

**DEPARTMENT OF REGULATORY AGENCIES
State Board of Veterinary Medicine
4 CCR 727-1
VETERINARY MEDICINE RULES AND REGULATIONS**

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1.00 APPLICATION FOR EXAMINATIONS AND LICENSURE.

- 1.01** An applicant for the national exam must complete the application required by the National Board of Veterinary Examiners. If the Board requires an exam in addition to or in lieu of the national exam, an applicant must complete the application required by the Board. An applicant for the national exam who is a senior student at an American Veterinary Medical Association (AVMA) accredited veterinary school other than the Colorado State University, College of Veterinary Medicine & Biomedical Sciences must submit a letter to the National Board of Veterinary Examiners from their Dean on school letterhead indicating their expected graduation date. An applicant for the national exam who is a graduate of an AVMA accredited veterinary school must provide a final transcript showing proof of degree to the National Board of Veterinary Examiners. An applicant for the national exam from non-approved foreign schools must submit a letter to the National Board of Veterinary Examiners from the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE) verifying their enrollment in the program and completion of the Step 3 Requirement.
- 1.02** An applicant for licensure by examination who graduated from an AVMA accredited veterinary school must submit to the Board a completed application and a final transcript showing proof of degree or a letter from the Dean of the School/College of Veterinary Medicine or the College/University Registrar stating that the applicant has been awarded the degree Doctor of Veterinary Medicine. The letter must bear the seal of the institution.
- 1.03** An applicant for licensure by examination who graduated from a non-approved College of Veterinary Medicine outside of the United States or Canada must also submit a copy of their Educational Commission for Foreign Veterinary Graduates (ECFVG) or Pave Certificate or equivalent dated after July 1, 1980 as issued.
- 1.04** All applicants for licensure by examination shall pass the national exam before applying for licensure.

2.00 APPLICATION FOR LICENSE BY ENDORSEMENT.

- 2.01** Applicants for licensure by endorsement § (12-64-108(4)(a), CRS, 2001) must have an active license in good standing in another state, must possess credentials and qualifications which are “substantially equivalent” to requirements in Colorado for licensure by examination, and must comply with the following:
- a.** The applicant must submit evidence that they have graduated from an approved school of veterinary medicine or an applicant who is a graduate of a non-approved college of veterinary medicine outside of the United States or Canada must submit a photostatic copy of their Educational Commission for Foreign Veterinary Graduates (ECFVG) Certificate or equivalent dated after July 1, 1980 as issued, or the applicant must demonstrate to the satisfaction of the Board that they possess qualifications and credentials which are substantially equivalent as set forth in rule 4; and
 - b.** The applicant must submit evidence that they have passed the written or computerized national examination or the currently accepted national examination or other equivalent written or computerized examination required by the Board with a score meeting the Colorado standards at the time of application or the applicant is otherwise able to demonstrate to the satisfaction of the Board that they possess qualifications and credentials which are substantially equivalent as set forth in rule 4.

- c. The applicant must submit verification from the state from which they are endorsing that their license is active and in good standing in that state.

3.00 SPECIALTY BOARD CERTIFICATIONS.

- 3.01 Applicants seeking licensure by specialty Board certification (CRS 12-64-108 (4)(b), 2001) must meet the requirements of rule 2.01a and 2.01b and provide evidence of Board specialty certification.

4.00 EXAMINATIONS.

- 4.01 Acceptable written or computerized national testing service examination(s) used by the Board may be examination(s) prepared by a national testing service.
- 4.02 The passing score for the acceptable written or computerized national testing service examination(s) shall be the level of test performance, as determined by the Board, that represents minimal acceptable competence. This may be a criterion referenced passing score.
- 4.03 In determining whether a written examination is substantially equivalent to the national examination for purposes of CRS 12-64-107(3)(c), 12-64-108(4)(a), or 12-64-108(4)(b), the Board will take into consideration the subject matter tested; the number of questions asked; how the examination was administered; whether the examination is recognized by a reliable source such as a testing service, institution, or another jurisdiction; specifications; reliability; the recency of the examination; and the minimum passing score equivalent.
- 4.04 The Board may, in its discretion, supplement the national examination by orally or practically examining any person qualifying for licensing.

5.00 LICENSE RENEWALS AND REINSTATEMENTS.

5.01 Renewals.

- a. The Board may prescribe renewal requirements, including compliance with the required continuing education.
- b. Pursuant to 24-34-102(8)(c), a licensee shall have a sixty-day grace period after the expiration of their license to renew such license without the imposition of a disciplinary sanction for practicing on an expired license.
- c. Pursuant to 24-79.5-102(3), a delinquency fee shall be charged for late renewals.
- d. The license of a licensee who does not renew their license within the sixty-day grace period shall expire and the licensee shall not practice until such license is reinstated. If the licensee has practiced with an expired license, the Board may impose disciplinary actions.

5.02 Reinstatements.

- a. An expired license may be reinstated by submitting a reinstatement application and paying a reinstatement fee.

- b. If the license has been expired for more than two years, the licensee shall pay a reinstatement fee and provide satisfactory proof of the completion of all delinquent continuing education.
- c. If the license has been expired for more than five years, the licensee shall pay a reinstatement fee, submit proof of completion of all delinquent continuing education, and the Board may require them to retake the national examination, or take any other measures pursuant to CRS 24-34-102 (8) (d) that the Board determines is necessary. Exceptions may be made because of military service duty.

5.03 Reactivation.

- a. A licensee may request to inactivate their license. If the license becomes inactive, it still must be renewed, but the licensee need not take continuing education during the inactive period. Should the licensee desire to re-activate their license within a three year period after becoming inactive, they must file a form to reactivate, pay the proper fees and document evidence of all cumulative required continuing education hours.
- b. If the licensee has been in inactive status for longer than three years, they must file a form to reactivate, pay the proper fees, and retake the national exam. If the licensee can document that they have maintained an active license in good standing in another state during the period that the Colorado license has been inactive, they need not re-take the national exam. Good standing in this situation means that the licensee has no pending or standing disciplinary actions.

5.04 Continuing Education.

- a. If a renewal date occurs during the year of original Colorado licensure, continuing education will not be required for the first renewal. If the renewal date occurs the year after original licensure, the registrant shall obtain 16 hours of continuing education prior to the biennial renewal.
- b. Board approved veterinary education programs shall include, but not be limited to meetings of:
 - (1) American Veterinary Medical Association.
 - (2) American Animal Hospital Association.
 - (3) American Association of Equine Practitioners.
 - (4) American Association of Bovine Practitioners.
 - (5) American Association of Swine Practitioners.
 - (6) American Association of Sheep and Goat Practitioners.
 - (7) Other allied groups of the AVMA holding meetings with scientific medical content.
 - (8) Regional Veterinary Medical Association Conferences.
 - (9) Local or state association meetings or university sponsored annual conferences for veterinarians with veterinary medicine medical content.

- (10) Board approved postgraduate studies, courses and seminars.
 - (11) Programs sponsored by recognized veterinary associations, schools of veterinary medicine, established educational groups, and industry sponsored educational programs. The sponsors must have a mechanism for recording and submitting attendance information to the Board.
 - (12) With Board approval, auto tutorial programs may be substituted.
 - (13) Subject to the final approval of the Board, the Secretary of the Board may rule in regard to the approval of other meetings or programs.
- c. The Board may approve no more than six (6) hours of continuing education credit per licensing period for practice management based presentations including but not limited to leadership training, personnel management, client relations, communication training and integrated resource management principles.

Those presentations dealing with financial based subjects including but not limited to bookkeeping procedures, financial planning, retirement planning, and insurance programs will not be approved as acceptable continuing education.

No presentation that is primarily promotional in nature regardless of subject material will be acceptable.

6.00 VETERINARY MEDICAL ETHICS AND CODE OF CONDUCT.

in order to safeguard the public health, safety and welfare and to establish and maintain a high standard of ethics, professional conduct and integrity in the practice of veterinary medicine in this state, the Board hereby establishes the following code of ethical conduct applicable to all Colorado veterinarians. Violations of this code may result in disciplinary action by the Board. CRS 12-64-111(2005).

6.01 Primary Consideration.

- a. Veterinarians should place the needs of the patient first in their practice of veterinary medicine. This includes the needs to relieve disease, diminish suffering, minimize pain and fear, provide palliative care where appropriate and ensure patient care to the best of their abilities.
- b. In these rules, "patient" includes, but is not limited to, herds, flocks, litters, large groups, and individual patients.

6.02 Care.

Once a veterinarian has accepted a patient for care and established a veterinarian-client-patient relationship (VCPR), care must be provided as best as possible within the constraints of the agreed upon parameters of the VCPR. Veterinarians may decline a VCPR in individual cases, and are advised to do so in cases where they lack the appropriate expertise, environment or experience to practice safely. In cases where the client limits payment, veterinarians are encouraged to clearly inform the client of the prognosis with and without treatment. Veterinarians should provide care only within their ability and competence.

6.03 Twenty-four Hour Care.

Veterinarians who advertise and offer 24 hour care to clients must ensure that such care is provided on a 24 hour basis. Staff must be available on site throughout the 24 hour period, and care given must be documented. If the veterinarian lacks the resources to treat such patients, then the client should be referred to a facility with the necessary resources. The veterinarian should also provide necessary supportive care prior to the transfer, and expedite transfer unless the referral is declined.

6.04 Emergency Care.

In emergency situations, veterinarians should provide essential services to patients when necessary to relieve suffering or to save life. If the veterinarian is unable to treat an emergency patient, then he should offer to refer the client to a facility with the necessary resources to treat the patient, provide necessary supportive care in the interim prior to transfer, and expedite the transfer unless the referral is declined. Veterinarians are encouraged to clearly inform the client of the prognosis with and without treatment.

6.05 Representations.

Veterinarians should be honest, fair, and considerate in their dealings with clients and other colleagues. It is unethical for veterinarians to misrepresent their credentials, experience, expertise or academic degrees. Veterinarians must not engage in fraud, deceit or misrepresentation, nor become involved in situations where a conflict of interest may occur.

6.06 Influences on Judgment.

The choice of treatments or animal care should consider the welfare of the patient, welfare and financial resources of the client, and the safety of the public.

6.07 VCPR.

The veterinary client patient relationship is the basis for veterinary care. To establish such a relationship, the veterinarian should have sufficient knowledge of the animal to understand its current health and render at least a preliminary diagnosis. This would require that the veterinarian is personally acquainted with the animal (herd, flock, litter, or large group) either through office or home visits.

6.08 Prescription Drugs.

Veterinarians may only prescribe medication when they have a VCPR with the animal (herd, flock, litter, or large group). Under federal and state law, veterinarians may not sell, distribute, dispense or participate in or arrange for the sale of prescription medicines in any fashion except through a VCPR. Veterinarians are charged with knowledge of the pharmacy practice act provisions that apply to their practice, as well as the laws and regulations of the federal food and drug administration. When a client requests a copy of a prescription for their animal under current treatment, the veterinarian must provide it to the client.

6.09 Medical Records.

Medical records must be kept by veterinarians in all cases in which they have a VCPR. Records must also be kept in any other situation where a veterinarian has provided care or prescribed or dispensed drugs. Clients have a statutory right to copies of the medical records of their animals, and copies must be provided in a reasonable length of time.

6.10 Communication.

The veterinarian must communicate to the client the procedures, diagnoses, proposed treatments, estimated cost and prognosis for the animal. Such communication should be sufficient to enable the client to understand clearly the problem and the choices that must be made. If other staff are involved in the communication process, it is the responsibility of the veterinarian to ensure that such communications are appropriate.

6.11 Advertising.

No veterinarian may advertise Specialty Board Certification without certification by the American Veterinary Medical Association in that specialty area. It is unethical to allow one's credentials to be used by any organization that engages in, or has members that engage in the unauthorized practice of veterinary medicine. A veterinarian should only advertise information about their practice that is accurate and services that are actually provided.

6.12 Aiding and Abetting.

No veterinarian may engage in acts that aid and abet the unlicensed practice of veterinary medicine. This includes situations where duties delegated to office staff include duties reserved for veterinarians. This also includes, but is not limited to employment where non-veterinarians influence or engage in the practice of veterinary medicine.

6.13 Environment.

All veterinarians must maintain a sanitary environment in which they care for animals. This includes, but is not limited to sanitation, disinfection, disposal of waste and any other activity required to address the cleanliness in which animals are treated. If veterinarians work in clinics they do not own, they are responsible for ensuring that their work is done in a clean environment and within the standard of care.

7.00 RULES AND REGULATIONS CONCERNING ARTIFICIAL INSEMINATION.

7.01 General Provisions.

- a. Artificial insemination, ova transplant, and embryo transplant shall be performed according to accepted clinical standards as taught and/or described in the scientific literature or otherwise used in the scientific literature or otherwise established by practitioners or livestock producers.

8.00 DECLARATORY ORDERS.

8.01 Any person¹ may petition the Board for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.

8.02 The Board will determine, in its discretion and without notice to petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.

8.03 In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the following matters, among others:

¹ Refer to existing definition of "person" in APA, rules or statute, if any.

- a. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision or rule or order of the Board.
- b. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner.
- c. Whether the petition seeks a ruling on a moot or hypothetical questions or will result in an advisory ruling or opinion.
- d. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colo. R. Civ. P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.

8.04 Any petition filed pursuant to this rule shall set forth the following:

- a. The name and address of the petitioner and whether the petitioner is licensed pursuant to the provisions of CRS 1973, 12-64-101, et seq., as amended.
- b. The statute, rule or order to which the petition relates.
- c. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.

8.05 If the Board determines that it will rule on the petition, the following procedures apply:

- a. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case:
- b. Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
- c. The Board may order the petitioner to file a written brief, memorandum or statement of position.
- d. The Board may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
- e. The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
- f. The Board may request the petitioner to submit additional facts, in writing. In such event, such additional fact will be considered as an amendment to the petition.
- g. The Board may take administrative notice of facts pursuant to the Administrative Procedure Act (CRS 1973, 24-4-105(8)) and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.
- h. The Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.

- i. The Board may, in its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire.
- j. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Board to consider.

8.06 The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene may be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by section 4 of this rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Board.

8.07 Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to CRS 1973, 24-4-106.

9.00 ADDRESS CHANGES.

Every person licensed under this article shall furnish their mailing address to the Board, in writing, at the time of original licensure and at renewal. If such address changes, the licensee must notify the Board in writing of the new mailing address within thirty days.

10.00 DEFINITION OF DENTISTRY.

10.01 "Dentistry" means:

- a. The diagnosing, treating, correcting, changing, relieving or preventing abnormalities of the oral cavity, maxillofacial area or associated structures, including surgical, non-surgical or related procedures; and
- b. The application or use of any instrument or device to any portion of an animal's tooth, gum, or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of an animal's tooth, gum or related tissue; and
- c. Preventive dental procedures including, but not limited to the removal of calculus, soft deposits, plaque, stains or the smoothing, filing or polishing of tooth surfaces; and
- d. Nothing in this section shall prohibit, however, any person from utilizing cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth.