a person engaged in the business of distributing prescription drugs, including controlled dangerous substances, at wholesale or retail to pharmacies, hospitals, practitioners, government agencies or other lawful drug outlets licensed or permitted under the Pharmacy Act to sell, distribute, deliver or use drugs or medicines.

(b) In accordance with § 353.13 G of the Pharmacy Act, "veterinary prescription labeled drugs", defined as "veterinary prescription drugs" in the Oklahoma Veterinary Practice Act (Act), may be supplied by a "wholesaler or distributor", as those terms are defined in the Pharmacy Act, and shipped directly to a client located in the State of Oklahoma pursuant to a written order of an Oklahoma licensed veterinarian, but only after a valid veterinarian-client-patient relationship (VCPR), as defined in the Act, has been established and referenced in such written order.

(c) No wholesaler or distributor shall sell, dispense or supply a veterinary prescription drug to an owner or their authorized agent in the State of Oklahoma without first obtaining a written order for such drug from an Oklahoma licensed veterinarian with a valid VCPR in place. Certification by a pharmacist prior to dispensing veterinary prescription drugs by a wholesaler or distributor under these rules or under the Pharmacy Act shall not be required. No person shall acquire or use any veterinary prescription drug other than in accordance with the label affixed to the drug container and/or outside of a valid VCPR.

(d) Any wholesaler or distributor selling, supplying or dispensing veterinary prescription drugs for use in the State of Oklahoma shall comply with the dispensing and labeling requirements set forth in Chapter 25 of the Oklahoma Veterinary Administrative Rules found in Title 775 of the Oklahoma Administrative Code.

(e) Any wholesaler or distributor selling, supplying or dispensing veterinary prescription drugs for use in the State of Oklahoma shall maintain accurate written records containing information relating to the sale and/or distribution of such drugs, with sufficient detail to specifically identify the drug, the veterinarian ordering the drug, the date of distribution, the quantity of the drug, and the client receiving the drug. Such records shall be maintained by the wholesaler or distributor for a period of five years from the date of distribution of the drug and shall include, but not be limited to, the written order received from the veterinarian, a copy of the drug invoice and the bill of lading or other evidence of shipment. The records of a wholesaler or distributor selling, supplying or dispensing veterinary prescription drugs for use in the State of Oklahoma shall be available for inspection upon request by the Oklahoma State Board of Veterinary Medical Examiners or their designated representatives, during reasonable business hours.

(f) A violation of the provisions of the Pharmacy Act pertaining to veterinary prescription labeled drugs, by a person or entity, including an owner, a veterinarian and/or a wholesaler or distributor, shall constitute a violation of the Act.

(g) Every wholesaler or distributor selling, supplying or dispensing veterinary prescription drugs for use in the State of Oklahoma shall annually notify the Board of the name, address and business telephone number of each sales representative and/or veterinarian doing business in Oklahoma that is employed by or under contract with the wholesaler or distributor, by filing a written notice with the Board no later than January 1 of each year on printed forms provided by the Board for such purpose.

CHAPTER 30. FIELD CITATION PENALTIES

775:30-1-1. Classifications and administrative penalties

(a) Each field citation issued pursuant to The Oklahoma Veterinary Practice Act and/or rules of the Board shall be classified according to the nature of the violation as set out below. The field citation shall indicate the classification on its face.

(1) A Class "A" violation shall be a violation which the Executive Director of the Board has determined meets the following criteria:

(A) It is the first violation by a person who while engaged in and/or aiding and abetting in the practice of veterinary medicine has violated the Oklahoma Veterinary Practice Act or the rules of the Board; and

(B) The probable cause committee does not recommend the filing of a formal Complaint and Citation to be adjudicated by the Board en banc.

(2) A Class "B" violation shall be a violation which the Executive Director has determined meets the following criteria:

(A) It is the second or subsequent violation by a person who while engaged in and/or aiding and abetting in the practice of veterinary medicine has violated the Oklahoma Veterinary Practice Act or the rules of the Board; and

(B) The violation was committed by a person who has had one or more previous field citations preceding the instant violation, without regard to whether the previous Citation(s) has become final; and

(C) The probable cause committee does not recommend the filing of a formal Complaint and Citation to be adjudicated by the Board en banc.

(b) In recommending an administrative penalty or Board hearing, the following criteria shall be considered by the probable cause committee:

(1) The good or bad faith exhibited by the cited person;

(2) The nature and severity of the violation;

(3) Evidence that the violation was willful;

(4) Any history of violations of the same or similar nature;

(5) The extent to which the cited person has cooperated with the Board's investigation;

(6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by the violation; and

(7) Such other matters as justice may require.

(c) The specific administrative penalties shall be as follows:

(1) A Class "A" violation shall be subject to an administrative penalty not to exceed $2,500.00;

(2) A Class "B" violation shall be subject to an administrative penalty not to exceed $5,000.00;

(3) The administrative penalties required by this paragraph shall not be due and payable unless and until the previous action(s) has been adjudicated with a finding or penalty against the cited person;

(4) In the event that a predicate field citation(s) is adjudicated in favor of the cited person, thereby leaving no recidivist basis, any pending Class "B" field citation(s) shall revert to a Class "A" status.