

RULES & REGULATIONS

**Promulgated by Authority under the
Board of Veterinary Medicine Practice Act
W. S. 33-30-101 through 33-30-215**

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CHAPTER 1

DEFINITIONS, LICENSE AND PERMIT

Section 1. Authority. The following Rules, including all chapters, have been adopted and promulgated by the Wyoming Board of Veterinary Medicine pursuant to the authority of the Wyoming Veterinary Medical Practice Act, W. S. 33-30-201 through 33-30-215.

Section 2. Definitions. All definitions set forth in the Wyoming Veterinary Practice Act are incorporated into these Rules in addition to the following:

(a) “Act” means the Wyoming Veterinary Medical Practice Act, W.S. 33-30-201 through 33-30-215.

(b) “Artificial Insemination” means the deposit of sperm into the genital tract of a female food animal, equine, or companion animal by transcervical methods.

(c) “Artificial Insemination Technician” means a person who has a valid and current permit issued by the Board to perform artificial insemination of a food animal, equine, or companion animal.

(d) “Board” means the Wyoming Board of Veterinary Medicine.

(e) “Client” means the owner or caretaker of an animal presented to a Licensee or Temporary Permit Holder for veterinary medical care.

(f) “Direct-Transfer” means the placing of an embryo into the reproductive tract of a female food animal by transervical methods.

(g) “Direct-Transfer Technician” means an individual permitted by the Board to perform direct transfer to a food animal.

(h) “Embryo Transplant” means the procedure of the removal of ova or embryos from a donor bovine animal and subsequent implantation of the embryos into a surrogate mother bovine animal.

(i) “Embryo Transplant Technician” means a person who has a valid and current permit issued by the Board to perform non-surgical embryo transplants.

(j) “Practice of Embryo Transplanting” involves basic knowledge, skills and abilities in manual rectal palpation, synchronization and stimulation with hormones, administration of local anesthetics, flushing with lab media, use of microscopes, freezing and thawing of embryos, catheterizing animals, administration of antibiotics and grading of embryos. The practice and procedures of Embryo Transplanting by technicians is limited to non-surgical.

(k) “Licensee” means a veterinarian who has been properly licensed by the Board, pursuant to the Act and these Rules, to practice veterinary medicine in this state.

(l) "Mobile Veterinary Practice" is a clinical veterinary practice that may be transported or moved from one location to another for delivery of veterinary medical care. Mobile Veterinary Practice may be general care, limited care or outcall care.

(m) "Patient" means an animal presented to a Licensee or Temporary Permit Holder to receive veterinary medical care.

(n) "Temporary Permit Holder" means a veterinarian who has been issued a temporary permit by the Board, pursuant to the Act and these Rules.

(o) "State" means the State of Wyoming.

Section 3. License and Registration of Veterinarians.

(a) Applicants for license to practice veterinary medicine shall:

(i) Be a graduate from a school of veterinary medicine approved by the Board. If the applicant has not graduated at the time the application is filed, a letter of expected graduation, signed by the President or Dean of the applicant's accredited school of veterinary medicine shall be furnished to the Board.

(ii) Have passed a National examination approved by the Board with a score of at least seventy-five (75%) percent within the last three years or has for the last five (5) years been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time of application which were substantially equivalent to the requirements of W.S. 33-30-201 through 33-30-215.

(iii) Submit a completed application for license on forms provided by the Board accompanied by the required application fee.

(iv) Request an official transcript be sent directly from the registrar of the school of veterinary medicine to the Board.

(v) Request verification from all jurisdictions in which they have held or currently hold a license or permit and the status of that license or permit.

(vi) Provide an affidavit that no complaint has been filed and/or is pending, no investigation is pending and no disciplinary action has been taken or is pending against the applicant.

(vii) Successfully complete a state examination with a passing score of at least seventy-five (75) percent.

(b) Temporary permits.

(i) Upon approval by the Board, a temporary permit may be granted to a qualified graduate waiting to take the national examination.

(ii) Every applicant who has been issued a temporary permit while waiting to take the national examination shall practice veterinary medicine only under the responsible supervision of a Licensee who is actively engaged in the practice of veterinary medicine.

(iii) Responsible supervision requires the supervising Licensee to exercise professional judgment in determining the degree of supervision needed for each individual Temporary Permit Holder. In determining the supervision necessary, the supervising Licensee shall consider:

- (A) The degree of professional expertise demonstrated by the Temporary Permit Holder;
- (B) The length of time the Temporary Permit Holder has already been under supervision;
- (C) The Temporary Permit Holder's ability to communicate; and
- (D) Any other factors which the supervising Licensee deems appropriate.

(iv) The supervising Licensee shall not:

- (A) Be absent from the veterinary clinic for more than fourteen (14) consecutive days or more than twenty-one (21) total days, in a six (6) month period, exclusive of weekends;
- (B) Conduct the supervision from a separate clinic.

CHAPTER 2

ARTIFICIAL INSEMINATION OF ANIMALS

Section 1. Permit Required.

(a) Every Artificial Insemination Technician shall first obtain a permit issued by the Board before performing Artificial Insemination.

- (i) Permits shall be specific to the following:
 - (A) Food animal Artificial Insemination;
 - (B) Equine Artificial Insemination;
 - (C) Companion animal Artificial Insemination.

(b) A permit shall not be required of either a Licensee or Temporary Permit Holder practicing veterinary medicine.

(c) A permit shall not be required to perform Artificial Insemination upon domestic animals by the owner or by the owner's full-time employee.

Section 2. Application For a Permit. Application for a permit to perform Artificial Insemination shall be made in writing to the Board on a form provided by the Board. The application fee shall accompany the application.

Section 3. Basis for Issuance of Permit.

(a) The applicant shall be a graduate of an Artificial Insemination course approved by the Board. The applicant shall request that official transcripts or verification of course completion be forwarded to the Board office directly from the source.

(b) The applicant shall request verification from all jurisdictions in which they have held or currently hold a license or permit and the status of that license or permit.

(c) Permits shall be renewed annually as required by Chapter 3 of these Rules.

(i) At the time of renewal, permit holders shall submit proof of completion of at least one course between January and December of the current year related to Artificial Insemination.

Section 4. Records. A record shall be kept for every Artificial Insemination performed and shall include:

- (a) Identification of the animal or group;
- (b) Owner of the animal or group;
- (c) Source of semen used;

(d) Name of technician; and

(d) Date performed.

Section 5. Discipline and Denial.

(a) The Board may deny, suspend or revoke a permit or otherwise discipline an Artificial Insemination Technician based upon the following:

(i) Misrepresentation in applying for a permit;

(ii) Immoral or unprofessional conduct;

(iii) Violation of a Board Rule or Regulation pertaining to Artificial Insemination.

(iv) Violation of the Wyoming Veterinary Medical Practice Act, WYO Stat. 33-30-201 et.seq.

(b) Artificial Insemination Technicians shall be subject to disciplinary practices and procedures as set forth in Chapter 5, of these Rules.

(b) The Board may seek an injunction in the district court enjoining any individual from performing Artificial Insemination in violation of the Act or these Rules

CHAPTER 3

FEES LICENSE AND PERMIT

Section 1. Practice of Veterinary Medicine.

(a) Application Fee: \$300.00

(b) Annual License Renewal Fee: \$65.00

(i) The renewal fee is waived for veterinarians on active duty with any branch of the armed services of the United States for three (3) consecutive years or the duration of a national emergency.

(c) Late Annual Renewal Fee: \$130.00

(d) Temporary Permit Fee: \$200.00

Section 2. Practice of Artificial Insemination.

(a) Application Fee: \$50.00

(b) Annual Permit Renewal Fee: \$30.00

(c) Late Annual Renewal Fee: \$60.00

Section 3. Practice of Embryo Transplant or Embryo Transfer.

(a) Embryo Transplant Application Fee: \$100.00

(b) Annual Embryo Transplant Renewal Fee: \$30.00

(c) Late Embryo Transplant Annual Renewal Fee: \$60.00

(d) Embryo Transfer Application Fee: \$50.00

(e) Annual Embryo Transfer Renewal Fee: \$30.00

(f) Late Embryo Transfer Annual Renewal Fee: \$60.00

Section 4. Miscellaneous.

(a) Duplicate license or permit: \$25.00

Section 5. License and Permit Renewal.

(a) A license or permit may be renewed annually on or before December 31 upon receipt of a completed renewal form, payment of the renewal fee and completion of continuing

education as required by Chapter 2, 4 or 6, depending on the type of license or permit being renewed.

(b) A license or permit not renewed on or before December 31 has expired and the holder may not lawfully practice in Wyoming.

(c) An expired license or permit may be renewed within sixty (60) days of expiration upon receipt of a completed renewal form, payment of the late renewal fee, and completion of continuing education as required by Chapter 2, 4 or 6, depending on the type of license or permit being renewed.

(d) An individual who has failed to have a license or permit renewed within sixty (60) days of the December 31 expiration date, must meet the requirements of Chapter 1, Section 3; Chapter 2, Section 3; or Chapter 6, Section 2, depending on the type of license or permit.

(e) When timely and proper application has been made for the renewal of a license or permit, the existing license or permit shall not expire until the application has been considered by the Board.

CHAPTER 4

STANDARDS OF PROFESSIONAL CONDUCT FOR THE PRACTICE OF VETERINARY MEDICINE

Section 1. Standards.

(a) All standards established by these Rules shall apply to both Licensees and Temporary Permit Holders practicing veterinary medicine. Use of the term Licensee shall also include Temporary Permit Holder where applicable and not inconsistent with the Act or these Rules.

(b) The Board adopts, incorporates and enforces as standards for professional conduct, the Principles of Veterinary Medical Ethics, published by the American Veterinary Medical Association Judicial Council designated as Appendix A.

Section 2. Continuing Education Requirements.

(a) Every two years each Licensee shall satisfactorily complete a minimum of twenty-four (24) credit hours of continuing education approved by the Board in subjects related to the practice of veterinary medicine to be eligible for renewal of a license.

(b) It is the responsibility of the Licensee to maintain and provide proof of continuing education attendance on a form provided by the Board. The form shall be submitted with the Licensee's renewal application in the year for which it is due.

(c) Credit hours shall be earned by one-hour credit for each hour of attendance at or participation in meetings and programs approved by the Board. Board approved programs include but are not limited to those sponsored by American Veterinary Medical Association, American Animal Health Association, Western States Veterinary Conference, veterinary college conferences, Wyoming Veterinary Medical Association and any other affiliated association or society. Programs shall be specifically related to the practice of veterinary medicine to qualify. The number of practice management hours shall not exceed twenty-five (25%) percent of the total requirement.

(d) Exemptions are:

(i) New graduates who have secured a license by examination and are applying for their first annual license shall be exempt from completing continuing education credits until the second renewal after license issuance.

Section 3. Additional Standards.

(a) The practice of veterinary medicine and surgery shall be provided in a competent and humane manner consistent with prevailing standards of practice for the species of animal and the professed area of expertise of the Licensee. For a Licensee to properly exercise the rights granted by the license, a veterinarian-client-patient relationship shall exist.

(b) A veterinarian-client-patient relationship shall be characterized by:

(i) The Licensee assuming the responsibility for making medical judgments regarding the health of the animal and the need for medical treatment;

(ii) The client has agreed to follow the instructions of the Licensee;

(iii) The Licensee having sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of its medical condition. This means that the Licensee has recently seen and is personally acquainted with the keeping and care of the animal as a result of an examination or by medically appropriate and timely visits to the location where the animal is kept.

(iv) Readily available follow up care in case of adverse reactions or failure of the regimen of therapy.

(c) The provision of pharmaceutical services is governed by the following:

(i) No prescription drug shall be prescribed, dispensed or administered without the establishment of a valid veterinarian-client-patient relationship.

(ii) A Licensee is responsible for assuring that a prescription drug or biologic prescribed for use is properly administered or providing instructions to clients on the proper administration of drugs when the Licensee does not provide direct supervision of administration.

(iii) Drugs and Biologics shall be stored according to the packaging and storage requirements set forth in the most recent edition of the United States Pharmacopeia.

(d) Record keeping shall be as follows:

(i) A Licensee performing treatment or surgery on an animal, whether in the Licensee's custody at a veterinary facility or remaining on the client's premises, shall prepare a written record or computer record concerning the animal setting forth the following information:

(A) Name, address and telephone number of owner;

(B) Identity of the animal, including age, sex and breed;

(C) Dates of examination, treatment and surgery;

(D) Brief history of the condition of each animal, herd or flock;

(E) Examination findings;

(F) Laboratory and radiographic reports;

(G) Clinical impression; and

(H) Medication and treatment utilized, including amount and

frequency.

(ii) Individual records shall be maintained on each animal, except that records on food, fiber, milk animals, birds and horses may be maintained on an individual client basis.

(iii) Medical records and radiographs are the physical property of the hospital or the Licensee that prepared them. Records and radiographs shall be maintained for a minimum of three (3) years after the last visit.

(iv) Medical records and radiographs or an accurate copy thereof, shall be released to the client or the Board, within two (2) weeks of a written request. A reasonable charge for copying or preparation of records may be made, except in the case of a Board investigation, in which case no charges are authorized.

(v) A radiograph shall be permanently identified. It shall be released on the written request of another veterinarian who has the written authorization of the client to whom it pertains. The radiograph shall be returned within a reasonable time to the practice, which originally prepared the radiograph.

(vi) Contents of medical records shall be kept confidential and not released to third parties unless authorized by the client or required by law.

(e) Emergency service shall be provided as follows:

(i) The staffing for an emergency veterinary facility shall include a Licensee on the premises at all times during the posted hours of operation.

(ii) Advertisements for emergency veterinary facilities shall clearly state:

(A) The hours the facility will provide emergency service;

(B) A licensed veterinarian is on the premises during the posted emergency hours; and

(C) The address and telephone number of the facility.

(iii) "Veterinarian on call" means a Licensee is not present at a veterinary facility, but is able to respond within a reasonable time to requests for emergency veterinary services. The facility's services shall not be considered or advertised as an emergency clinic or hospital.

(iv) If continuing care of the patient is required following emergency service, the client shall be provided with a legible copy of the medical record to be transferred to the next attending veterinarian, or a copy must be transmitted directly to the attending veterinarian. The information included in the medical record shall consist of at least the following:

(A) Findings of physical examination;

(B) Dosages and time of administration of medications;

(C) Copies of diagnostic data or procedures;

- when transferred;
- (D) All radiographs, for which the facility shall obtain a signed release
 - (E) Surgical summary;
 - (F) Tentative diagnosis and prognosis; and
 - (G) Follow-up instructions and/or recommendations.

(v) An emergency facility shall have the equipment necessary to perform standard emergency medical procedures and shall have the capability to render timely and adequate diagnostic radiologic services, laboratory services and diagnostic cardiac monitoring on the premises.

(f) Mobile veterinary practice may include:

(i) Providing a wide range of medical or surgical care in a mobile vehicle modified and comparably equipped to function as a fixed veterinary practice facility;

(ii) A mobile extension of a fixed location general veterinary practice, located within the same practice area, but physically removed from the practice premises. Depending on the types of animals being treated, an outcall care provides vaccinations, physical examinations, treatments, diagnostic screenings and surgery.

(iii) Any transportation used to transport Licensee and equipment to provide veterinary care.

(A) In all types of mobile veterinary practice, patient care shall be consistent with prevailing standards of practice and a veterinarian-client-patient relationship shall exist.

(B) In all types of mobile veterinary practice, the Licensee shall make provisions for follow-up care, emergency care, surgery and radiology if not available to the mobile unit. Clients shall be informed in writing of these provisions.

(C) Mobile veterinary practice vehicles shall be maintained in a clean and sanitary condition. Vehicles shall contain equipment necessary to perform physical examinations, surgical procedures and medical treatments consistent with the type of care being rendered and the prevailing standards of practice for those services.

(D) The Board or its agent may inspect mobile veterinary vehicles for compliance with these Rules.

Section 4. Responsible Supervision.

(a) A Licensee is professionally and legally responsible for any practice of veterinary medicine by the Licensee's unlicensed employees. An employee's practice of veterinary

medicine without a license constitutes grounds for the Board to take disciplinary action against the Licensee. A Licensee shall have established a valid veterinarian-client-patient relationship prior to the delegation of an animal health care task to a non-licensed employee as allowed by the Act.

(b) A Licensee shall not authorize a non-licensed employee to perform the following functions:

- (i) Surgery
- (ii) Diagnosis and prognosis; or
- (iii) Prescribing of drugs, medicines and appliances.

(c) A Licensee shall ensure that the activities of a supervised individual are within the scope of the orders, assignment or prescriptions of the Licensee and within the capabilities of the individual. This does not prohibit the performance of animal health care tasks by the unlicensed individual as allowed by the Act and only at the customary place of business. The Licensee shall not conduct the supervision from a separate and different clinic. Nor does it prohibit, under emergency situations, where an animal requires immediate treatment to sustain life or prevent further injury, an unlicensed employee from rendering lifesaving aid and treatment in the absence of a Licensee.

Section 5. Premises and Housing Facilities.

(a) Separate cages shall be provided for each hospitalized animal, except that neonate and juvenile littermates or animals from the same client may be caged together when appropriate. Cages shall be cleaned and sanitized before their use by newly arriving animals. Excreta, spilled feed and water shall be removed from cages as often as necessary to prevent contamination of the animals, reduce hazards to the health of the animals, and eliminate odors. Cage size shall be sufficient to allow an animal to stand, sit, lie down and turn around comfortably.

(b) Animals having clinical evidence of infectious, contagious or communicable disease shall be separated at all times from other animals so as to minimize the spread of disease.

(c) Equipment shall be maintained in a clean and sanitary condition at all times.

(d) Food and water for animals shall be kept free from contamination, and all receptacles for food and water shall be kept in a clean and sanitary condition. Animals must be provided with food of sufficient quantity and quality to allow normal growth or the maintenance of body weight. Clean, potable water sufficient to satisfy the animal's needs shall be provided at all times.

(e) An effective program for the control of pests on the premises shall be established and maintained.

(f) The premises shall be kept clean and in good repair to facilitate acceptable sanitary practices and shall be kept free of accumulations of refuse or debris.

(g) All supplies, including food and bedding, must be stored in facilities that adequately protect the supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologics.

(h) Disposal facilities shall be operated to prevent a nuisance condition, to minimize pest infestation, odor and disease hazards.

(i) Reliable electric power and potable water adequate for the practice of veterinary medicine shall be available at all times on the premises.

(j) Housing facilities shall be cleaned and disinfected as necessary to maintain a clean and sanitary condition at all times.

(k) A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. Drains shall be constructed and maintained in good repair to avoid foul odors. If closed drainage systems are used, they shall be installed to prevent any backup of sewage and other waste materials onto the floors of the facilities.

(l) Indoor housing facilities shall be sufficiently heated when necessary to protect the animals from cold and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below fifty (50) degrees Fahrenheit for animals not acclimated to lower temperatures.

(m) The surfaces of indoor housing facilities with which animals come into contact shall be so constructed and maintained to be substantially impervious to moisture and to be readily sanitized.

(n) Indoor housing facilities shall have ample light, by natural or artificial means, or both, of sufficient intensity and uniform distribution to permit routine inspection and cleaning.

(o) Outdoor housing facilities shall provide adequate shelter to properly protect animals from sun, rain, snow and other weather elements and must provide adequate bedding, water and food.

(p) Housing facilities shall be structurally sound and kept in good repair. The facilities shall be designed and built to protect the animals from injury, contain the animals and to restrict the entrance of other animals.

(q) Indoor housing facilities shall be adequately ventilated to prevent the collection of offensive odors and to provide for the health and comfort of animals at all times. The facilities shall be provided with fresh air either by means of windows, vents or air conditioning and shall be ventilated to minimize drafts, odors and moisture condensation.

(r) When sterile surgical services are provided or when prevailing standards dictate sterile surgery, the following shall apply:

(i) The surgery room shall be clean, orderly, properly maintained, capable of being adequately disinfected, well-lighted and provided with effective emergency lighting;

(ii) The floors, table tops and counter tops of the surgery room shall be constructed of a material suitable for regular disinfecting and cleaning; and Instruments, equipment and packs for sterile surgery shall be:

(A) Adequate for the type of surgical service provided; and

(B) Sterilized by a method sufficient to kill spores.

(s) Proper illumination for viewing radiographs shall be available.

Section 6. Inspectors.

(a) The Board or its agent may perform inspections of any Licensee's facilities at any reasonable time to ensure sanitation and cleanliness in compliance with the Act and these Rules.

(b) Inspection reports shall be provided to each Licensee who has been inspected.

(c) The Board shall allow reasonable time for the facility to be brought into compliance with the Act and these Rules.

CHAPTER 5

APPLICATION REVIEW, COMPLAINTS, AND HEARING PROCEDURES

Section 1. Application Review Process.

(a) Upon receipt of a completed application, the Board Office shall review the application and if it is complete and, if there are no known grounds for denial of the license/permit requested, issue the license/permit. If there are known grounds for denial, the Board Office shall forward the application to the Application Review Committee (ARC).

(b) The ARC shall review the application and all other information available and following the review may:

(i) Approve the application if the applicant meets all requirements; or

(ii) If there are questions as to whether denial is appropriate, forward the application and an ARC report to the Assistant Attorney General assigned to the Board for prosecution to review.

(c) If, after review, the ARC and Assistant Attorney General recommend denial of an application:

(i) A preliminary denial letter shall be sent to applicant. The letter shall:

(A) State the basis for the denial including relevant statutes and rules;
and

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial becomes final.

(iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARC, the Assistant Attorney General, and the applicant.

(iv) Following a reconsideration conference, the ARC shall either approve or deny the application.

(v) If denied, the applicant must submit a written request for a hearing within thirty (30) days of the date of the denial letter.

(d) Application denial hearings.

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The hearing is to be conducted in the presence of a quorum of the Board, with a hearing officer presiding.

(iii) The applicant has the burden of proving that he/she meets all requirements for the license requested.

(e) The ARC shall not take part in the consideration of any contested case.

(f) The ARC shall not, by this rule, be barred from attending any disciplinary hearing.

Section 2. Complaints.

(a) A disciplinary action is initiated against a license/permit holder by submitting a written complaint to the Board office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member, or a Board staff member. The written complaint should provide as much of the following information as may be available and applicable:

(i) The name and address of the complainant;

(ii) The name, address, place of employment, and telephone number of the license/permit holder against whom the charges are made;

(iii) The specific conduct alleged to constitute the violation;

(iv) The name and address of any other witnesses; and

(v) The signature of the complainant.

Section 3. Review of Written Complaint.

(a) Written complaints shall be referred to an Investigative Board Member (IBM) selected by Board staff from a rotating schedule. License/permit holders against whom charges are made will be advised of the investigation, the name of the IBM, and the nature of the complaint.

(i) The IBM shall not take part in the consideration of any contested case.

(ii) The IBM shall not, by this rule, be barred from attending any disciplinary hearing.

Section 4. Investigations and Board Action. The IBM and Board staff shall investigate those written complaints received which merit further investigation.

(a) Upon completion of the investigation the IBM shall:

(i) Dismiss the complaint if no evidence of violation of the Act or Board rules is found; or

(ii) Prepare an investigative report which shall include:

(A) The findings;

violated; and (B) A list of statutes and/or Board rules believed to have been

(C) Any relevant additional information.

(b) The IBM shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.

(c) Following consultation with the Assistant Attorney General, the IBM may:

(i) Send the notice required by Section 5;

(ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;

(iii) Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;

(iv) Recommend the Board dismiss the complaint.

(d) The Board may resolve a complaint at any time by:

(i) Accepting a voluntary surrender of a license;

(ii) Accepting conditional terms for settlement;

(iii) Dismissal.

Section 5. Service of Notice and Opportunity to Show Compliance.

Prior to commencement of a formal hearing, the IBM shall give notice by mail to the license/permit holder of the facts or conduct which warrant his/her intended action. The notice shall give the license/permit holder and opportunity to show compliance with all lawful requirements for retention of the license/permit within twenty (20) days of the mailing of the notice. Such notice shall be sent to the license/permit holder's last known address both by certified mail within return receipt requested and by first class mail.

Section 6. Formal Hearing Procedures.

(a) Formal proceedings for a hearing before the Board regarding action against a license/permit holder shall be commenced by petition and notice of hearing, served in person, or by both certified mail and first class mail sent to the address last known by the Board at least thirty (30) days prior to the date set for the hearing. The petition and notice shall contain at least:

(i) The name and address of the license/permit holder;

(ii) A statement, in ordinary and concise language, of the nature of the complaint filed with the Board, the facts upon which the complaint is based, as well as the specific statute(s) or Board rules and regulations alleged to have been violated;

- (iii) The time, place, and nature of the hearing;
- (iv) That the hearing is being held pursuant to the authority provided by W.S. 33-30-212; and
- (v) The license/permit holder shall file an Answer or Notice of Appearance, which must be received by the Board at least ten (10) working days prior to the date set for hearing, or the license holder will be in default.

Section 7. Continuance. For good cause shown, extensions and continuances may be granted or denied at the discretion of the Board or the hearing officer.

Section 8. Default. The Board may enter an order based on the allegations in a petition in any case where the applicant or license/permit holder has not answered or appeared in writing ten (10) working days before the hearing, or in any case in which the applicant or license/permit holder or his/her representative has not appeared at a scheduled hearing for which they had notice.

Section 9. Hearing Officer. The Board may appoint a hearing officer to take evidence at the hearing, or the chairperson or a Board member may serve as the hearing officer.

Section 10. Discovery. In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act.

Section 11. Subpoenas.

(a) A Board member or the hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths.

(b) Service of a subpoena must be made at the expense of the party applying for it and shall be made in the manner provided by law for service of subpoenas in civil actions.

Section 12. Witnesses.

(a) All persons testifying at any hearing before the Board shall be administered a standard oath or affirmation.

(b) No testimony will be received from a witness except under oath or affirmation.

(c) The party calling a witness shall bear the costs associated with his/her appearance.

(d) The Board and hearing officer shall have an opportunity to examine any witness.

Section 13. Representation.

(a) A license/permit holder may represent him/herself or be represented by counsel, provided that such counsel is licensed to practice law in the State of Wyoming or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.

(b) In any case before the Board, an appearance in person or the filing of an answer or other pleading shall constitute an appearance of record by an attorney.

(c) A request for withdrawal from representation by an attorney shall be submitted to the Board in writing.

(d) The Assistant Attorney General assigned to the Board for prosecution shall present all matters in a contested case on behalf of the IBM.

Section 14. Prehearing Conference.

- (a) The hearing officer may direct the parties to appear before him/her to consider:
- (i) The issues;
 - (ii) Amending the pleadings;
 - (iii) The possibility of obtaining admissions of fact and of documents to avoid unnecessary proof;
 - (iv) Formulating procedures to govern the hearing; or
 - (v) Such other matters as may aid in the disposition of the case.

(b) Prehearing conferences shall be conducted informally. An order will be prepared which recites the actions taken at the conference, amendments allowed, agreements of the parties, and the issues to be determined at the hearing.

Section 15. Order of Procedure at Hearing. The hearing will be conducted in substantially the following order:

(a) Opening announcements are made by the hearing officer, including case name and docket number, the issue(s) to be considered, parties and counsel present, and subpoenas issued;

(b) Witnesses should be identified and sworn;

(c) Opening statements may be made at the discretion of the hearing officer. In cases of license denial, the applicant should go first. In disciplinary cases the IBM should go first;

(d) Presentation of Evidence. The order above will be followed with each party, the hearing officer, and the Board having the opportunity to cross-examine the witnesses. Rebuttal evidence may be presented;

(e) Exhibits offered in evidence by the applicant or the license holder will be marked with the letters of the alphabet. Those offered by the IBM will be marked numerically;

(f) Closing arguments may be made at the discretion of the hearing officer. Time may be limited, the order of presentation is as above, and brief rebuttal time may be allowed. The hearing and the evidence are then closed, unless reopened by the hearing officer for good cause shown.

Section 16. Decisions.

(a) Proposed Decisions:

(i) At the discretion and direction of the Board, the parties may file proposed findings of fact, conclusions of law, and order after the hearing and before the deadline announced in the hearing's closing announcements.

(ii) At the discretion and direction of the Board, the hearing officer shall prepare proposed findings of fact, conclusions of law, and order.

(b) Final Decisions. Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. All final decisions issued by the Board shall be served to all parties by first class mail sent to their last known address.

Section 17. Appeals. A Petition for Judicial Review of the Board decision may be filed in the district court in accordance with the Wyoming Rules of Appellate Procedure.

Section 18. Transcripts. If a Petition for Judicial Review is filed in the district court, the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or reimburse the Board for the cost of the transcript if previously prepared at Board expense.

CHAPTER 6

EMBRYO TRANSPLANT or EMBRYO TRANSFER

Section 1. Authority. These rules and regulations are promulgated by the Wyoming Board of Veterinary Medicine to regulate the practice of Embryo Transplants pursuant to W. S. 33-30-204(m)(xiii).

Section 2. Qualifications and Application for Permit to Practice Embryo Transplants or Embryo Transfer.

(a) Every Embryo Transplant or Embryo Transfer Technician shall obtain a permit issued by the Board before performing Embryo Transplants or Embryo Transfers.

(b) A permit shall not be required of either a Licensee or Temporary Permit Holder practicing veterinary medicine.

(c) Applicants for a permit to practice as an Embryo Transplant Technician shall:

(i) Be at least 18 years of age and have successfully completed at least six semesters hours of reproductive physiology, endocrinology and embryo transplant course work from an accredited college or university approved by the Board;

(ii) Submit a completed application on forms provided by the Board, which shall include:

(A) A current photograph of the applicant certified by a notary;

(B) An official transcript verifying the education required to practice Embryo Transplants sent directly from the college or university to the Board; and

(C) An original form signed by the applicant and a veterinarian licensed to practice and residing in Wyoming in which the veterinarian agrees to supervise the possession and administration of specific drugs necessary for Embryo Transplant procedures.

(d) Applicants for a permit to practice as an Embryo Transfer Technician shall:

(i) Submit a completed application on forms provided by the Board;

(ii) Be a graduate of an Embryo Transfer course approved by the Board. The applicant shall request that official transcripts or verification of course completion be forwarded to the Board office directly from the source.

(e) Applicants who are licensed or permitted in another jurisdiction may be issued a permit, provided licensing or permit requirements of the other jurisdiction are similar to Wyoming's requirements for a permit as determined by the Board.

(f) The applicant shall request verification from all jurisdictions in which they have held or currently hold a license or permit and the status of that license or permit.

Section 3. Renewal and Continuing Education.

(a) A permit to practice Embryo Transplants or Embryo Transfers shall be renewed annually on or before December 31 upon receipt of a completed renewal form, payment of the renewal fee and evidence satisfactory to the Board that the applicant has completed at least one course between January and December of the current year related to Embryo Transplants or Embryo Transfers.

(b) An expired permit may be renewed within sixty (60) days of expiration upon receipt of a completed renewal form, payment of the late renewal fee and evidence satisfactory to the Board that the applicant has completed continuing education in Embryo Transplant or Embryo Transfer as defined in this chapter.

(c) An individual who has failed to have a permit renewed within sixty (60) days of the expiration date must meet the requirements of Section 2 of this chapter.

(d) It is the responsibility of the permit holder to maintain proof of his or her continuing education attendance.

(e) Continuing education programs must be approved in advance by the Board.

Section 4. Use of Specific Drugs.

(a) No prescription drug shall be prescribed, dispensed, or administered without the establishment of a valid veterinarian-client-patient relationship.

(b) Possession and administration of drugs by an Embryo Transplant Technician is limited to the following specific drug categories:

(i) local anesthetics;

(ii) antibiotics used in reproductive work; and

(iii) synchronizing and stimulating hormones used in reproductive work.

(c) Possession and administration of specific drugs by Embryo Transplant Technicians must be under the supervision of a veterinarian licensed to practice and residing in Wyoming. Records of drugs used and amounts must be kept by the veterinarian and available for Board review. The Board will maintain records of supervision forms signed by the technicians and the supervising veterinarians. When a new or different veterinarian agrees to supervise a technician, it is the technician's responsibility to see that a new supervision form is filed with the Board within 30 days of the commencement of the new supervisor.

Section 5. Records. A record shall be kept for every Embryo Transplant performed and shall include:

(a) Identification of the animals and the owners of the animals involved;

- (b) Name of Embryo Transplant Technician involved; and
- (c) Date performed.

Section 6. Scope of Practice.

(a) "Nonsurgical embryo transfer" means the trans-cervical procedure of removing the ova or embryos from a donor animal and subsequently implanting the embryos into a surrogate mother animal, including the follow-up verification of pregnancy status.

(b) The practice of nonsurgical embryo transfer involves basic knowledge, skills and abilities in manual rectal palpation, synchronization and stimulation with hormones, administration of local anesthetics, flushing with lab media, use of microscopes, freezing and thawing embryos, catheterizing animals, administering antibiotics, and grading embryos.

(c) Embryo Transfer Technicians may only use practices and procedures that fall within the scope of subsection (a).

Section 7. Denial, Refusal to Renew, Suspension, Revocation or Censure of Permit to Practice.

(a) The Board may, with respect to the practice of Embryo Transplants, either deny, refuse to renew, suspend, revoke, or censure a permit or otherwise discipline an Embryo Transplant Technician based upon the following:

(i) Violation of any state or federal statute or administrative Board rule regulating the practice of Embryo Transplants;

(ii) Misrepresentation in applying for a permit;

(iii) Incompetence, negligence or use of any practice or procedure in the practice of Embryo Transplant which creates an unreasonable risk of physical harm to the animal or financial loss to the client;

(iv) Practice beyond the scope of practice encompassed by the permit;

(v) Failing to maintain appropriate records as specified in the rules of the Board; and

(vi) Failing to adequately supervise auxiliary staff including any individual directly involved in the transplant to the extent that the donor or recipient's physical health or safety is at risk;

(b) Embryo Transplant Technicians shall be subject to disciplinary practices and procedures as set forth in Chapter 5, of these rules.

APPENDIX A

PRINCIPLES OF VETERINARY MEDICAL ETHICS OF THE AVMA

Originally approved by the House of Delegates in 1867 as the AVMA Code of Ethics

(Bold print states the Principles, standard print explains or clarifies the Principle to which it applies)

I. INTRODUCTION

- A. Veterinarians are members of a scholarly profession who have earned academic degrees from comprehensive universities or similar educational institutions. Veterinarians practice the profession of veterinary medicine in a variety of situations and circumstances.
- B. Exemplary professional conduct upholds the dignity of the veterinary profession. All veterinarians are expected to adhere to a progressive code of ethical conduct known as the Principles of Veterinary Medical Ethics (the Principles). The basis of the Principles is the Golden Rule. Veterinarians should accept this rule as a guide to their general conduct, and abide by the Principles. They should conduct their professional and personal affairs in an ethical manner. Professional veterinary associations should adopt the Principles or a similar code as a guide for their activities.
- C. Professional organizations may establish ethics, grievance, or peer review committees to address ethical issues. Local and state veterinary associations should also include discussions of ethical issues in their continuing education programs.

- 1. Complaints about behavior that may violate the Principles should be addressed in an appropriate and timely manner. Such questions should be considered initially by ethics, grievance, or peer review committees of local or state veterinary associations, when they exist, and/or when appropriate, state veterinary medical boards. Members of local and state committees are familiar with local customs and circumstances, and those committees are in the best position to confer with all parties involved.

The Judicial Council may address complaints, prior to, concurrent with, or subsequent to review at the state or local level, as it deems appropriate.

- 2. All veterinarians in local or state associations and jurisdictions have a responsibility to regulate and guide the professional conduct of their members.
- 3. Colleges of veterinary medicine should stress the teaching of ethical and value issues as part of the professional veterinary curriculum for all veterinary students.
- 4. The National Board of Veterinary Medical Examiners is encouraged to prepare and include questions regarding professional ethics in the

National Board Examination.

- D. The AVMA Judicial Council is charged to advise on all questions relating to interpretation of the Bylaws, all questions of veterinary medical ethics, and other rules of the Association. The Judicial Council should review the Principles periodically to ensure that they remain complete and up to date.

II. PROFESSIONAL BEHAVIOR

- A. **Veterinarians should first consider the needs of the patient: to relieve disease, suffering, or disability while minimizing pain or fear.**
- B. **Veterinarians should obey all laws of the jurisdictions in which they reside and practice veterinary medicine. Veterinarians should be honest and fair in their relations with others, and they should not engage in fraud, misrepresentation, or deceit.**
 - 1. Veterinarians should report illegal practices and activities to the proper authorities.
 - 2. The AVMA Judicial Council may choose to report alleged infractions by nonmembers of the AVMA to the appropriate agencies.
 - 3. Veterinarians should use only the title of the professional degree that was awarded by the school of veterinary medicine where the degree was earned. All veterinarians may use the courtesy titles *Doctor* or *Veterinarian*. Veterinarians who were awarded a degree other than DVM or VMD should refer to the *AVMA Directory* for information on the appropriate titles and degrees.
- C. **It is unethical for veterinarians to identify themselves as members of an AVMA recognized specialty organization if such certification has not been awarded.**
- D. **It is unethical to place professional knowledge, credentials, or services at the disposal of any nonprofessional organization, group, or individual to promote or lend credibility to the illegal practice of veterinary medicine.**
- E. **Veterinarians may choose whom they will serve. Both the veterinarians and the client have the right to establish or decline a Veterinarian-Client-Patient Relationship (See Section III) and to decide on treatment. The decision to accept or decline treatment and related cost should be based on adequate discussion of clinical findings, diagnostic techniques, treatment, likely outcome, estimated cost, and reasonable assurance of payment. Once the veterinarians and the client have agreed, and the veterinarians have begun patient care, they may not neglect their patient and must continue to provide professional services related to that injury or illness within the previously agreed limits. As subsequent needs and costs for patient care are identified, the veterinarians and client must confer and reach agreement on the continued care and responsibility for fees. If the informed client declines further care or declines to assume responsibility for the fees, the VCPR may**

be terminated by either party.

- F. In emergencies, veterinarians have an ethical responsibility to provide essential services for animals when necessary to save life or relieve suffering, subsequent to client agreement. Such emergency care may be limited to euthanasia to relieve suffering, or to stabilization of the patient for transport to another source of animal care.**
1. When veterinarians cannot be available to provide services, they should arrange with their colleagues to assure that emergency services are available, consistent with the needs of the locality.
 2. Veterinarians who believe that they haven't the experience or equipment to manage and treat certain emergencies in the best manner, should advise the client that more qualified or specialized services are available elsewhere and offer to expedite referral to those services.
- G. Regardless of practice ownership, the interests of the patient, client, and public require that all decisions that affect diagnosis, care, and treatment of patients are made by veterinarians.**
- H. Veterinarians should strive to enhance their image with respect to their colleagues, clients, other health professionals, and the general public.** Veterinarians should be honest, fair, courteous, considerate, and compassionate. Veterinarians should present a professional appearance and follow acceptable professional procedures using current professional and scientific knowledge.
- I. Veterinarians should not slander, or injure the professional standing or reputation of other veterinarians in a false or misleading manner.**
- J. Veterinarians should strive to improve their veterinary knowledge and skills, and they are encouraged to collaborate with other professionals in the quest for knowledge and professional development.**
- K. The responsibilities of the veterinary profession extend beyond individual patients and clients to society in general.** Veterinarians are encouraged to make their knowledge available to their communities and to provide their services for activities that protect public health.
- L. Veterinarians and their associates should protect the personal privacy of patients and clients.** Veterinarians should not reveal confidences unless required to by law or unless it becomes necessary to protect the health and welfare of other individuals or animals.
- M. Veterinarians who are impaired by alcohol or other substances should seek assistance from qualified organizations or individuals.** Colleagues of impaired veterinarians should encourage those individuals to seek assistance and to overcome their disabilities.

III. THE VETERINARIAN-CLIENT-PATIENT RELATIONSHIP

A. **The veterinarian-client-patient relationship (VCPR) is the basis for interaction among veterinarians, their clients, and their patients.** A VCPR exists when all of the following conditions have been met:

1. The veterinarian has assumed responsibility for making clinical judgements regarding the health of the animal(s) and the need for medical treatment, and the client has agreed to follow the veterinarians instructions.
2. The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), or by medically appropriate and timely visits to the premises where the animal(s) are kept.
3. The veterinarian is readily available, or has arranged for emergency coverage, for follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen.

B. **When a VCPR exists, veterinarians must maintain medical records (See section VIII).**

C. **Dispensing or prescribing a prescription product requires a VCPR**

1. Veterinarians should honor a clients request for a prescription in lieu of dispensing.
2. Without a VCPR, veterinarians merchandising or use of veterinary prescription drugs or their extra-label use of any pharmaceutical is unethical and is illegal under federal law.

D. **Veterinarians may terminate a VCPR under certain conditions, and they have an ethical obligation to use courtesy and tact in doing so.**

1. If there is no ongoing medical condition, veterinarians may terminate a VCPR by notifying the client that they no longer wish to serve that patient and client.
2. If there is an ongoing medical or surgical condition, the patient should be referred to another veterinarian for diagnosis, care, and treatment. The former attending veterinarian should continue to provide care, as needed, during the transition.

E. **Clients may terminate the VCPR at any time.**

IV. ATTENDING, CONSULTING AND REFERRING

A. **An *attending veterinarian* is a veterinarian (or a group of veterinarians) who assumes responsibility for primary care of a patient. A VCPR is established.**

1. Attending veterinarians are entitled to charge a fee for their professional services.
2. When appropriate, attending veterinarians are encouraged to seek

assistance in the form of consultations and referrals. A decision to consult or refer is made jointly by the attending veterinarian and the client.

3. When a consultation occurs, the attending veterinarian continues to be primarily responsible for the case.

B. A consulting veterinarian is a veterinarian (or group of veterinarians) who agrees to advise an attending veterinarian on the care and management of a case. The VCPR remains the responsibility of the attending veterinarian.

1. Consulting veterinarians may or may not charge fees for service. When such fees are charged, they are usually collected from the client by the attending veterinarian.
2. Consulting veterinarians should communicate their findings and opinions directly to the attending veterinarians.
3. Consulting veterinarians should revisit the patients or communicate with the clients in collaboration with the attending veterinarians.
4. Consultations usually involve the exchange of information or interpretation of test results. However, it may be appropriate or necessary for consultants to examine patients. When advanced or invasive techniques are required to gather information or substantiate diagnoses, attending veterinarians may refer the patients. A new VCPR is established with the veterinarian to whom a case is referred.

C. The referral veterinarian or receiving veterinarian is a veterinarian (or group of veterinarians) who agrees to provide requested veterinary services. A new VCPR is established. The referring and referral veterinarians must communicate.

1. Attending veterinarians should honor clients requests for referral.
2. Referral veterinarians may choose to accept or decline clients and patients from attending veterinarians.
3. Patients are usually referred because of specific medical problems or services. Referral veterinarians should provide services or treatments relative to the referred conditions, and they should communicate with the referring veterinarians and clients if other services or treatments are required.

D. When a client seeks professional services or opinions from a different veterinarian without a referral, a new VCPR is established with the new attending veterinarian. When contacted, the veterinarian who was formerly involved in the diagnosis, care, and treatment of the patient should communicate with the new attending veterinarian as if the patient and client had been referred.

1. With the client's consent, the new attending veterinarian should contact the former veterinarian to learn the original diagnosis, care, and treatment and clarify any issues before proceeding with a new treatment plan.

2. If there is evidence that the actions of the former attending veterinarian have clearly and significantly endangered the health or safety of the patient, the new attending veterinarian has a responsibility to report the matter to the appropriate authorities of the local and state association or professional regulatory agency.

V. INFLUENCES ON JUDGEMENT

- A. The choice of treatments or animal care should not be influenced by considerations other than the needs of the patient, the welfare of the client, and the safety of the public.
- B. Veterinarians should not allow their medical judgment to be influenced by agreements by which they stand to profit through referring clients to other providers of services or products.
- C. The medical judgments of veterinarians should not be influenced by contracts or agreements made by their associations or societies.
- D. When conferences, meetings, or lectures are sponsored by outside entities, the organization that presents the program, not the funding sponsor, shall have control of the contents and speakers.
- E. Veterinarians should disclose to clients potential conflicts of interest.

VI. THERAPIES

- A. Attending veterinarians are responsible for choosing the treatment regimens for their patients. It is the attending veterinarians responsibility to inform the client of the expected results and costs, and the related risks of each treatment regimen.
- B. It is unethical for veterinarians to prescribe or dispense prescription products in the absence of a VCPR.
- C. It is unethical for veterinarians to promote, sell, prescribe, dispense, or use secret remedies or any other product for which they do not know the ingredient formula.
- D. It is unethical for veterinarians to use or permit the use of their names, signatures, or professional status in connection with the resale of ethical products in a manner which violates those directions or conditions specified by the manufacturer to ensure the safe and efficacious use of the product.

VII. GENETIC DEFECTS

- A. Performance of surgical or other procedures in all species for the purpose of concealing genetic defects in animals to be shown, raced, bred, or sold, as breeding animals is unethical. However, should the health or welfare of the individual patient require correction of such genetic defects, it is recommended that the patient be rendered incapable of reproduction.

VIII. MEDICAL RECORDS

- A. **Veterinary medical records are an integral part of veterinary care.** The records must comply with the standards established by state and federal law.
- B. **Medical Records are the property of the practice and the practice owner.** The original records must be retained by the practice for the period required by statute.
- C. **Ethically, the information within veterinary medical records is considered privileged and confidential. It must not be released except by court order or consent of the owner of the patient.**
- D. **Veterinarians are obligated to provide copies or summaries of medical records when requested by the client.** Veterinarians should secure a written release to document that request.
- E. **Without the express permission of the practice owner, it is unethical for a veterinarian to remove, copy, or use the medical records or any part of any record.**

IX. FEES AND REMUNERATION

- A. **Veterinarians are entitled to charge fees for their professional services.**
- B. **It is unethical for veterinarians to engage in fee-splitting. Fee-splitting is defined as payment by a referral veterinarian of part of their fee to the attending veterinarian who has not rendered professional services. Under this definition, the use of consultants, laboratory services, and online pharmacies does not constitute fee-splitting.**
- C. **Regardless of the fees that are charged or received, the quality of service must be maintained at the usual professional standard.**
- D. **It is unethical for a group or association of veterinarians to take any action which coerces, pressures, or achieves agreement among veterinarians to conform to a fee schedule or fixed fees.**

X. ADVERTISING

- A. **Without written permission from the AVMA Executive Board, no member or employee of the American Veterinary Medical Association (AVMA) shall use the AVMA name or logo in connection with the promotion or advertising of any commercial product or service.**
- B. **Advertising by veterinarians is ethical when there are no false, deceptive, or misleading statements or claims.** A false, deceptive, or misleading statement or claim is one which communicates false information or is intended, through a material omission, to leave a false impression.
- C. **Testimonials or endorsements are advertising, and they should comply with the guidelines for advertising. In addition, testimonials and endorsements of professional products or services by veterinarians are considered unethical unless they comply with the following:**

1. The endorser must be a bonafide user of the product or service.
2. There must be adequate substantiation that the results obtained by the endorser are representative of what veterinarians may expect in actual conditions of use.
3. Any financial, business, or other relationship between the endorser and the seller of a product or service must be fully disclosed.
4. When reprints of scientific articles are used with advertising, the reprints must remain unchanged, and be presented in their entirety.

D. The principles that apply to advertising, testimonials, and endorsements also apply to veterinarians communications with their clients.

E. Veterinarians may permit the use of their names by commercial enterprises (e.g. pet shops, kennels, farms, feedlots) so that the enterprises can advertise under veterinary supervision, only if they provide such supervision.

XI. EUTHANASIA

Humane euthanasia of animals is an ethical veterinary procedure.

XII. GLOSSARY

1. PHARMACEUTICAL PRODUCTS

Several of the following terms are used to describe veterinary pharmaceutical products. Some have legal status, others do not. Although not all of the terms are used in the Principles, we have listed them here for clarification of meaning and to avoid confusion.

- A. *Ethical Product*: A product for which the manufacturer has voluntarily limited the sale to veterinarians as a marketing decision. Such products are often given a different product name and are packaged differently than products that are sold directly to consumers. "Ethical products" are sold only to veterinarians as a condition of sale that is specified in a sales agreement or on the product label.
- B. *Legend Drug*: A synonymous term for a veterinary prescription drug. The name refers to the statement (legend) that is required on the label (see *veterinary prescription drug* below).
- C. *Over the Counter (OTC) Drug*: Any drug that can be labeled with adequate direction to enable it to be used safely and properly by a consumer who is not a medical professional.
- D. *Prescription Drug*: A drug that cannot be labeled with adequate direction to enable its safe and proper use by non-professionals.
- E. *Veterinary Prescription Drug*: A drug that is restricted by federal law to use by or on the order of a licensed veterinarian, according to section 503(f) of the federal Food, Drug, and Cosmetic Act. The law requires that such drugs be labeled with the statement: "Caution, federal law restricts this drug to

use by or on the order of a licensed veterinarian."

2. DISPENSING, PRESCRIBING, MARKETING AND MERCHANDISING

- A. *Dispensing* is the direct distribution of products by veterinarians to clients for use on their animals.
- B. *Prescribing* is the transmitting of an order authorizing a licensed pharmacist or equivalent to prepare and dispense specified pharmaceuticals to be used in or on animals in the dosage and in the manner directed by a veterinarian.
- C. *Marketing* is promoting and encouraging animal owners to improve animal health and welfare by using veterinary care, services, and products.
- D. *Merchandising* is the buying and selling of products or services.

B. ADVERTISING AND TESTIMONIALS

- A. *Advertising* is defined as communication that is designed to inform the public about the availability, nature, or price of products or services or to influence clients to use certain products or services.
- B. *Testimonials* or *endorsements* are statements that are intended to influence attitudes regarding the purchase or use of products or services.

Approved November, 2010

<http://www.avma.org/issues/policy/ethics.asp>

RULES & REGULATIONS

Promulgated by Authority under the
Board of Veterinary Medicine Practice Act
W. S. 33-30-101 through 33-30-215

~~January 25, 2001~~

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STATE OF WYOMING BOARD OF VETERINARY MEDICINE PRINCIPLES OF VETERINARY MEDICAL ETHICS OF THE AVMA

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CHAPTER 1

DEFINITIONS, LICENSE AND PERMIT

Section 1. Authority. The following Rules, including all chapters, have been adopted and promulgated by the Wyoming Board of Veterinary Medicine pursuant to the authority of vested by the Wyoming Veterinary Medical Practice Act, W. S. 33-30-201 through 33-30-215 et seq. and pursuant to the Wyoming Administrative Procedure Act, W.S. 16-3-1-01 et seq.

Section 2. Definitions. All definitions set forth in the Wyoming Veterinary Practice Act are ~~shall be~~ incorporated into these Rules in addition to the following:

(a) “Act” means the Wyoming Veterinary Medical Practice Act, W.S. 33-30-201 through 33-30-215 et seq.

(b) “Artificial Insemination” means the deposit of sperm into the genital tract of a female food animal, equine, or companion animal by transcervical methods.

(c) “Artificial Insemination Technician” means ~~an individual permitted~~ person who has a valid and current permit issued by the Board to perform artificial insemination of a food animal, equine, or companion animal .

(d) “Board” means the Wyoming Board of Veterinary Medicine.

(e) “Client” means the owner or caretaker of an animal presented to a Licensee or Temporary Permit Holder Permittee for veterinary medical care.

(f) “Direct-Transfer” means the placing of an embryo into the reproductive tract of a female food animal by transervical methods.

(g) “Direct-Transfer Technician” means an individual permitted by the Board to perform direct transfer to a food animal.

(h) “Embryo Transplant” means the procedure of the removal of ova or embryos from a donor bovine animal and subsequent implantation of the embryos into a surrogate mother bovine animal.

(i) “Embryo Transplant Technician” means a person who has a valid and current permit issued by the Board to perform non-surgical embryo transplants.

(j) “Practice of Embryo Transplanting” involves basic knowledge, skills and abilities in manual rectal palpation, synchronization and stimulation with hormones, administration of local anesthetics, flushing with lab media, use of microscopes, freezing and thawing of embryos, catheterizing animals, administration of antibiotics and grading of embryos. The practice and procedures of Embryo Transplanting by technicians is limited to non-surgical.

~~(j)~~(k) “Licensee” means a veterinarian who has been properly licensed by the Board, pursuant to the Act and these Rules, to practice veterinary medicine in this state.

~~(k)~~(l) “Mobile Veterinary Practice” is a clinical veterinary practice that may be transported or moved from one location to another for delivery of veterinary medical care. Mobile Veterinary Practice may be general care, limited care or outcall care.

~~(j)~~(m) “Patient” means an animal presented to a Licensee or Permittee Temporary Permit Holder to receive veterinary medical care.

~~(m)~~(n) ~~“Permittee”~~ “Temporary Permit Holder” means a veterinarian who has been issued a temporary permit by the Board, pursuant to the Act and these Rules.

~~(n)~~ ~~“Practice of Embryo Transplanting” means the basic knowledge, skills, and abilities in manual rectal palpitation, synchronization and stimulation with hormones, administration of local anesthetics, flushing with lab media, use of microscopes, freezing and thawing of embryos, catheterizing bovine animals, administration of antibiotics and grading of embryos. The practice and procedures of Embryo Transplanting is limited to non-surgical Embryo Transfer.~~

(o) “State” means the State of Wyoming.

Section 3. License and Registration of Veterinarians.

(a) Applicants for license to practice veterinary medicine shall:

(i) Be a graduate from a school of veterinary medicine approved by the Board. If the applicant has not graduated at the time the application is filed, a letter of expected graduation, signed by the President or Dean of the applicant's accredited school of veterinary medicine shall be furnished to the Board.

(ii) Have passed a National examination approved by the Board with a score of at least seventy-five (75%) percent within the last three years or has for the last five (5) years been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time of application which were substantially equivalent to the requirements of W.S. 33-30-201 through 33-30-215.

(iii) Submit a completed application for license on forms provided by the Board ~~to be kept on file in the office of the Board. The application shall be complete and accompanied by a photostatic copy of the diploma of graduation from a school of veterinary medicine. If the applicant has not graduated at the time the application is filed, a letter of expected graduation, signed by the President or Dean of the applicant's accredited school of veterinary medicine shall be furnished to the Board. Upon graduation and before a license will be issued, an official transcript shall be furnished to the Board. The application must be attested to before a notary public and~~ accompanied by the required application fee.

(iv) Request an official transcript be sent directly from the registrar of the school of veterinary medicine to the Board.

(iv)(v) Request verification from all jurisdictions in which they have held or currently hold a license or permit and the status of that license or permit. Provide evidence of any experience in other jurisdictions, and that the applicant is in good standing in those places.

~~(v)~~(vi) Provide an affidavit that no complaint has been filed and/or is pending, no investigation is pending and no disciplinary action has been taken or is pending against the applicant.

~~(vi)~~(vii) Successfully complete Upon receipt of a completed application and licensure fee, a state examination with will be mailed to each applicant. The state examination ~~must be completed and returned to the Board office. Applicants must receive~~ a passing score of at least seventy-five (75) percent.

(b) Temporary permits.

(i) Upon approval by the Board, a temporary permit may be granted to a qualified graduate waiting to take the national examination.

(ii) Every applicant who has been issued a temporary permit while waiting to take the national examination shall practice veterinary medicine only under the responsible supervision of by a Licensee who is actively engaged in the practice of veterinary medicine.

(iii) Responsible supervision requires the supervising Licensee to exercise professional judgment in determining the degree of supervision needed for each individual Temporary Permit Holder Permittee. In determining the supervision necessary, the supervising Licensee shall consider:

(A) The degree of professional expertise demonstrated by the Permittee Temporary Permit Holder;

(B) The length of time the Permittee Temporary Permit Holder has already been under supervision;

(C) The Permittee's Temporary Permit Holder's ability to communicate; and

(D) Any other factors which the supervising Licensee deems appropriate.

(iv) The supervising Licensee veterinarian shall not:

(A) Be absent from the veterinary clinic for more than fourteen (14) consecutive days or more than twenty-one (21) total days, in a six (6) month period, exclusive of weekends;

(B) Conduct the supervision from a separate clinic.

~~(v) — Those Permittees who have been licensed in good standing to practice veterinary medicine for at least one (1) year in another jurisdiction, may be exempt from the responsible supervision requirement of this subsection for a period of time as determined by the Board.~~

CHAPTER 2

ARTIFICIAL INSEMINATION OF ANIMALS ~~AND DIRECT TRANSFER OF EMBRYOS TO ANIMALS~~

Section 1. Permit Required.

(a) Every Artificial Insemination Technician shall first obtain a permit issued by the Board before performing Artificial Insemination.

(i) Permits shall be specific to the following:

(A) Food animal Artificial Insemination;

(B) Equine Artificial Insemination;

(C) Companion animal Artificial Insemination.

~~(b) Every Direct Transfer Technician shall first obtain a permit issued by the Board before performing Direct Transfer.~~

~~(e)~~(b) A permit shall not be required of either a Licensee or Permittee Temporary Permit Holder practicing veterinary medicine.

~~(d)~~(c) A permit shall not be required to perform Artificial Insemination ~~or Direct Transfer~~ upon domestic animals by the owner or by the owner's full-time employee.

Section 2. Application For a Permit. Application for a permit to perform Artificial Insemination shall be made in writing to the Board on a form provided by the Board. The application fee shall accompany the application.

Section 3. Basis for Issuance of Permit.

(a) The applicant shall be a graduate of an Artificial Insemination course ~~and/or Direct Transfer course, which is~~ approved by the Board. The applicant shall request that official transcripts or verification of course completion be forwarded to the Board office directly from the source.

~~(b) The applicant shall pass a written examination administered by the Board with a score of at least seventy-five (75%) percent.~~

~~(c) Permits shall be renewed annually as required by Chapter 3 of these Rules.~~

~~(d) Applicants who are licensed or permitted in another jurisdiction may be issued a permit without examination, provided the Board approves licensing requirements of the jurisdiction.~~

(b) The applicant shall request verification from all jurisdictions in which they have held or currently hold a license or permit and the status of that license or permit.

(c) Permits shall be renewed annually as required by Chapter 3 of these Rules.

(i) At the time of renewal, permit holders shall submit proof of completion of at least one course between January and December of the current year related to Artificial Insemination.

Section 4. Records. A record shall be kept for every Artificial Insemination ~~and Embryo Transfer~~ performed and shall include:

- (a) Identification of the animal or group;
- (b) Owner of the animal or group;
- (c) Source of semen ~~or embryo~~ used;
- (d) Name of technician; and
- (d) Date performed.

Section 5. Discipline and Denial.

(a) The Board may deny, suspend or revoke a permit or otherwise discipline an Artificial Insemination Technician ~~or a Direct Transfer Technician~~ based upon the following:

- (i) Misrepresentation in applying for ~~or issuance of~~ a permit;
- (ii) Immoral or unprofessional conduct;

~~(iii) Performing Artificial Insemination or Direct Transfer while knowingly infected with a contagious disease communicable to animals.~~

~~(iv)~~(iii) Violation of a Board Rule or Regulation pertaining to Artificial Insemination ~~or Embryo Transfer~~.

~~(v)~~(iv) Violation of the Wyoming Veterinary Medical Practice Act, WYO Stat. 33-30-201 et.seq.

(b) Artificial Insemination Technicians ~~and Direct Transfer Technicians~~ shall be subject to disciplinary practices and procedures as set forth in Chapter 5, of these Rules.

(c) The Board may seek an injunction in the district court enjoining any individual from performing Artificial Insemination ~~or Direct Transfer~~ in violation of the Act or these Rules

CHAPTER 3

FEES LICENSE AND PERMIT AND RENEWAL

Section 1. Practice of Veterinary Medicine.

- (a) Application Fee: not to exceed \$300.00
- (b) Annual License Renewal Fee: not to exceed ~~\$300.00~~ 65.00

(i) The renewal fee is waived for veterinarians on active duty with any branch of the armed services of the United States for three (3) consecutive years or the duration of a national emergency.

- (c) Late Annual Renewal Fee: license reinstatement until January 31 ~~double annual renewal fee~~ \$130.00
- (d) Temporary Permit Fee: not to exceed \$200.00

Section 2. Practice of Artificial Insemination and/or Embryo Transfer.

- (a) Application Fee: not to exceed ~~\$100.00~~ 50.00
- (b) Annual Permit Renewal Fee: not to exceed ~~\$50.00~~ 30.00
- (c) Late Annual Renewal Fee: permit reinstatement until January 31 ~~double annual renewal fee~~ \$60.00

Section 3. Practice of Embryo Transplant or Embryo Transfer.

- (a) Embryo Transplant Application Fee: not to exceed \$100.00
- ~~(b) Examination not to exceed \$100.00~~
- ~~(c)~~ (b) Annual Embryo Transplant Renewal Fee: permit renewal not to exceed ~~\$50.00~~ 30.00
- ~~(d)~~ (c) Late Embryo Transplant Annual Renewal Fee: permit reinstatement until January 31 ~~double annual renewal fee~~ \$60.00
- (d) Embryo Transfer Application Fee: \$50.00
- (e) Annual Embryo Transfer Renewal Fee: \$30.00
- (f) Late Embryo Transfer Annual Renewal Fee: \$60.00

Section 4. Miscellaneous.

- (a) Duplicate license or permit \$25.00

Section 5. License and Permit Renewal.

(a) A license or permit ~~may shall~~ be renewed annually on or before December 31 upon receipt of a completed renewal form, payment of the renewal fee and completion of continuing education as required by Chapter 2, 4 or 6, depending on the type of license or permit being renewed.

(b) A license or permit not renewed on or before December 31 ~~shall be void~~ has expired and the holder may not lawfully practice in Wyoming.

(c) An expired license or permit ~~not renewed on or before December 31~~ may shall be renewed within sixty (60) days of expiration ~~reinstated on or before the next January 31~~ upon receipt of a completed renewal form, payment of ~~double~~ the late renewal fee and completion of continuing education as required by Chapter 2, 4 or 6, depending on the type of license or permit being renewed.

(d) An individual who has failed to have a license or permit renewed within sixty (60) days of the ~~reinstated on or before January 31 following the~~ December 31 expiration date, must meet the requirements of Chapter 1, Section 3; Chapter 2, Section 3; or Chapter 6, Section 2, depending on the type of license or permit. ~~and continues to practice shall be practicing in violation of this act not have a license or permit reinstated. The Board may grant re-licensing or re-permitting only upon application, fulfillment of all requirements established by the Act and these Rules and payment of all fees.~~

(e) When timely and proper application has been made for the renewal of a license or permit, the existing license or permit shall not expire until the application has been considered by the Board.

CHAPTER 4

STANDARDS OF PROFESSIONAL CONDUCT FOR THE PRACTICE OF VETERINARY MEDICINE

Section 1. Standards.

(a) All standards established by these Rules shall apply to both Licensees and ~~Permittees~~ Temporary Permit Holders practicing veterinary medicine. Use of the term Licensee shall also include ~~Permittee~~ Temporary Permit Holder where applicable and not inconsistent with the Act or these Rules.

(b) The Board adopts, incorporates and enforces as standards for professional conduct, the Principles of Veterinary Medical Ethics, published by the American Veterinary Medical Association Judicial Council designated as Appendix A.

Section 2. Continuing Education Requirements.

(a) Every two years each Licensee shall satisfactorily complete a minimum of twenty-four (24) ~~sixteen (16)~~ credit hours of continuing education approved by the Board in subjects related to the practice of veterinary medicine to be eligible for renewal of a license.

(b) It is the responsibility of the Licensee to maintain and provide proof of continuing education attendance on a form provided by the Board. The forms shall be submitted with the Licensee's ~~annual~~ renewal application in the year for which it is due.

(c) Credit hours shall be earned by one-hour credit for each hour of attendance at or participation in meetings and programs approved by the Board. Board approved programs include but are not limited to those sponsored by American Veterinary Medical Association, American Animal Health Association, Western States Veterinary Conference, veterinary college conferences, Wyoming Veterinary Medical Association and any other affiliated association or society. Programs shall be specifically related to the practice of veterinary medicine to qualify. The number of practice management hours shall not exceed twenty-five (25%) percent of the total requirement.

(d) Exemptions are:

(i) New graduates licensees who have secured a license by examination and are applying for their first annual license shall be exempt from completing continuing education credits until the second renewal after license issuance ~~during the first year.~~

~~(ii) Licensees on active duty with a branch of the armed forces of the United States.~~

Section 3. Additional Standards.

(a) The practice of veterinary medicine and surgery shall be provided in a competent and humane manner consistent with prevailing standards of practice for the species of animal and the professed area of expertise of the Licensee. For a Licensee to properly exercise the rights granted by the license, a veterinarian-client-patient relationship shall exist.

- (b) A veterinarian-client-patient relationship shall be characterized by:
 - (i) The Licensee assuming the responsibility for making medical judgments regarding the health of the animal and the need for medical treatment;
 - (ii) The client has agreed to follow the instructions of the Licensee;
 - (iii) The Licensee having sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of its medical condition. This means that the Licensee has recently seen and is personally acquainted with the keeping and care of the animal as a result of an examination or by medically appropriate and timely visits to the location where the animal is kept.
 - (iv) Readily available follow up care in case of adverse reactions or failure of the regimen of therapy.
- (c) The provision of pharmaceutical services is governed by the following:
 - (i) No prescription drug shall be prescribed, dispensed or administered without the establishment of a valid veterinarian-client-patient relationship.
 - (ii) A Licensee is responsible for assuring that a prescription drug or biologic prescribed for use is properly administered or providing instructions to clients on the proper administration of drugs when the Licensee does not provide direct supervision of administration.
 - (iii) Drugs and Biologics shall be stored according to the packaging and storage requirements set forth in the most recent edition of the United States Pharmacopeia.
- (d) Record keeping shall be as follows:
 - (i) A Licensee performing treatment or surgery on an animal, whether in the Licensee's custody at a veterinary facility or remaining on the client's premises, shall prepare a written record or computer record concerning the animal setting forth the following information:
 - (A) Name, address and telephone number of owner;
 - (B) Identity of the animal, including age, sex and breed;
 - (C) Dates of examination, treatment and surgery;
 - (D) Brief history of the condition of each animal, herd or flock;
 - (E) Examination findings;
 - (F) Laboratory and radiographic reports;
 - (G) Clinical impression; and

(H) Medication and treatment utilized, including amount and frequency.

(ii) Individual records shall be maintained on each animal, except that records on food, fiber, milk animals, birds and horses may be maintained on an individual client basis.

(iii) Medical records and radiographs are the physical property of the hospital or the Licensee that prepared them. Records and radiographs shall be maintained for a minimum of three (3) years after the last visit.

(iv) Medical records and radiographs or an accurate copy thereof, shall be released to the client or the Board, within two (2) weeks of a written request. A reasonable charge for copying or preparation of records may be made, except in the case of a Board investigation, in which case no charges are authorized.

(v) A radiograph shall be permanently identified. It shall be released on the written request of another veterinarian who has the written authorization of the client to whom it pertains. The radiograph shall be returned within a reasonable time to the practice, which originally prepared the radiograph.

(vi) Contents of medical records shall be kept confidential and not released to third parties unless authorized by the client or required by law.

(e) Emergency service shall be provided as follows:

(i) The staffing for an emergency veterinary facility shall include a Licensee on the premises at all times during the posted hours of operation.

(ii) Advertisements for emergency veterinary facilities shall clearly state:

(A) The hours the facility will provide emergency service;

(B) A licensed veterinarian is on the premises during the posted emergency hours; and

(C) The address and telephone number of the facility.

(iii) "Veterinarian on call" means a Licensee is not present at a veterinary facility, but is able to respond within a reasonable time to requests for emergency veterinary services. The facility's services shall not be considered or advertised as an emergency clinic or hospital.

(iv) If continuing care of the patient is required following emergency service, the client shall be provided with a legible copy of the medical record to be transferred to the next attending veterinarian, or a copy must be transmitted directly to the attending veterinarian. The information included in the medical record shall consist of at least the following:

(A) Findings of physical examination;

- when transferred;
- (B) Dosages and time of administration of medications;
 - (C) Copies of diagnostic data or procedures;
 - (D) All radiographs, for which the facility shall obtain a signed release
 - (E) Surgical summary;
 - (F) Tentative diagnosis and prognosis; and
 - (G) Follow-up instructions and/or recommendations.

(v) An emergency facility shall have the equipment necessary to perform standard emergency medical procedures and shall have the capability to render timely and adequate diagnostic radiologic services, laboratory services and diagnostic cardiac monitoring on the premises.

(f) Mobile veterinary practice may include:

(i) Providing a wide range of medical or surgical care in a mobile vehicle modified and comparably equipped to function as a fixed veterinary practice facility;

(ii) A mobile extension of a fixed location general veterinary practice, located within the same practice area, but physically removed from the practice premises. Depending on the types of animals being treated, an outcall care provides vaccinations, physical examinations, treatments, diagnostic screenings and surgery.

(iii) Any transportation used to transport Licensee and equipment to provide veterinary care.

(A) In all types of mobile veterinary practice, patient care shall be consistent with prevailing standards of practice and a veterinarian-client-patient relationship shall exist.

(B) In all types of mobile veterinary practice, the Licensee shall make provisions for follow-up care, emergency care, surgery and radiology if not available to the mobile unit. Clients shall be informed in writing of these provisions.

(C) Mobile veterinary practice vehicles shall be maintained in a clean and sanitary condition. Vehicles shall contain equipment necessary to perform physical examinations, surgical procedures and medical treatments consistent with the type of care being rendered and the prevailing standards of practice for those services.

(D) The Board or its agent may inspect mobile veterinary vehicles for compliance with these Rules.

Section 4. Responsible Supervision.

(a) A Licensee is professionally and legally responsible for any practice of veterinary medicine by the Licensee's unlicensed employees. An employee's practice of veterinary medicine without a license constitutes grounds for the Board to take disciplinary action against the Licensee ~~and the unlicensed individual~~. A Licensee shall have established a valid veterinarian-client-patient relationship prior to the delegation of an animal health care task to a non-licensed employee as allowed by the Act.

(b) A Licensee shall not authorize a non-licensed employee to perform the following functions:

- (i) Surgery
- (ii) Diagnosis and prognosis; or
- (iii) Prescribing of drugs, medicines and appliances.

(c) A Licensee shall ensure that the activities of a supervised individual are within the scope of the orders, assignment or prescriptions of the Licensee and within the capabilities of the individual. This does not prohibit the performance of animal health care tasks by the unlicensed individual as allowed by the Act and only at the customary place of business. The Licensee shall not conduct the supervision from a separate and different clinic. Nor does it prohibit, under emergency situations, where an animal requires immediate treatment to sustain life or prevent further injury, an unlicensed employee from rendering lifesaving aid and treatment in the absence of a Licensee.

Section 5. Premises and Housing Facilities.

(a) Separate cages shall be provided for each hospitalized animal, except that neonate and juvenile littermates or animals from the same client may be caged together when appropriate. Cages shall be cleaned and sanitized before their use by newly arriving animals. Excreta, spilled feed and water shall be removed from cages as often as necessary to prevent contamination of the animals, reduce hazards to the health of the animals, and eliminate odors. Cage size shall be sufficient to allow an animal to stand, sit, lie down and turn around comfortably.

(b) Animals having clinical evidence of infectious, contagious or communicable disease shall be separated at all times from other animals so as to minimize the spread of disease.

(c) Equipment shall be maintained in a clean and sanitary condition at all times.

(d) Food and water for animals shall be kept free from contamination, and all receptacles for food and water shall be kept in a clean and sanitary condition. Animals must be provided with food of sufficient quantity and quality to allow normal growth or the maintenance of body weight. Clean, potable water sufficient to satisfy the animal's needs shall be provided at all times.

(e) An effective program for the control of pests on the premises shall be established and maintained.

(f) The premises shall be kept clean and in good repair to facilitate acceptable sanitary practices and shall be kept free of accumulations of refuse or debris.

(g) All supplies, including food and bedding, must be stored in facilities that adequately protect the supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologics.

(h) Disposal facilities shall be operated to prevent a nuisance condition, to minimize pest infestation, odor and disease hazards.

(i) Reliable electric power and potable water adequate for the practice of veterinary medicine shall be available at all times on the premises.

(j) Housing facilities shall be cleaned and disinfected as necessary to maintain a clean and sanitary condition at all times.

(k) A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. Drains shall be constructed and maintained in good repair to avoid foul odors. If closed drainage systems are used, they shall be installed to prevent any backup of sewage and other waste materials onto the floors of the facilities.

(l) Indoor housing facilities shall be sufficiently heated when necessary to protect the animals from cold and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below fifty (50) degrees Fahrenheit for animals not acclimated to lower temperatures.

(m) The surfaces of indoor housing facilities with which animals come into contact shall be so constructed and maintained to be substantially impervious to moisture and to be readily sanitized.

(n) Indoor housing facilities shall have ample light, by natural or artificial means, or both, of sufficient intensity and uniform distribution to permit routine inspection and cleaning.

(o) Outdoor housing facilities shall provide adequate shelter to properly protect animals from sun, rain, snow and other weather elements and must provide adequate bedding, water and food.

(p) Housing facilities shall be structurally sound and kept in good repair. The facilities shall be designed and built to protect the animals from injury, contain the animals and to restrict the entrance of other animals.

(q) Indoor housing facilities shall be adequately ventilated to prevent the collection of offensive odors and to provide for the health and comfort of animals at all times. The facilities shall be provided with fresh air either by means of windows, vents or air conditioning and shall be ventilated to minimize drafts, odors and moisture condensation.

(r) When sterile surgical services are provided or when prevailing standards dictate sterile surgery, the following shall apply:

(i) The surgery room shall be clean, orderly, properly maintained, capable of being adequately disinfected, well-lighted and provided with effective emergency lighting;

(ii) The floors, table tops and counter tops of the surgery room shall be constructed of a material suitable for regular disinfecting and cleaning; and Instruments, equipment and packs for sterile surgery shall be:

(A) Adequate for the type of surgical service provided; and

(B) Sterilized by a method sufficient to kill spores.

(s) Proper illumination for viewing radiographs shall be available.

Section 6. Inspectors.

(a) The Board or its agent may perform inspections of any Licensee's facilities at any reasonable time to ensure sanitation and cleanliness in compliance with the Act and these Rules.

(b) Inspection reports shall be provided to each Licensee who has been inspected.

(c) The Board shall allow reasonable time for the facility to be brought into compliance with the Act and these Rules.

CHAPTER 5

PRACTICE AND PROCEDURE

Section 1. Complaints. ~~All complaints against a Licensee or Permittee shall be filed with the Board in writing and shall contain:~~

- ~~(a) — Name and address of Licensee or Permittee;~~
- ~~(b) — Name, address and telephone number of complainant;~~
- ~~(c) — Nature of alleged violations;~~
- ~~(d) — A short and concise statement of facts relating to the alleged violations; and~~
- ~~(e) — Signature of complainant.~~

Section 2. Investigation.

~~(a) — The Board shall consider the complaint to determine if further investigation of the matter is warranted. If further investigation is deemed necessary, the Board shall assign an investigation committee comprised of one or two Board members or other individual and a representative of the Attorney General's Office.~~

~~(b) — Upon completion of the investigation, the committee may:~~

~~(i) — Prepare and file a formal complaint and notice of hearing with the Board, setting the matter for a contested case hearing;~~

~~(ii) — Recommend to the Board that a reprimand be given to the Licensee or Permittee; or~~

~~(iii) — Recommend to the Board that the complaint be dismissed.~~

~~(c) — The Board may resolve a complaint at any time by:~~

~~(i) — Sending a written letter of reprimand/warning to a Licensee or Permittee;~~

~~(ii) — Accepting a voluntary surrender of a license or permit;~~

~~(iii) — Accepting conditional terms for settlement;~~

~~(iv) — Dispensing with it in an informal manner; or~~

~~(v) — Dismissal.~~

Section 3. Service of Notice and Formal Complaint. ~~Notice and Complaint shall be served by mail at least twenty (20) days prior to the date set for hearing. It shall be sent by~~

~~certified or registered mail with return receipt thereof to the last known Licensee's or Permittee's address.~~

~~**Section 4. Docket.** A contested case shall be assigned a number when a complaint is filed with the Board. A separate file shall be established for each docketed case, in which shall be placed all papers, pleadings, documents, transcripts, evidence and exhibits.~~

~~**Section 5. Answer or Appearance.** The Licensee or Permittee shall file an Answer or Notice of Appearance, which shall be received by the Board at least three (3) working days prior to the date set for hearing in the matter.~~

~~**Section 6. Default in Licensee or Permittee Answering or Appearing.** In the event of the failure of a Licensee or Permittee to answer or otherwise appear within the time allowed, a default may be entered and the allegations as set forth in the Notice and Complaint shall be taken as true and an Order of the Board entered accordingly.~~

~~**Section 7. Discovery.** In all contested cases coming before the Board, the taking of depositions and discovery shall be available to the parties.~~

~~**Section 8. Subpoenas.** Subpoenas for appearance and to produce testimony, books, papers, documents or exhibits may be issued by the Board or hearing officer on behalf of any party to the contested case.~~

~~**Section 9. Contested Case Hearing.** All issues and matters set forth in the Notice and complaint shall be presented to the Board. A licensee or permittee may be represented by an attorney, licensed to practice law in this State or is otherwise associated at the hearing with an attorney licensed to practice law in this state.~~

~~**Section 10. Hearing Officer.** The Board may employ and secure a hearing officer to assist and advise the Board in the conduct of a hearing and the preparation of recommended findings of fact, conclusions of law and order.~~

~~**Section 11. Order of Procedure at Hearing.** As nearly as may be, hearings shall be conducted in accordance with the following order of procedure:~~

~~(a) — The Board or hearing officer shall announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard, and thereupon the Board or hearing officer shall incorporate all pleadings into the record and shall note for the record all subpoenas issued and all appearances of record;~~

~~(b) — All persons testifying at the hearing shall be administered the standard oath;~~

~~(c) — The attorney or representative of the State shall thereupon proceed to present State's evidence. Witnesses may be cross-examined by the Licensee or Permittee or attorney if represented. Redirect examination may be permitted.~~

~~(d) — The Licensee or Permittee shall be heard in the same manner as the State's evidence. The State shall have the opportunity of cross-examination and redirect examination may be permitted.~~

~~(e) — Opening statements may be made.~~

~~(f) — The parties or attorneys may make closing statements, at the conclusion of the presentation of evidence. A rebuttal statement may be made by the State. The Board or hearing officer may limit the time for oral argument;~~

~~(g) — After all proceedings have been concluded, the Board or hearing officer shall dismiss and excuse all witnesses and declare the hearing closed. Any party who may wish or desire to tender written briefs of law unto the Board may do so. The Board may take the case under advisement and shall declare unto each of the parties that the decision of the Board shall be announced within due and proper time following consideration of all of the matters presented at the hearing; and~~

~~(h) — The Board and hearing officer shall retain the right and opportunity to examine any witness upon the conclusion of all testimony offered by a particular witness.~~

~~**Section 12. Rules of Civil Procedure to Apply.** The rules of practice and procedure contained in the Wyoming Rules of Civil Procedure insofar as they are applicable and not inconsistent with the matters before the Board and applicable to the rules and orders promulgated by the Board shall apply.~~

~~**Section 13. Attorneys.** The filing of an answer or other appearance by an attorney constitutes an appearance for the party for whom the pleading is filed. The Board and all parties shall be notified in writing of any withdrawal. Any person appearing before the Board at a hearing in a representative capacity shall be precluded from examining or cross-examining any witness unless the person is an attorney licensed to practice law in this State, or associated with an attorney licensed to practice law in this State. This rule shall not be construed to prohibit any Licensee or Permittee from representing themselves in any hearing before the Board, but any Licensee or Permittee appearing in their own behalf shall not be relieved of abiding by all rules established for the hearing proceedings.~~

~~**Section 14. Attorney General to be Present.** In all hearings held upon formal action brought before the Board, a representative of the Office of the Attorney General of Wyoming shall appear on behalf of the State, and shall present all evidence, testimony and legal authority in support of the Notice and Complaint to be considered by the Board.~~

~~**Section 15. Record of Proceedings.** When the denial, revocation or suspension of any license or permit is the subject for hearing, it shall be regarded as a contested case and the proceedings, including all testimony, shall be reported verbatim by a court reporter or other adequate recording device.~~

~~**Section 16. Decision, Findings of Fact and Conclusions of Law and Order.**~~

~~(a) — The Board shall, with the assistance of the hearing officer, following the full and complete hearing, make and enter a written decision and order containing findings of fact and conclusions of law. The decision and order shall be filed with the Board and shall, without further action, become the decision and order as a result of the hearing.~~

~~(b) — No member staff or agent of the Board who participated or advised in the investigation or presentation of evidence at the hearing shall participate or advise in the decision.~~

~~(c) Upon entry and filing, the Board shall mail copies of the decision to each Licensee and Permittee and attorneys of record.~~

~~**Section 17. Appeals to District Court.** Appeals from Board decisions shall be taken to the district court having jurisdiction and proper venue in accordance with applicable statutes and the Wyoming Rules of Appellate Procedure.~~

~~**Section 18. Transcript in Case of Appeal.** In the case of an appeal to the district court, the appellant shall pay and arrange for the transcript of the testimony. The transcript shall be verified by the oath of the reporter who took the testimony as a true and correct transcript of the testimony and other evidence in the case.~~

APPLICATION REVIEW, COMPLAINTS, AND HEARING PROCEDURES

Section 1. Application Review Process.

~~(a) Upon receipt of a completed application, the Board Office shall review the application and if it is complete and, if there are no known grounds for denial of the license/permit requested, issue the license/permit. If there are known grounds for denial, the Board Office shall forward the application to the Application Review Committee (ARC).~~

~~(b) The ARC shall review the application and all other information available and following the review may:~~

~~(i) Approve the application if the applicant meets all requirements; or~~

~~(ii) If there are questions as to whether denial is appropriate, forward the application and an ARC report to the Assistant Attorney General assigned to the Board for prosecution to review.~~

~~(c) If, after review, the ARC and Assistant Attorney General recommend denial of an application:~~

~~(i) A preliminary denial letter shall be sent to applicant. The letter shall:~~

~~(A) State the basis for the denial including relevant statutes and rules;~~
~~and~~

~~(B) Advise the applicant of the right to request reconsideration.~~

~~(ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial becomes final.~~

~~(iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARC, the Assistant Attorney General, and the applicant.~~

~~(iv) Following a reconsideration conference, the ARC shall either approve or deny the application.~~

(v) If denied, the applicant must submit a written request for a hearing within thirty (30) days of the date of the denial letter.

(d) Application denial hearings.

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The hearing is to be conducted in the presence of a quorum of the Board, with a hearing officer presiding.

(iii) The applicant has the burden of proving that he/she meets all requirements for the license requested.

(e) The ARC shall not take part in the consideration of any contested case.

(f) The ARC shall not, by this rule, be barred from attending any disciplinary hearing.

Section 2. Complaints.

(a) A disciplinary action is initiated against a license/permit holder by submitting a written complaint to the Board office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member, or a Board staff member. The written complaint should provide as much of the following information as may be available and applicable:

(i) The name and address of the complainant;

(ii) The name, address, place of employment, and telephone number of the license/permit holder against whom the charges are made;

(iii) The specific conduct alleged to constitute the violation;

(iv) The name and address of any other witnesses; and

(v) The signature of the complainant.

Section 3. Review of Written Complaint.

(a) Written complaints shall be referred to an Investigative Board Member (IBM) selected by Board staff from a rotating schedule. License/permit holders against whom charges are made will be advised of the investigation, the name of the IBM, and the nature of the complaint.

(i) The IBM shall not take part in the consideration of any contested case.

(ii) The IBM shall not, by this rule, be barred from attending any disciplinary hearing.

Section 4. Investigations and Board Action. The IBM and Board staff shall investigate those written complaints received which merit further investigation.

- (a) Upon completion of the investigation the IBM shall:
- (i) Dismiss the complaint if no evidence of violation of the Act or Board rules is found; or
 - (ii) Prepare an investigative report which shall include:
 - (A) The findings;
 - (B) A list of statutes and/or Board rules believed to have been violated; and
 - (C) Any relevant additional information.

(b) The IBM shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.

- (c) Following consultation with the Assistant Attorney General, the IBM may:
- (i) Send the notice required by Section 5;
 - (ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;
 - (iii) Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;
 - (iv) Recommend the Board dismiss the complaint.
- (d) The Board may resolve a complaint at any time by:
- (i) Accepting a voluntary surrender of a license;
 - (ii) Accepting conditional terms for settlement;
 - (iii) Dismissal.

Section 5. Service of Notice and Opportunity to Show Compliance.

Prior to commencement of a formal hearing, the IBM shall give notice by mail to the license/permit holder of the facts or conduct which warrant his/her intended action. The notice shall give the license/permit holder and opportunity to show compliance with all lawful requirements for retention of the license/permit within twenty (20) days of the mailing of the notice. Such notice shall be sent to the license/permit holder's last known address both by certified mail within return receipt requested and by first class mail.

Section 6. Formal Hearing Procedures.

(a) Formal proceedings for a hearing before the Board regarding action against a license/permit holder shall be commenced by petition and notice of hearing, served in person, or by both certified mail and first class mail sent to the address last known by the Board at least thirty (30) days prior to the date set for the hearing. The petition and notice shall contain at least:

(i) The name and address of the license/permit holder;

(ii) A statement, in ordinary and concise language, of the nature of the complaint filed with the Board, the facts upon which the complaint is based, as well as the specific statute(s) or Board rules and regulations alleged to have been violated;

(iii) The time, place, and nature of the hearing;

(iv) That the hearing is being held pursuant to the authority provided by W.S. 33-30-212; and

(v) The license/permit holder shall file an Answer or Notice of Appearance, which must be received by the Board at least ten (10) working days prior to the date set for hearing, or the license holder will be in default.

Section 7. Continuance. For good cause shown, extensions and continuances may be granted or denied at the discretion of the Board or the hearing officer.

Section 8. Default. The Board may enter an order based on the allegations in a petition in any case where the applicant or license/permit holder has not answered or appeared in writing ten (10) working days before the hearing, or in any case in which the applicant or license/permit holder or his/her representative has not appeared at a scheduled hearing for which they had notice.

Section 9. Hearing Officer. The Board may appoint a hearing officer to take evidence at the hearing, or the chairperson or a Board member may serve as the hearing officer.

Section 10. Discovery. In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act.

Section 11. Subpoenas.

(a) A Board member or the hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths.

(b) Service of a subpoena must be made at the expense of the party applying for it and shall be made in the manner provided by law for service of subpoenas in civil actions.

Section 12. Witnesses.

(a) All persons testifying at any hearing before the Board shall be administered a standard oath or affirmation.

(b) No testimony will be received from a witness except under oath or affirmation.

(c) The party calling a witness shall bear the costs associated with his/her appearance.

(d) The Board and hearing officer shall have an opportunity to examine any witness.

Section 13. Representation.

(a) A license/permit holder may represent him/herself or be represented by counsel, provided that such counsel is licensed to practice law in the State of Wyoming or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.

(b) In any case before the Board, an appearance in person or the filing of an answer or other pleading shall constitute an appearance of record by an attorney.

(c) A request for withdrawal from representation by an attorney shall be submitted to the Board in writing.

(d) The Assistant Attorney General assigned to the Board for prosecution shall present all matters in a contested case on behalf of the IBM.

Section 14. Prehearing Conference.

(a) The hearing officer may direct the parties to appear before him/her to consider:

(i) The issues;

(ii) Amending the pleadings;

(iii) The possibility of obtaining admissions of fact and of documents to avoid unnecessary proof;

(iv) Formulating procedures to govern the hearing; or

(v) Such other matters as may aid in the disposition of the case.

(b) Prehearing conferences shall be conducted informally. An order will be prepared which recites the actions taken at the conference, amendments allowed, agreements of the parties, and the issues to be determined at the hearing.

Section 15. Order of Procedure at Hearing. The hearing will be conducted in substantially the following order:

(a) Opening announcements are made by the hearing officer, including case name and docket number, the issue(s) to be considered, parties and counsel present, and subpoenas issued;

(b) Witnesses should be identified and sworn;

(c) Opening statements may be made at the discretion of the hearing officer. In cases of license denial, the applicant should go first. In disciplinary cases the IBM should go first;

(d) Presentation of Evidence. The order above will be followed with each party, the hearing officer, and the Board having the opportunity to cross-examine the witnesses. Rebuttal evidence may be presented;

(e) Exhibits offered in evidence by the applicant or the license holder will be marked with the letters of the alphabet. Those offered by the IBM will be marked numerically;

(f) Closing arguments may be made at the discretion of the hearing officer. Time may be limited, the order of presentation is as above, and brief rebuttal time may be allowed. The hearing and the evidence are then closed, unless reopened by the hearing officer for good cause shown.

Section 16. Decisions.

(a) Proposed Decisions:

(i) At the discretion and direction of the Board, the parties may file proposed findings of fact, conclusions of law, and order after the hearing and before the deadline announced in the hearing's closing announcements.

(ii) At the discretion and direction of the Board, the hearing officer shall prepare proposed findings of fact, conclusions of law, and order.

(b) Final Decisions. Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. All final decisions issued by the Board shall be served to all parties by first class mail sent to their last known address.

Section 17. Appeals. A Petition for Judicial Review of the Board decision may be filed in the district court in accordance with the Wyoming Rules of Appellate Procedure.

Section 18. Transcripts. If a Petition for Judicial Review is filed in the district court, the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or reimburse the Board for the cost of the transcript if previously prepared at Board expense.

CHAPTER 6

EMBRYO TRANSPLANT or EMBRYO TRANSFER

Section 1. Authority. These rules and regulations are promulgated by the Wyoming Board of Veterinary Medicine to regulate the practice of Embryo Transplants pursuant to Wyo. STAT. 33-30-204(m)(xiii).

Section 2. Qualifications and Application for Permit to Practice Embryo Transplants or Embryo Transfer.

(a) Every Embryo Transplant or Embryo Transfer Technician shall ~~first~~ obtain a permit issued by the Board before performing Embryo Transplants or Embryo Transfers.

(b) A permit shall not be required of either a Licensee or Temporary Permit Holder practicing veterinary medicine ~~a licensed veterinarian~~.

(c) Applicants for a permit to practice as an Embryo Transplant Technician (~~ETT~~) shall:

(i) Be at least 18 years of age and have successfully completed at least six semesters hours of reproductive physiology, endocrinology and embryo trans~~plant~~fer course work from an accredited college or university ~~as~~ approved by the Board;

~~(ii) Have passed an examination as designated by the Board; and~~

~~(iii)~~(ii) Submit a completed application on forms provided by the Board, which Completed application shall include:

(A) A current photograph of the applicant certified by a notary;

(B) An official copy of a certified transcript verifying the required education required to practice Embryo Transplants ~~must be~~ sent directly from the college or university to the Board; and

(C) An original form signed by the applicant and a veterinarian licensed to practice and residing in Wyoming in which the veterinarian agrees to supervise the possession and administration of specific drugs necessary for Embryo Transplant procedures.

(d) Applicants for a permit to practice as an Embryo Transfer Technician shall:

(i) Submit a completed application on forms provided by the Board;

(ii) Be a graduate of an Embryo Transfer course approved by the Board. The applicant shall request that official transcripts or verification of course completion be forwarded to the Board office directly from the source.

~~(d)~~(e) Applicants who are licensed or permitted in another jurisdiction may be issued a permit ~~without examination~~, provided licensing or permit requirements of the other jurisdiction are similar to ~~that of~~ Wyoming's requirements for a ~~license or~~ permit as determined by the Board.

(f) The applicant shall request verification from all jurisdictions in which they have held or currently hold a license or permit and the status of that license or permit.

Section 3. Examination for Permit to Practice.

~~(a) The examination for a permit to practice Embryo Transplants may include but not be limited to a written, oral, and/or a practical examination at the discretion of the Board. If the Board determines an applicant possesses proper qualifications it shall admit the applicant at the next examination. The examinations shall be administered at a times and places designated by the Board in advance.~~

~~(b) The examination may include, but not be limited to test the applicants' knowledge of reproductive physiology, embryology, endocrinology, pharmacology, grading of embryos, freezing and storing of embryos and export regulations.~~

~~(i) The passing score on the examination shall be 75% overall.~~

~~(c) If an applicant fails the examination, he or she may pay the required examination fee and retake the examination.~~

~~(d) There shall be no limit on the number of times an applicant may retake the examination to qualify for receiving a permit.~~

Section 43. Renewal and Continuing Education.

(a) A permit to practice Embryo Transplants or Embryo Transfers shall be renewed annually on or before December 31 upon receipt of a completed renewal form, payment by the Board of the renewal fee and evidence satisfactory to the Board that the applicant has completed at least one course between January and December of the current year related to Embryo Transplants or Embryo Transfers ~~40 hours of continuing education in Embryo Transplant~~ within three years.

~~(b) A permit not renewed on or before December 31 shall be void.~~

~~(c)~~(b) An expired permit ~~not renewed on or before December 31~~ shall may be renewed within sixty (60) days of expiration ~~reinstated on or before the next January 31~~ upon receipt of a completed renewal form, payment by the Board of double the late renewal fee and evidence satisfactory to the Board that the applicant has completed 40 hours of continuing education in Embryo Transplant or Embryo Transfer as defined in this chapter ~~within three years.~~

~~(d)~~(c) An individual who has failed to have a permit renewed within sixty (60) days of the expiration date must meet the requirements of Section 2 of this chapter ~~reinstated on or before January 31 following the December 31 expiration date, shall not have a permit reinstated. Re-permitting may be granted by the Board only upon application, fulfillment of all requirements established by the Act and these Rules and payment of all fees.~~

~~(e)~~(d) It is the responsibility of the permit holder to maintain proof of his or her continuing education attendance.

~~(f)~~ Continuing education credits obtained during a three-year permit period cannot be used for subsequent renewal periods.

~~(g)~~(e) Continuing education programs must be approved in advance by the Board.

Section 54. Use of Specific Drugs.

(a) No prescription drug shall be prescribed, dispensed, or administered without the establishment of a valid veterinarian-client-patient relationship.

(b) Possession and administration of drugs by an Embryo Transplant Technician is limited to the following specific drug categories:

- (i) local anesthetics;
- (ii) antibiotics used in reproductive work; and
- (iii) synchronizing and stimulating hormones used in reproductive work.

(c) Possession and administration of specific drugs by Embryo Transplant Technicians must be under the supervision of a veterinarian licensed to practice and residing in Wyoming. Records of drugs used and amounts must be kept by the veterinarian and available for Board review. The Board will maintain records of supervision forms signed by the technicians and the supervising veterinarians. When a new or different veterinarian agrees to supervise a technician, it is the technician's responsibility to see that a new supervision form is filed with the Board within 30 days of the commencement of the new supervisor.

Section 65. Records. A record shall be kept for every Embryo Transplant performed and shall include:

- (a) Identification of the animals and the owners of the animals involved;
- (b) Name of Embryo Transplant Technician involved; and
- (c) Date performed.

Section 6. Scope of Practice

(a) "Nonsurgical embryo transfer" means the trans-cervical procedure of removing the ova or embryos from a donor animal and subsequently implanting the embryos into a surrogate mother animal, including the follow-up verification of pregnancy status.

(b) The practice of nonsurgical embryo transfer involves basic knowledge, skills and abilities in manual rectal palpation, synchronization and stimulation with hormones, administration of local anesthetics, flushing with lab media, use of microscopes, freezing and thawing embryos, catheterizing animals, administering antibiotics, and grading embryos.

(c) Embryo Transfer Technicians may only use practices and procedures that fall within the scope of subsection (a).

Section 7. Denial, Refusal to Renew, Suspension, Revocation or Censure of Permit to Practice.

(a) The Board may, with respect to the practice of Embryo Transplants, either deny, refuse to renew, suspend, revoke, or censure a permit or otherwise discipline an Embryo Transplant Technician based upon the following:

(i) Violation of any state or federal statute or administrative Board rule regulating the practice of Embryo Transplants;

(ii) Misrepresentation in applying for ~~or issuance of~~ a permit;

~~(iii) Performing Embryo Transplants while knowingly infected with a contagious disease communicable to animals;~~

~~(iv)~~⁽ⁱⁱⁱ⁾ Incompetence, negligence or use of any practice or procedure in the practice of Embryo Transplant which creates an unreasonable risk of physical harm to the animal or financial loss to the client;

~~(v)~~^(iv) Practice beyond the scope of practice encompassed by the permit;

~~(vi)~~^(v) Failing to maintain appropriate records as specified in the rules of the Board; and

~~(vii)~~^(vi) Failing to adequately supervise auxiliary staff including any individual directly involved in the transplant to the extent that the donor or recipient's physical health or safety is at risk;

(b) Embryo Transplant Technicians shall be subject to disciplinary practices and procedures as set forth in Chapter ~~4~~⁵, of these rules.

APPENDIX A

WYOMING STATE STATUTES

TITLE 33, CHAPTER 30

BOARD OF VETERINARY MEDICINE PRACTICE ACT

CHAPTER 30

VETERINARIANS

ARTICLE 1

IN GENERAL

~~33-30-101. Filing of forged or fictitious diploma.~~

~~Any person, filing, or attempting to file, as his own, the diploma of another, or a forged or fictitious diploma, or a fraudulently obtained diploma, certificate, license, or affidavit, upon conviction thereof shall be subject to the penalty provided by the statutes of the state of Wyoming for the crime of forgery.~~

~~33-30-102. Veterinary officers to be licensed.~~

~~No person shall hereafter in this state or in any county or city thereof be appointed or elected to any public position requiring veterinary skill or knowledge, who has not, prior to his appointment or election become a duly licensed veterinarian.~~

ARTICLE 2

MEDICAL PRACTICE

~~33-30-201. Citation and purpose of article.~~

~~_____ (a) _____ This act [§§ 33-30-201 through 33-30-215] shall be known as the Wyoming Veterinary Medical Practice Act.~~

~~_____ (b) _____ It is hereby declared that the practice of veterinary medicine is a privilege which is granted by legislative authority in the interest of the public health, safety and welfare, and to assure the public of the highest competency and professional standards by persons licensed to practice veterinary medicine.~~

~~33-30-202. Definitions.~~

~~_____ (a) _____ When used in this act [§§ 33-30-201 through 33-30-215], these words and phrases, unless the context otherwise indicates, shall be defined as follows:~~

~~(i) "Animal" is any animal other than man and includes fowl, birds, fish and reptiles, wild or domestic, living or dead;~~

~~(ii) "Veterinary medicine" is that discipline of medicine, system, science and art devoted to preventing or alleviating illness, pain, disease and deformity of animals by diagnosing, treating, prescribing or operating, and to preventing the spread to human beings of those diseases capable of being contracted by human beings from animals, utilizing means and methods which are taught and practiced in accredited colleges of veterinary medicine. Veterinary dentistry, cosmetic surgery and physiological examination of animals shall be considered a part of veterinary medicine;~~

~~(iii) "Practice of veterinary medicine" shall include, but not be limited to, the practice:~~

~~(A) To diagnose, prognose, treat, correct, change, relieve, or prevent disease, pain, deformity, defect, injury, or other physical or mental conditions of any animal for a fee or other compensation; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique;~~

~~(B) To physiologically examine or to correct sterility or infertility, or to render advice or recommendation with regard to any of the above for any animal for a fee or other compensation;~~

~~(C) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in paragraphs (A) and (B);~~

~~(D) To use any titles, words, abbreviations, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subparagraphs (A) and (B) of this paragraph except where such person is a veterinarian.~~

~~(iv) "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from an accredited college of veterinary medicine;~~

~~(v) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state. For the purpose of this act such licensed veterinarian is also considered to be a practicing veterinarian;~~

~~(vi) "College of veterinary medicine" means any veterinary college or school or division of a university or college that offers the degree, doctor of veterinary medicine or its equivalent, and that conforms to the standards required for accreditation by the American Veterinary Medical Association;~~

~~(vii) "Person" means any individual, firm, partnership, association, joint venture, cooperative and 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, or any other representative of such person;~~

~~_____ (viii) "Board" means the Wyoming board of veterinary medicine.~~

~~33-30-203. License required; exceptions.~~

~~_____ (a) No person may practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. This act [§§ 33-30-201 through 33-30-215] shall not be construed to prohibit:~~

~~_____ (i) An employed veterinarian of the federal, state, or local government from performing his official duties; provided, however, this exemption shall not apply to such person when he is not engaged in carrying out his official duties;~~

~~_____ (ii) A person who is a regular student in a college of veterinary medicine from performing duties or action assigned by his instructors, or from working under the responsible supervision of a licensed veterinarian during a school vacation period;~~

~~_____ (iii) A veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state;~~

~~_____ (iv) Any merchant or manufacturer from selling at his regular place of business medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases;~~

~~_____ (v) The owner of an animal, the owner's employees or any livestock operator and such operator's employees with whom the owner exchanges work and assistance in connection with animals, from caring for and treating any animal belonging to such owner, in any manner desired by said owner;~~

~~_____ (vi) A member of the faculty of an accredited college of veterinary medicine or a recognized division of veterinary science from performing his regular functions at such college or division by lecturing, or from giving instructions or demonstrations at such college or division or in connection with a continuing education course or seminar;~~

~~_____ (vii) Any person from engaging in bona fide scientific research which requires experimentation involving animals; providing that procurement and care of such experimental animals shall conform to accepted methods and existing law;~~

~~_____ (viii) Any person approved by the board from performing artificial insemination of animals as provided by W.S. 33-30-204(m)(iii);~~

~~_____ (ix) Any veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian from administering medication or rendering auxiliary or supporting assistance under the responsible supervision of such practicing veterinarian;~~

~~_____ (x) Persons from gratuitously giving aid, assistance or relief in emergency or accident cases if they do not represent themselves to be veterinarians or use any title or degree appertaining to the practice thereof;~~

~~_____ (xi) Any person approved by the board from performing embryo transplants upon animals as provided by W.S. 33-30-204(m)(xiii).~~

33-30-204. Board of veterinary medicine.

~~_____ (a) _____ A Wyoming board of veterinary medicine shall be appointed by the governor, by and with the consent of the senate, and shall consist of five (5) members who shall hold office for a term of six (6) years. Four (4) members shall be licensed veterinarians, one (1) member shall be a consumer of veterinary services. Members of the state board of veterinary examiners previously appointed under this act shall continue as members of the board until the expiration of the term for which they were appointed. Initial appointments to the board may be for less than six (6) years so that the terms of not more than two (2) members shall expire in any one (1) biennium. Whenever the occasion arises for an appointment of a licensed veterinarian under this section the Wyoming Veterinary Medical Association shall nominate three (3) or more qualified persons and forward the nominations to the governor at least thirty (30) days prior to the convening date of the senate. Vacancies due to death, resignation or removal shall be filled by appointment by the governor in accordance with W.S. 28-12-101 upon nominations being made as otherwise provided in this section for appointment. No person shall serve two (2) consecutive six (6) year terms, but a person appointed for a term of fewer than six (6) years, or to fill a vacancy, may succeed himself. Effective July 1, 1979, appointments and terms shall be made in accordance with W.S. 28-12-101 through 28-12-103.~~

~~_____ (b) _____ Any member of the board who is required to be a licensed veterinarian shall be qualified to serve as a member of the board if he is a graduate of a college of veterinary medicine, a resident of this state, and has been licensed to practice veterinary medicine in this state for the five (5) years immediately preceding the time of his appointment. No person may serve on the board who is, or was during the two (2) years immediately preceding his appointment, a member of the faculty, trustees or advisory board of a college of veterinary medicine.~~

~~_____ (c) _____ The governor may remove any board member from office as provided in W.S. 9-1-202.~~

~~_____ (d) _____ Immediately and before entering upon the duties of said office, the members of the board shall take the constitutional oath of office and shall file the same in the office of the secretary of state; and there shall thereupon be issued to said members certificates of their appointments.~~

~~_____ (e) _____ Each member of the board shall be paid twenty-five dollars (\$25.00) for each day or substantial portion thereof that he is engaged in the work of the board, in addition to such reimbursement for travel and per diem allowance as is normally allowed to state employees.~~

~~_____ (f) _____ The board shall meet at least once each year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. Except as otherwise provided, a majority of the board, including one (1) officer, constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer or grade examinations, or to deliberate the qualification of an applicant for license, or the disposition of a proceeding to discipline a licensed veterinarian. The board shall adopt a seal which shall be affixed to all licenses issued by the board and to other papers requiring the same.~~

~~_____ (g) _____ At the annual meeting the board shall organize by electing from its membership a president and vice-president and such other officers as may be prescribed by rules. Officers of the board shall serve for terms of one (1) year and until successors are elected, without~~

~~limitation on the number of terms an officer may serve. The president shall serve as chairman at the board meetings, except that in his absence the vice-president shall serve as chairman. The state veterinarian shall be ex officio member of the board and serve as secretary-treasurer of the board and shall receive no compensation for any duties imposed upon him by the board, except that he is entitled to the normal travel expenses allowed to state employees.~~

~~————(h)—— The duties of the secretary-treasurer shall include but not be limited to carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and minutes of all board proceedings, including the disposition of all applications for licenses, and keeping a register of all persons currently licensed by the board. The secretary-treasurer shall, as required by W.S. 9-2-1014, report to the governor and the Wyoming Veterinary Medical Association as to the transactions of the board. In all court actions or proceedings pertaining to this act [§§ 33-30-201 through 33-30-215], a transcript of any record or any part thereof, which is certified to be a true copy by the secretary-treasurer, shall be entitled to admission in evidence.~~

~~————(j)—— All board records shall be open to public inspection during regular office hours of the secretary-treasurer; except, information received by the board through inspection and investigations involving the question of licensure shall be confidential and shall not be disclosed except as may be judicially required.~~

~~————(k)—— All money shall be received and collected as provided by law. The state treasurer shall credit the money to a separate account. All expenses of the board and all expenses incurred in connection with the administration of this act shall be paid from the account by requisition signed by the secretary-treasurer of the board in a manner provided by law for payment of other state expenses. The account shall be a continuing account and shall not be subject to reversion to the state's general fund.~~

~~————(m)—— The board is empowered to:~~

~~————(i)—— Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state;~~

~~————(ii)—— Issue, renew, deny, suspend, or revoke licenses and temporary permits to practice veterinary medicine in the state or otherwise discipline licensed veterinarians consistent with the provisions of the act and the rules and regulations adopted thereunder, provided that any denial, suspension or revocation of a license shall be preceded by notice and an opportunity for a hearing;~~

~~————(iii)—— Regulate artificial insemination of animals by establishing standards of practice by consultation with approved schools of artificial insemination and issue permits to persons found qualified by the board;~~

~~————(iv)—— Establish and publish annually a schedule of fees for licensing and registration of veterinarians and the issuance of permits;~~

~~————(v)—— Conduct investigations for the purpose of discovering violations of this act;~~

~~————(vi)—— Hold hearings on all matters properly brought before the board;~~

~~_____ (vii) Employ full-time or part-time professional, clerical or special personnel necessary to effectuate the provisions of this act and purchase or rent necessary office space, equipment and supplies;~~

~~_____ (viii) Employ personnel and incur expenses as may be necessary for the promotion of education and standards of veterinary medicine through institutes, conferences, educational programs or any other means as may result in improved services;~~

~~_____ (ix) Accept any federal, state, county, city or private funds, grants or appropriations which shall be used to award scholarships, fellowships or assistantships to qualified persons to study veterinary medicine in an approved school. The funds shall be deposited in the state treasury and credited to a separate account. The funds shall be paid out upon request of the board as provided by law. The above mentioned awards shall be granted under rules adopted by the board;~~

~~_____ (x) Appoint from its own membership one (1) or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable;~~

~~_____ (xi) Bring proceedings in the courts for the enforcement of this act or any regulations made pursuant thereto;~~

~~_____ (xii) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of this act including the establishment and publication of standards of professional conduct for the practice of veterinary medicine;~~

~~_____ (xiii) Regulate the transplanting of embryos in animals by establishing standards of practice and issue permits to persons found qualified by the board;~~

~~_____ (xiv) Make recommendations regarding members of the animal euthanasia technicians certification board to the governor pursuant to W.S. 33-30-217(a).~~

~~_____ (n) The powers enumerated are granted for the purpose of enabling the board to supervise effectively the practice of veterinary medicine and are to be construed liberally to accomplish this objective. In the exercise of its powers, the board shall be governed by the provisions of the Wyoming Administrative Procedure Act.~~

~~**33-30-205. Veterinarians presently licensed.**~~

~~Any person holding a valid license to practice veterinary medicine in this state on the date when this act becomes effective shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as he complies with the provisions of this act, including annual renewal of license.~~

~~**33-30-206. Application for license; fee; determination of qualifications.**~~

~~_____ (a) Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall show that the applicant is an adult, subscribes to and will uphold the principles incorporated in the constitution of the United States, a graduate of a college of veterinary medicine, a person of good moral character, physical and mental health, and shall provide such other information and proof as the board may require by~~

~~rule. The application shall be accompanied by a fee in the amount established and published by the board.~~

~~(b) If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under W.S. 33-30-208, the board may forthwith grant him a license. If an applicant is found not qualified to take the examination or does not qualify for a license without examination, the secretary-treasurer of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. A licensee whose license is revoked or an applicant found unqualified shall be afforded an opportunity for a hearing to be conducted in accordance with the Wyoming Administrative Procedure Act. Any applicant who is found not qualified shall be allowed the return of his application fee.~~

~~33-30-207. Examinations generally.~~

~~————(a)———— The board shall hold at least one (1) examination of applicants for license to practice veterinary medicine during each year and may hold such additional examinations as are necessary.~~

~~————(b)———— The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in colleges of veterinary medicine. To pass the examination, the examinee must demonstrate scientific and practical knowledge of the highest competency to prove himself qualified to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination prepared by the national board of veterinary examiners.~~

~~————(c)———— After each examination the secretary-treasurer shall notify each examinee of the result of his examination, and the board shall issue licenses to the persons successfully completing the examination. The secretary-treasurer shall record the new licenses and issue certificates of registration to the new licensees. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee.~~

~~————(d)———— Each licensee shall be entitled to exercise all the rights and privileges of a doctor of veterinary medicine; provided, however, any person practicing veterinary medicine shall be governed by the laws of this state and the rules adopted by the board.~~

~~33-30-208. When examination not required.~~

~~————(a)———— The board may, but is not required to, issue a license without a written examination to a qualified applicant who:~~

~~————(i)———— Has for the five (5) years next prior to filing his application been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time the applicant was first licensed which were substantially equivalent to the requirements of this act [§§ 33-30-201 through 33-30-215], and who has the recommendation for Wyoming licensure by the examining board of his state of residence;~~

~~_____ (ii) Has within the three (3) years next prior to filing his application successfully completed the examination conducted by the national board of veterinary examiners.~~

~~_____ (b) At its discretion, the board may orally or practically examine any person qualifying for licensing under this section.~~

~~33-30-209. Temporary permits.~~

~~_____ (a) The board may issue without examination a temporary permit to practice veterinary medicine in this state to a qualified applicant for license pending examination, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued.~~

~~_____ (b) A temporary permit may be summarily revoked by majority vote of the board without a hearing.~~

~~_____ (c) The board is under no obligation to issue a second temporary permit under this provision but may do so if circumstances warrant such issuance.~~

~~33-30-210. Display and exhibition of license; other licenses not required.~~

~~_____ (a) Each person to whom a license is issued shall keep such license conspicuously displayed in his office, place of business or place of employment, and shall, whenever required, exhibit said license to any member or authorized representative of the board.~~

~~_____ (b) No state, county, or city occupational license shall be required to practice veterinary medicine when a veterinarian shall present to the proper authority a valid current license issued by the board.~~

~~33-30-211. Expiration and renewal of licenses; fees; veterinarians on active duty with armed services; duplicate licenses.~~

~~_____ (a) All licenses shall expire annually on December 31 of each year and shall be renewed by registration with the board and payment of the registration renewal fee established and published by the board. On December 1 of each year, the secretary-treasurer shall mail a notice to each licensed veterinarian that his license will expire on December 31 and provide him with a form for re-registration. The secretary-treasurer shall issue annual certificates of registration to all persons registering under this act [§§ 33-30-201 through 33-30-215].~~

~~_____ (b) Any person who shall practice veterinary medicine after the expiration of his license and willfully or by neglect fail to renew such license shall be practicing in violation of this act; provided that, at the discretion of the board, any person not practicing in the state may renew an expired license within five (5) years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five (5) years have elapsed since the date of the expiration, a license may not be renewed, but the holder must make application for a new license.~~

~~_____ (c) The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when he is on active duty with any branch of the armed~~

~~services of the United States, not to exceed the longer of three (3) years or the duration of a national emergency.~~

~~(d) The board shall issue a duplicate license to replace one that has been lost or otherwise rendered unusable upon payment of a fee set by rule of the board. Such duplicate license shall be so designated.~~

~~33-30-212. Denial, suspension and revocation of licenses.~~

~~(a) Upon written complaint sworn to by any person, the board may after a fair hearing and by a concurrence of all members, deny, revoke or suspend for a certain time the license of, or reprimand, any applicant or licensed veterinarian who upon proof to the satisfaction of the board:~~

~~(i) Has employed fraud, misrepresentation, or deception in obtaining a license;~~

~~(ii) Has been adjudicated insane;~~

~~(iii) Has habitually used drugs or intoxicants;~~

~~(iv) Has been convicted of a felony, involving moral turpitude, or has entered a plea of nolo contendere upon being charged with commission of such a felony;~~

~~(v) Has been convicted of a violation of any federal or state law relating to narcotic drugs;~~

~~(vi) Has used advertising or solicitation deemed unprofessional by the board;~~

~~(vii) Has been guilty of gross malpractice or gross neglect in the practice of veterinary medicine which has endangered the health or life of any person or animal;~~

~~(viii) Has had professional association with or employed any person practicing veterinary medicine unlawfully;~~

~~(ix) Has committed acts of fraud or dishonesty; especially in the application or reporting of any test for disease in animals;~~

~~(x) Has failed to report, if required by law, or made false report of, any contagious or infectious disease;~~

~~(xi) Has been guilty of gross negligence in the inspection of foodstuffs or the issuance of health certificate, inspection certificate or vaccination certificate or other form used in the practice of veterinary medicine contributing to the dissemination of animal disease, transportation of diseased animals, or the sale of products of animal origin not fit for human consumption;~~

~~(xii) Has had a license to practice veterinary medicine by another state, territory, or district of the United States revoked or suspended on grounds other than nonpayment of registration fee;~~

~~(xiii) Has been guilty of unprofessional conduct as defined in regulations adopted by the board;~~

~~(xiv) Has been guilty of willful or repeated violation of any provision of this act [§§ 33-30-201 through 33-30-215];~~

~~(xv) Has willfully failed to display a license to practice veterinary medicine in the state of Wyoming;~~

~~_____ (xvi) Has failed to keep the equipment and premises of the business establishment in a clean and sanitary condition as established by rules of the board;~~

~~(xvii) Has refused to permit the board to inspect the business premises of the licensee during regular business hours;~~

~~(xviii) Has been convicted of a charge of cruelty to animals;~~

~~_____ (xix) Has failed to answer to the board, when so requested in writing, in regard to information relating to any of the violations listed under this section.~~

~~_____ (b) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.~~

~~33-30-213. Reinstatement of suspended or revoked licenses.~~

~~Any person whose license is suspended or revoked may, at the discretion of the board, be relicensed or reinstated at any time without an examination by majority vote of the board on written application made to the board showing cause justifying relicensing or reinstatement.~~

~~33-30-214. Penalty for violation; injunction.~~

~~_____ (a) Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor and upon conviction for a first offense shall be fined not more than one hundred dollars (\$100.00), or imprisoned for no more than ninety (90) days, or both fined and imprisoned; provided that each act of such unlawful practice shall constitute a distinct and separate offense.~~

~~_____ (b) The board or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating or is threatening to violate this act [§§ 33-30-201 through 33-30-215], it shall enter an injunction restraining him from such unlawful acts.~~

~~33-30-215. Disposition of unclaimed animals in custody of veterinarians; notice to owner; liability of veterinarians; "abandoned animals".~~

~~_____ (a) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more~~

~~than ten (10) days after written notice is given to the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the custody of the nearest humane society or dog pound in the area for the disposal as such custodian may deem proper.~~

~~—(b)— The giving of notice to the owner, or the agent of the owner, of such animal by the licensed veterinarian, as provided in the foregoing paragraph, shall relieve the licensed veterinarian and any custodian to whom such animal may be given of any further liability for disposal; it is further provided that such procedure by the licensed veterinarian shall not constitute grounds for disciplinary procedure under this act [§§ 33-30-201 through 33-30-215].~~

~~—(c)— For the purpose of this act the term "abandoned" shall mean 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 his agent; such abandonment shall constitute the relinquishment of all rights and claim by the owner to such animal.~~

PRINCIPLES OF VETERINARY MEDICAL ETHICS OF THE AVMA

Originally approved by the House of Delegates in 1867 as the AVMA Code of Ethics

(Bold print states the Principles, standard print explains or clarifies the Principle to which it applies)

I. INTRODUCTION

- A. Veterinarians are members of a scholarly profession who have earned academic degrees from comprehensive universities or similar educational institutions. Veterinarians practice the profession of veterinary medicine in a variety of situations and circumstances.
- B. Exemplary professional conduct upholds the dignity of the veterinary profession. All veterinarians are expected to adhere to a progressive code of ethical conduct known as the Principles of Veterinary Medical Ethics (the Principles). The basis of the Principles is the Golden Rule. Veterinarians should accept this rule as a guide to their general conduct, and abide by the Principles. They should conduct their professional and personal affairs in an ethical manner. Professional veterinary associations should adopt the Principles or a similar code as a guide for their activities.
- C. Professional organizations may establish ethics, grievance, or peer review committees to address ethical issues. Local and state veterinary associations should also include discussions of ethical issues in their continuing education programs.
 - 1. Complaints about behavior that may violate the Principles should be addressed in an appropriate and timely manner. Such questions should be considered initially by ethics, grievance, or peer review committees of local or state veterinary associations, when they exist, and/or when appropriate, state veterinary medical boards. Members of local and state committees are familiar with local customs and circumstances, and those committees are in the best position to confer with all parties involved.

The Judicial Council may address complaints, prior to, concurrent with, or subsequent to review at the state or local level, as it deems appropriate.

2. All veterinarians in local or state associations and jurisdictions have a responsibility to regulate and guide the professional conduct of their members.
 3. Colleges of veterinary medicine should stress the teaching of ethical and value issues as part of the professional veterinary curriculum for all veterinary students.
 4. The National Board of Veterinary Medical Examiners is encouraged to prepare and include questions regarding professional ethics in the National Board Examination.
- D. The AVMA Judicial Council is charged to advise on all questions relating to interpretation of the Bylaws, all questions of veterinary medical ethics, and other rules of the Association. The Judicial Council should review the Principles periodically to ensure that they remain complete and up to date.

II. PROFESSIONAL BEHAVIOR

- A. **Veterinarians should first consider the needs of the patient: to relieve disease, suffering, or disability while minimizing pain or fear.**
- B. **Veterinarians should obey all laws of the jurisdictions in which they reside and practice veterinary medicine. Veterinarians should be honest and fair in their relations with others, and they should not engage in fraud, misrepresentation, or deceit.**
1. Veterinarians should report illegal practices and activities to the proper authorities.
 2. The AVMA Judicial Council may choose to report alleged infractions by nonmembers of the AVMA to the appropriate agencies.
 3. Veterinarians should use only the title of the professional degree that was awarded by the school of veterinary medicine where the degree was earned. All veterinarians may use the courtesy titles *Doctor* or *Veterinarian*. Veterinarians who were awarded a degree other than DVM or VMD should refer to the *AVMA Directory* for information on the appropriate titles and degrees.
- C. **It is unethical for veterinarians to identify themselves as members of an AVMA recognized specialty organization if such certification has not been awarded.**
- D. **It is unethical to place professional knowledge, credentials, or services at the disposal of any nonprofessional organization, group, or individual to promote or lend credibility to the illegal practice of veterinary medicine.**

- E. Veterinarians may choose whom they will serve. Both the veterinarians and the client have the right to establish or decline a Veterinarian-Client-Patient Relationship (See Section III) and to decide on treatment. The decision to accept or decline treatment and related cost should be based on adequate discussion of clinical findings, diagnostic techniques, treatment, likely outcome, estimated cost, and reasonable assurance of payment. Once the veterinarians and the client have agreed, and the veterinarians have begun patient care, they may not neglect their patient and must continue to provide professional services related to that injury or illness within the previously agreed limits. As subsequent needs and costs for patient care are identified, the veterinarians and client must confer and reach agreement on the continued care and responsibility for fees. If the informed client declines further care or declines to assume responsibility for the fees, the VCPR may be terminated by either party.**
- F. In emergencies, veterinarians have an ethical responsibility to provide essential services for animals when necessary to save life or relieve suffering, subsequent to client agreement. Such emergency care may be limited to euthanasia to relieve suffering, or to stabilization of the patient for transport to another source of animal care.**
- 1. When veterinarians cannot be available to provide services, they should arrange with their colleagues to assure that emergency services are available, consistent with the needs of the locality.**
 - 2. Veterinarians who believe that they haven't the experience or equipment to manage and treat certain emergencies in the best manner, should advise the client that more qualified or specialized services are available elsewhere and offer to expedite referral to those services.**
- G. Regardless of practice ownership, the interests of the patient, client, and public require that all decisions that affect diagnosis, care, and treatment of patients are made by veterinarians.**
- H. Veterinarians should strive to enhance their image with respect to their colleagues, clients, other health professionals, and the general public. Veterinarians should be honest, fair, courteous, considerate, and compassionate. Veterinarians should present a professional appearance and follow acceptable professional procedures using current professional and scientific knowledge.**
- I. Veterinarians should not slander, or injure the professional standing or reputation of other veterinarians in a false or misleading manner.**
- J. Veterinarians should strive to improve their veterinary knowledge and skills, and they are encouraged to collaborate with other professionals in the quest for knowledge and professional development.**
- K. The responsibilities of the veterinary profession extend beyond individual patients and clients to society in general. Veterinarians are encouraged to make their knowledge available to their communities and to provide their services for**

activities that protect public health.

- L. **Veterinarians and their associates should protect the personal privacy of patients and clients.** Veterinarians should not reveal confidences unless required to by law or unless it becomes necessary to protect the health and welfare of other individuals or animals.
- M. **Veterinarians who are impaired by alcohol or other substances should seek assistance from qualified organizations or individuals.** Colleagues of impaired veterinarians should encourage those individuals to seek assistance and to overcome their disabilities.

III. THE VETERINARIAN-CLIENT-PATIENT RELATIONSHIP

- A. **The veterinarian-client-patient relationship (VCPR) is the basis for interaction among veterinarians, their clients, and their patients.** A VCPR exists when all of the following conditions have been met:
 - 1. The veterinarian has assumed responsibility for making clinical judgements regarding the health of the animal(s) and the need for medical treatment, and the client has agreed to follow the veterinarians instructions.
 - 2. The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), or by medically appropriate and timely visits to the premises where the animal(s) are kept.
 - 3. The veterinarian is readily available, or has arranged for emergency coverage, for follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen.
- B. **When a VCPR exists, veterinarians must maintain medical records (See section VIII).**
- C. **Dispensing or prescribing a prescription product requires a VCPR**
 - 1. Veterinarians should honor a clients request for a prescription in lieu of dispensing.
 - 2. Without a VCPR, veterinarians merchandising or use of veterinary prescription drugs or their extra-label use of any pharmaceutical is unethical and is illegal under federal law.
- D. **Veterinarians may terminate a VCPR under certain conditions, and they have an ethical obligation to use courtesy and tact in doing so.**
 - 1. If there is no ongoing medical condition, veterinarians may terminate a VCPR by notifying the client that they no longer wish to serve that patient and client.

2. If there is an ongoing medical or surgical condition, the patient should be referred to another veterinarian for diagnosis, care, and treatment. The former attending veterinarian should continue to provide care, as needed, during the transition.

E. Clients may terminate the VCPR at any time.

IV. ATTENDING, CONSULTING AND REFERRING

A. An attending veterinarian is a veterinarian (or a group of veterinarians) who assumes responsibility for primary care of a patient. A VCPR is established.

1. Attending veterinarians are entitled to charge a fee for their professional services.
2. When appropriate, attending veterinarians are encouraged to seek assistance in the form of consultations and referrals. A decision to consult or refer is made jointly by the attending veterinarian and the client.
3. When a consultation occurs, the attending veterinarian continues to be primarily responsible for the case.

B. A consulting veterinarian is a veterinarian (or group of veterinarians) who agrees to advise an attending veterinarian on the care and management of a case. The VCPR remains the responsibility of the attending veterinarian.

1. Consulting veterinarians may or may not charge fees for service. When such fees are charged, they are usually collected from the client by the attending veterinarian.
2. Consulting veterinarians should communicate their findings and opinions directly to the attending veterinarians.
3. Consulting veterinarians should revisit the patients or communicate with the clients in collaboration with the attending veterinarians.
4. Consultations usually involve the exchange of information or interpretation of test results. However, it may be appropriate or necessary for consultants to examine patients. When advanced or invasive techniques are required to gather information or substantiate diagnoses, attending veterinarians may refer the patients. A new VCPR is established with the veterinarian to whom a case is referred.

C. The referral veterinarian or receiving veterinarian is a veterinarian (or group of veterinarians) who agrees to provide requested veterinary services. A new VCPR is established. The referring and referral veterinarians must communicate.

1. Attending veterinarians should honor clients requests for referral.
2. Referral veterinarians may choose to accept or decline clients and patients from attending veterinarians.
3. Patients are usually referred because of specific medical problems or services. Referral veterinarians should provide services or treatments

relative to the referred conditions, and they should communicate with the referring veterinarians and clients if other services or treatments are required.

- D. When a client seeks professional services or opinions from a different veterinarian without a referral, a new VCPR is established with the new attending veterinarian. When contacted, the veterinarian who was formerly involved in the diagnosis, care, and treatment of the patient should communicate with the new attending veterinarian as if the patient and client had been referred.
1. With the client's consent, the new attending veterinarian should contact the former veterinarian to learn the original diagnosis, care, and treatment and clarify any issues before proceeding with a new treatment plan.
 2. If there is evidence that the actions of the former attending veterinarian have clearly and significantly endangered the health or safety of the patient, the new attending veterinarian has a responsibility to report the matter to the appropriate authorities of the local and state association or professional regulatory agency.

V. INFLUENCES ON JUDGEMENT

- A. The choice of treatments or animal care should not be influenced by considerations other than the needs of the patient, the welfare of the client, and the safety of the public.
- B. Veterinarians should not allow their medical judgment to be influenced by agreements by which they stand to profit through referring clients to other providers of services or products.
- C. The medical judgments of veterinarians should not be influenced by contracts or agreements made by their associations or societies.
- D. When conferences, meetings, or lectures are sponsored by outside entities, the organization that presents the program, not the funding sponsor, shall have control of the contents and speakers.
- E. Veterinarians should disclose to clients potential conflicts of interest.

VI. THERAPIES

- A. Attending veterinarians are responsible for choosing the treatment regimens for their patients. It is the attending veterinarians responsibility to inform the client of the expected results and costs, and the related risks of each treatment regimen.
- B. It is unethical for veterinarians to prescribe or dispense prescription products in the absence of a VCPR.
- C. It is unethical for veterinarians to promote, sell, prescribe, dispense, or use secret remedies or any other product for which they do not know the ingredient formula.

- D. It is unethical for veterinarians to use or permit the use of their names, signatures, or professional status in connection with the resale of ethical products in a manner which violates those directions or conditions specified by the manufacturer to ensure the safe and efficacious use of the product.

VII. GENETIC DEFECTS

- A. Performance of surgical or other procedures in all species for the purpose of concealing genetic defects in animals to be shown, raced, bred, or sold, as breeding animals is unethical. However, should the health or welfare of the individual patient require correction of such genetic defects, it is recommended that the patient be rendered incapable of reproduction.

VIII. MEDICAL RECORDS

- A. Veterinary medical records are an integral part of veterinary care. The records must comply with the standards established by state and federal law.
- B. Medical Records are the property of the practice and the practice owner. The original records must be retained by the practice for the period required by statute.
- C. Ethically, the information within veterinary medical records is considered privileged and confidential. It must not be released except by court order or consent of the owner of the patient.
- D. Veterinarians are obligated to provide copies or summaries of medical records when requested by the client. Veterinarians should secure a written release to document that request.
- E. Without the express permission of the practice owner, it is unethical for a veterinarian to remove, copy, or use the medical records or any part of any record.

IX. FEES AND REMUNERATION

- A. Veterinarians are entitled to charge fees for their professional services.
- B. It is unethical for veterinarians to engage in fee-splitting. Fee-splitting is defined as payment by a referral veterinarian of part of their fee to the attending veterinarian who has not rendered professional services. Under this definition, the use of consultants, laboratory services, and online pharmacies does not constitute fee-splitting.
- C. Regardless of the fees that are charged or received, the quality of service must be maintained at the usual professional standard.
- D. It is unethical for a group or association of veterinarians to take any action which coerces, pressures, or achieves agreement among veterinarians to conform to a fee schedule or fixed fees.

X. ADVERTISING

- A. Without written permission from the AVMA Executive Board, no member or

employee of the American Veterinary Medical Association (AVMA) shall use the AVMA name or logo in connection with the promotion or advertising of any commercial product or service.

- B. Advertising by veterinarians is ethical when there are no false, deceptive, or misleading statements or claims. A false, deceptive, or misleading statement or claim is one which communicates false information or is intended, through a material omission, to leave a false impression.
- C. Testimonials or endorsements are advertising, and they should comply with the guidelines for advertising. In addition, testimonials and endorsements of professional products or services by veterinarians are considered unethical unless they comply with the following:
 - 1. The endorser must be a bonafide user of the product or service.
 - 2. There must be adequate substantiation that the results obtained by the endorser are representative of what veterinarians may expect in actual conditions of use.
 - 3. Any financial, business, or other relationship between the endorser and the seller of a product or service must be fully disclosed.
 - 4. When reprints of scientific articles are used with advertising, the reprints must remain unchanged, and be presented in their entirety.
- D. The principles that apply to advertising, testimonials, and endorsements also apply to veterinarians communications with their clients.
- E. Veterinarians may permit the use of their names by commercial enterprises (e.g. pet shops, kennels, farms, feedlots) so that the enterprises can advertise under veterinary supervision, only if they provide such supervision.

XI. EUTHANASIA

Humane euthanasia of animals is an ethical veterinary procedure.

XII. GLOSSARY

1. PHARMACEUTICAL PRODUCTS

Several of the following terms are used to describe veterinary pharmaceutical products. Some have legal status, others do not. Although not all of the terms are used in the Principles, we have listed them here for clarification of meaning and to avoid confusion.

- A. *Ethical Product:* A product for which the manufacturer has voluntarily limited the sale to veterinarians as a marketing decision. Such products are often given a different product name and are packaged differently than products that are sold directly to consumers. "Ethical products" are sold only to veterinarians as a condition of sale that is specified in a sales agreement or on the product label.
- B. *Legend Drug:* A synonymous term for a veterinary prescription drug. The name refers to the statement (legend) that is required on the label (see

veterinary prescription drug below).

- C. Over the Counter (OTC) Drug: Any drug that can be labeled with adequate direction to enable it to be used safely and properly by a consumer who is not a medical professional.
- D. Prescription Drug: A drug that cannot be labeled with adequate direction to enable its safe and proper use by non-professionals.
- E. Veterinary Prescription Drug: A drug that is restricted by federal law to use by or on the order of a licensed veterinarian, according to section 503(f) of the federal Food, Drug, and Cosmetic Act. The law requires that such drugs be labeled with the statement: "Caution, federal law restricts this drug to use by or on the order of a licensed veterinarian."

2. DISPENSING, PRESCRIBING, MARKETING AND MERCHANDISING

- A. Dispensing is the direct distribution of products by veterinarians to clients for use on their animals.
- B. Prescribing is the transmitting of an order authorizing a licensed pharmacist or equivalent to prepare and dispense specified pharmaceuticals to be used in or on animals in the dosage and in the manner directed by a veterinarian.
- C. Marketing is promoting and encouraging animal owners to improve animal health and welfare by using veterinary care, services, and products.
- D. Merchandising is the buying and selling of products or services.

B. ADVERTISING AND TESTIMONIALS

- A. Advertising is defined as communication that is designed to inform the public about the availability, nature, or price of products or services or to influence clients to use certain products or services.
- B. Testimonials or endorsements are statements that are intended to influence attitudes regarding the purchase or use of products or services.

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