CHAPTER 573 RULES OF PROFESSIONAL CONDUCT

SUBCHAPTER A - GENERAL PROFESSIONAL ETHICS

RULE §573.1 Avoidance of Conflicting Interest

(a) A ~~veterinarian~~ licensee shall not represent conflicting interests, except by express consent of all ~~concerned~~ parties, given after a full disclosure of the facts. ~~A veterinarian represents conflicting interests if, when employed by a buyer to inspect an animal for soundness, the veterinarian accepts a fee from the seller. Acceptance of a fee from both the buyer and seller is prima facie evidence of fraud.~~

(b) A licensee shall not allow their medical judgement to be unduly influenced by personal financial interests or employer expectations.

RULE §573.2 ~~Avoidance of Encroachment on Another's Practice~~ Prohibition of Harassment and Retaliation

~~A licensee may not make any effort, direct or indirect, which in any manner is calculated to influence the sound professional judgment of another licensee.~~

(a) It is the right of any licensee, without fear or favor, to give proper advice to those seeking relief against substandard or neglectful veterinary or equine dentistry services, to make a complaint to the Board, or to act as a witness in a Board investigation or a contested hearing.

(b) A licensee shall not harass, discriminate against, or otherwise retaliate against a complainant or witness to a complaint, including but not limited to another licensee who provides information or an opinion in the matter.

(c) A licensee ~~who~~ shall not make~~s~~ a complaint against another licensee that is ~~ground~~baseless and brought in bad faith~~,~~ (i.e, for the purpose of harassment, retaliation, or for any other improper purpose) ~~shall be in violation of this rule~~.

(d) A licensee shall not verbally abuse or harass, nor physically threaten or assault a client or agent or representative of the Board.

~~RULE §573.3 Exposure of Corrupt or Dishonest Conduct~~ [REPEAL]

~~Licensees shall expose without fear or favor before the proper tribunal or the State Board of Veterinary Medical Examiners corrupt or dishonest conduct by other licensees.~~

RULE §573.4 Adherence to the Law

No licensee shall commit any act that is in violation of the laws of the State of Texas, other states, or of the United States, if the act is connected with the licensee's professional practice, including, but not limited to, the acts enumerated in §575.50(f) of this title (relating to Criminal

Convictions). A complaint, indictment, or conviction of a law violation is not necessary for the enforcement of this rule. Proof of the commission of the act while in the practice of, or under the guise of the practice of, either veterinary medicine or equine dentistry, is sufficient for action by the Board under this rule.

~~RULE §573.5 Avoidance of Corruption of Others~~ [REPEAL] *combined with rule 573.2

~~A licensee shall not render any service or advice directed toward the corruption of any person or persons exercising a public office or private trust, or deception, or betrayal of the public. A licensee shall not harass, discriminate against, or otherwise retaliate against a complainant or witness to a complaint, including but not limited to another licensee who provides information or an opinion in the matter.~~

RULE §573.6 Restriction of Legal Entities ~~Partnerships~~ to Members of Veterinary Profession

(a) In the formation of legal entities ~~partnerships~~ for the practice of veterinary medicine, no person shall be admitted as an owner, partner, member, or other part~~ner~~ of that legal entity who ~~is~~ does not hold a ~~member of the veterinary profession, duly authorized to practice, and amenable to professional discipline~~ license to practice veterinary medicine issued by the Board. ~~No person shall be held out as a practitioner of veterinary medicine or a member of the firm who is not so admitted. In the selection and use of a firm name, no false or misleading name shall be used. Partnerships between veterinarians and members of other professions or nonprofessional persons shall not be formed or permitted if a part of the partnership employment consists of the practice of veterinary medicine.~~

(b) Upon the death of a veterinarian that is an owner, partner, member, or other part of a legal entity that engages in the practice of veterinary medicine, the veterinarian's interest in the legal entity becomes the property of the veterinarian's heirs, unless otherwise specified in a will or other legally binding document. An heir who is not a licensed veterinarian must dispose of the property not later than the second anniversary of the date of the veterinarian's death.

RULE §573.7 No Abuse of Position or Trust

(a) A~~ny~~ licensee shall not ~~who~~ use~~s~~ present or past position, or office of trust, deliberately to create an individual professional advantage, or to coerce, or to deceive the public ~~shall be in violation of the rules of professional conduct~~.

(b) A licensee ~~may~~ shall not influence, or attempt to influence, the statement, response, or opinion of any person, licensed or unlicensed, to the Board ~~if the Board has requested the statement or opinion~~.

(c) A licensee ~~may~~ shall not request or require a client or ~~another~~ any other person to waive ~~his or her~~ their right to file a complaint with the Board.

RULE §573.8 Loss of ~~Accreditation~~ Credentials

A licensee whose accreditation or professional license has been revoked or suspended by any other state or federal authority is subject to disciplinary action by the Board. A licensee must report any accreditation, licensure, certification, or registration revocation or suspension to the Board within 30 ~~business~~ days.

~~RULE §573.9 Nonresident Consultants~~ [REPEAL] *Nonresident consultants are exempt from Ch. 801 pursuant to Tex. Occ. Code 801.004(9)

~~Veterinarians licensed in other states may enter the State of Texas, whether in person, by mail, or by electronic means, for purposes of consultation. Nonresident consultants may not establish a routine visit schedule of consultations in Texas. Consultants must, at all times, consult under the general supervision of a Texas veterinarian.~~

SUBCHAPTER B – SUPERVISION OF PERSONNEL

RULE §573.10 Supervision of Non-Veterinarians

(a) With appropriate supervision and after establishing a veterinarian-client-patient relationship, a veterinarian may delegate veterinary care and treatment duties to non-veterinarian employees, or to the following independent contractors:

(1) licensed equine dental providers, in accordance with §573.19 of this ~~title~~ chapter (relating to Dentistry); or

(2) individuals performing any form of musculoskeletal manipulation, ~~including but not limited to animal chiropractic,~~ in accordance with §573.14 of this ~~title~~ chapter (relating to Alternate Therapies--Chiropractic and Other Forms of Musculoskeletal Manipulation).

(b) A veterinarian shall determine when general, direct, or immediate supervision of a non-veterinarian's actions is appropriate, except where ~~such actions of the non-veterinarian may~~ the level of supervision required for a given act is otherwise ~~be prohibited~~ specified by law. A veterinarian shall consider whether the individual is licensed by the Board, as well as the level of training and experience of the non-veterinarian, when determining the level of supervision and duties of non-veterinarians.

(c) A veterinarian is subject to discipline if ~~he or she~~ they improperly delegate~~s~~ care and/or treatment duties to a non-veterinarian, or fail~~s~~ to properly supervise the non-veterinarian performing delegated duties.

(d) When feasible, a veterinarian may delegate greater responsibility to a licensed veterinary technician than to an unlicensed person.

(1) Veterinary supervision of licensed veterinary technicians:

(A) Under the direct or immediate supervision of a veterinarian, a licensed veterinary technician may:

(i) suture to close existing surgical skin incisions and skin lacerations;

(ii) induce anesthesia, including local anesthesia/nerve blocks, under a protocol established by the supervising veterinarian for the specific patient; and

(iii) in dogs and cats, extract loose teeth or dental fragments with minimal periodontal attachments by hand and without the use of an elevator.

~~(B) Except where otherwise prohibited by law, under general veterinary supervision, a licensed veterinary technician may:~~

~~(i) draw blood; and~~

~~(ii) take samples for purposes of testing and diagnosis.~~

(2) Veterinary supervision of unlicensed employees:

(A) Under the immediate supervision of a veterinarian, an unlicensed employee of a veterinarian may:

(i) suture to close existing surgical skin incisions and skin lacerations; and

(ii) induce anesthesia, including local anesthesia/nerve blocks, under a protocol established by the supervising veterinarian for the specific patient~~.~~; and

(iii) in dogs and cats, extract loose teeth or dental fragments with minimal periodontal attachments by hand and without the use of an elevator.

(B) An unlicensed employee of a veterinarian may perform other tasks assigned by the supervising veterinarian under a level of supervision determined by the supervising veterinarian.

~~(C) An unlicensed employee may not, under any level of veterinary supervision, extract loose teeth or dental fragments from a dog or cat.~~

(e) Under the immediate supervision of a licensed veterinary technician, an unlicensed employee of a veterinarian may:

(1) suture to close existing skin incisions and skin lacerations;

(2) induce anesthesia under a protocol established by the supervising veterinarian for the specific patient; and

~~(3) draw blood;~~

~~(4) take samples for the purpose of testing and diagnosis and;~~

(~~5~~3) perform other tasks in veterinary medicine, not otherwise prohibited by other subsections of this section or other laws, as assigned by the supervising veterinarian and according to a protocol established by the supervising veterinarian.

(f) A non-veterinarian shall not perform the following health care services:

(1) surgery;

(2) invasive dental procedures except as allowed for licensed equine dental providers under §573.19 of this ~~title~~ chapter, and as allowed for licensed veterinary technicians under subsection (d)(1) of this ~~section~~ rule;

(3) render diagnosis and prognosis of animal diseases and/or conditions;

(4) prescribe~~ing~~ drugs and appliances; or

(5) initiate~~ion of~~ treatment without prior instruction by a veterinarian, except in an emergency or disaster and without expectation of compensation pursuant to Texas Occupations Code §801.004(8).

(g) ~~Euthanasia may be performed by a~~A non-veterinarian shall not perform euthanasia ~~only~~ unless under the immediate supervision of a veterinarian.

(h) A non-veterinarian may administer a rabies vaccine only under the direct supervision of a veterinarian, and only after the veterinarian has properly established a veterinarian-client-patient relationship as described in §573.20 of this chapter (relating to Veterinarian-Client-Patient-Relationship).

(i) The use of a veterinarian's signature stamp or electronic signature pad on an official health document by a non-veterinarian shall be authorized only under the direct supervision of the ~~vaccinating~~ treating veterinarian.

(j) Exception for Emergency Care. In an emergency situation where prompt treatment is essential for the prevention of death or alleviation of extreme suffering, a veterinarian may, after determining the nature of the emergency and the condition of the animal, issue treatment directions to a non-veterinarian by ~~means of~~ telephone or electronic means~~, electronic mail or~~

~~messaging, radio, or facsimile communication and not be in violation of §801.351 of the Act~~. ~~However, the Board may take action against a veterinarian if, in the Board's sole discretion, the veterinarian uses this authorization to circumvent this rule.~~ The veterinarian assumes full responsibility for such treatment. ~~However, nothing in this rule requires a~~ A veterinarian has no obligation to accept an animal ~~treated under this rule~~ as a patient under these circumstances.

(k) Exception for Care of Hospitalized Animals. A non-veterinarian may, in the absence of direct supervision, follow the oral or written treatment orders of a veterinarian who is caring for a hospitalized animal, so long as the veterinarian has examined the animal~~(s)~~ and a valid veterinarian-client-patient relationship exists.

RULE §573.11 Responsibility for Unlicensed Employees

(a) A supervising veterinarian ~~shall be~~ is responsible for any acts a non-veterinarian employee commits within the scope of the employee's employment which relates to the practice of veterinary medicine and of which the supervising veterinarian has knowledge of or reasonably should have knowledge of.

(b) A licensed veterinary technician supervising an unlicensed employee of a veterinarian shall be responsible for any acts committed by that unlicensed employee of a veterinarian which relate~~d~~s to the practice of veterinary medicine and of which the supervising licensed veterinary technician has knowledge of or reasonably should have knowledge of.

(c) If a licensed veterinary technician acting under supervision of a veterinarian violates a law, regulation, and/or B~~b~~oard rule which relates to the practice of veterinary medicine, both the veterinarian and the licensed veterinary technician are subject to discipline by the Board.

RULE §573.12 Responsibility for Licensure of Licensed Persons

(a) A veterinarian who employs and/or supervises another veterinarian practicing veterinary medicine shall assure that the veterinarian being supervised ~~person is~~:

(1) is actively licensed and authorized to practice in this State; and

(2) meets the requirements of §573.43 of this ~~title~~ chapter (relating to Controlled Substances Registration) for registration with the federal Drug Enforcement Administration (DEA) if the veterinarian being supervised holds an active DEA registration.

(b) A veterinarian who employs and/or supervises an equine dental provider or a licensed veterinary technician shall ensure that each licensee is actively licensed and authorized to practice in this State.

RULE §573.13 Delegation and Supervision Relating to Official Health Documents

(a) ~~A veterinarian must personally sign any~~ Oofficial health documents issued by ~~the~~ a veterinarian~~, and/or any official health documents for which the veterinarian has received compensation, regardless of whether said compensation is ultimately refunded, provided, however, that rabies certificates may~~ must be authenticated by either:

(1) the veterinarian's personal or electronic signature; or

(2) the use of a signature stamp or electronic signature by a non-licensed employee under direct supervision of the veterinarian.

(b) The possession or issuance of any pre-signed or pre-stamped official health documents by a veterinarian is prohibited.

(c) Unless otherwise prohibited by law, and except as provided in subsection (d) of this ~~section~~ rule, a veterinarian may permit a non-licensed employee under the veterinarian's direct supervision, or under the immediate supervision of a licensed veterinary technician, to collect samples from animals for official tests. If a non-veterinarian employee collects a sample for testing for an official health document, it must be notated in the animal's medical record.

~~(d) A person approved by the Texas Animal Health Commission (TAHC) and under the general supervision of a TAHC approved veterinarian may perform testing for brucellosis at a livestock market or collect blood samples on animals to be consigned directly from the ranch to slaughter and submit them to the state/federal laboratory for brucellosis testing.~~

RULE §573.14 Alternate Therapies--Chiropractic and Other Forms of Musculoskeletal Manipulation

(a) Definition. For the purpose of this rule, animal chiropractic and other forms of musculoskeletal manipulation (MSM) are systems of therapeutic application of any and all ~~mechanical~~ forces applied ~~manually through the hands or any mechanical device~~ to treat and/or alleviate impaired or altered function of related components of the musculoskeletal system of nonhuman animals. Animal chiropractic and other forms of MSM in nonhuman animals are considered to be alternate therapies in the practice of veterinary medicine. Examples of MSM include, but are not limited to:

(1) electrical stimulation;

(2) pulsed electromagnetic field therapy ("PEMF");

(3) shockwave therapy, also known as extracorporeal shockwave therapy ("ESWT"); and

(4) dry needling.

(b) Treatment using animal chiropractic and other forms of MSM. Animal chiropractic and other forms of MSM may only be performed by the following~~.~~:

(1) A licensed veterinarian. Animal chiropractic and MSM may be performed by a licensed veterinarian under the following conditions:

(A) a valid veterinarian~~/~~-client~~/~~-patient-relationship has been established as defined in the Act;

(B) an examination has been made by the licensee to determine that animal chiropractic/MSM will not likely be harmful to the patient; and

(C) the licensee obtains as a part of the patient's permanent record a signed acknowledgment by the owner or other caretaker of the patient that animal chiropractic or MSM is considered by Texas law to be an alternate therapy.

(2) A non-veterinarian employee or an independent contractor. A non-veterinarian employee or an independent contractor may perform these procedures on an animal under the direct or general supervision of the veterinarian if the conditions in paragraph (1)(A) - (C) of this subsection have been met and the supervising veterinarian has provided specific manipulations and/or treatments for the independent contractor to provide.

(3) A~~n individual~~ person to whom the exceptions of ~~the Act,~~ Texas Occupations Code §801.004, apply.

(c) Responsibility. Whether the animal chiropractic/MSM is performed by a veterinarian, ~~or~~ a non-veterinarian employee, or an independent contractor working under the supervision of a licensee, the Board will hold the veterinarian to the same standard of care as required under §573.22 of this chapter (relating to Professional Standard of Care) ~~a level of professional judgment as would be exercised by the average Texas veterinarian who performs or recommends chiropractic/MSM treatments in his/her practice~~.

RULE §573.15 Use of Ultrasound in Diagnosis or Therapy

~~(a) Definitions.~~

~~(1) Ultrasound--Mechanical radiant energy with a frequency greater than 20 kilocycles per second.~~

~~(2) Ultrasonics--That part of the science of acoustics dealing with the frequency range beyond the upper limit of perception by the human ear, but usually restricted to frequencies above 500 kilocycles per second.~~

~~(3) Ultrasonic radiation--The effect of ultrasound which is injurious to tissues because of its thermal effects when absorbed by living matter.~~

~~(4) Ultrasound therapy--Controlled doses of ultrasound used therapeutically to selectively break down pathologic tissues, as in treatment of arthritis and lesions of the nervous system.~~

~~(5) Diagnostic ultrasound--Ultrasound images used as a diagnostic aid by visually displaying echoes received from irradiated tissues.~~

~~(6) Ultrasonography--The visualization of deep structures of the body by recording the reflections of pulses of ultrasonic waves directed into the tissues.~~

(~~b~~a) Use of ultrasound for diagnosis or therapy of animals. The use of ultrasound in animals to diagnose any condition or for any therapeutic purpose is the practice of veterinary medicine and shall only be performed by a licensed veterinarian or under the general supervision of a licensed veterinarian.

(~~c~~b) Use of ultrasound by persons who are not licensed veterinarians.

(1) For diagnostic purposes. A person who is not a licensed veterinarian may perform ultrasonography on an animal for diagnostic purposes only if: the person administering the ultrasound is doing so at the request of a licensed veterinarian; the veterinarian has established a veterinarian-client-patient relationship; and it is the veterinarian who uses the ultrasonography to make a diagnosis.

(2) For therapeutic purposes. A person who is not a licensed veterinarian may perform ultrasonography on an animal for therapeutic purposes only if a veterinarian has: established a veterinarian-client-patient relationship; made a diagnosis; prescribed ultrasonics as a treatment; and the person administering the ultrasound is doing so at the specific request of a licensed veterinarian.

~~(d) Prohibited acts. Any person who uses ultrasound on animals in a manner inconsistent with this rule shall be in violation of this rule and the Texas Veterinary Licensing Act.~~

RULE §573.16 Alternate Therapies—Acupuncture, Holistic Medicine and Homeopathy

(a) Definitions. For the purpose of this rule~~, acupuncture is~~ the following terms have the following meanings:

(1) Acupuncture--

(A) the insertion of an acupuncture needle and/or the application of moxibustion to specific areas of a non-human animal's body to relieve the discomfort associated with painful disorders, to induce surgical anesthesia, and for therapeutic purposes; and

(~~2~~B) the administration of thermal or electrical treatments or the recommendation of ~~dietary guidelines,~~ energy flow exercise~~,~~ or dietary or herbal supplements in conjunction with the treatment described by paragraph (1) of this subsection. ~~Acupuncture in non-human animals is considered to be an alternate therapy in the practice of veterinary medicine.~~

(2) Holistic Medicine--the practice of veterinary medicine that believes in a blend of alternative and, if need be, conventional approaches of treatment in an effort to develop a system of complementary medicine to treat the whole patient. In practice, it incorporates less conventional methods including, but not limited to, herbal medicine, acupuncture, chiropractic, homeopathy, and applied kinesiology, with more conventional methods, such as modern drugs, surgery and diagnostics.

(3) Homeopathy--a system of therapeutics in which diseases are treated by substances which in full strength are capable of producing in healthy animals, symptoms like those of the disease to be treated. In homeopathy, the substance is administered in minute doses.

(b) Use of ~~A~~acupuncture, holistic medicine, and homeopathy in the treatment of animals are considered to be alternative therapies in the practice of veterinary medicine. ~~Only licensed veterinarians may use acupuncture in the care and medical treatment of animals. No veterinarian may allow a non-veterinarian employee or other agent to perform acupuncture in the treatment of an animal patient.~~

(c) Only licensed veterinarians may use acupuncture, holistic medicine or homeopathy in the medical treatment of animals except as provided in Texas Occupations Code §801.004. No veterinarian may allow their non-veterinarian employee or other agent to perform acupuncture, holistic medicine, or homeopathy in the treatment of an animal patient.

(~~c~~d) Client Consent Required. Before acupuncture, holistic medicine or homeopathy may be used in the treatment of an animal, the veterinarian must obtain a signed statement from the animal's owner or caretaker acknowledging that ~~acupuncture~~ these ~~is an~~ are alternative therapy~~y~~ies in veterinary medicine and approving ~~its~~ the use in the treatment of the animal. Before signing the statement, the veterinarian shall inform the client of the conventional treatments available and their probable ability to cure the problem. The statement shall become a permanent part of the patient's record.

~~(d) Standard Used in Determining Appropriate Use of Acupuncture. If the Board receives a complaint against a licensee about treatment involving the use of acupuncture, investigation of the complaint may include opinions from other licensees who use acupuncture in their treatment of animals. However, veterinarians who practice acupuncture shall exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar~~

circumstances by average members of the veterinary medical profession in good standing in the locality or community, or in similar locations or communities, in which they practice.

(e) Other Board Rules Not Preempted. Nothing in this rule shall remove or limit in any way the applicability of other rules of the Board as they apply to the practice of veterinary medicine.

RULE §573.17 Alternate Therapies--Holistic Medicine **[REPEAL] *combined with 573.16**

(a) Definition. For the purpose of this rule, holistic medicine means: the practice of veterinary medicine that believes in a blend of alternative and, if need be, conventional approaches of treatment in an effort to develop a system of complementary medicine to treat the whole patient. In practice, it incorporates less conventional methods such as herbal medicine, acupuncture, chiropractic, homeopathy, and applied kinesiology, with more conventional methods, such as modern drugs, surgery and diagnostics. Use of holistic medicine in non-human animals is considered to be an alternate therapy in the practice of veterinary medicine.

(b) Use of holistic medicine in the treatment of animals. Only licensed veterinarians may use holistic medicine in the medical treatment of animals. No veterinarian may allow a non-veterinarian employee or other agent to perform holistic medicine in the treatment of an animal patient.

(c) Client Consent Required. Before holistic medicine may be used in the treatment of an animal, the veterinarian must obtain a signed statement from the animal's owner or caretaker acknowledging that holistic medicine is an alternate therapy in veterinary medicine and approving its use in the treatment of the animal. Before signing the statement, the veterinarian shall inform the client of the conventional treatments available and their probable ability to cure the problem. The signed statement shall become a permanent part of the patient's record.

(d) Standard Used in Determining Appropriate Use of Holistic Medicine. If the Board receives a complaint against a licensee about treatment involving the use of holistic medicine, investigation of the complaint may include opinions from other licensees who use holistic medicine in their treatment of animals. However, veterinarians who practice holistic medicine shall exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community, or in similar localities or communities, in which they practice.

(e) Other Board Rules Not Preempted. Nothing in this rule shall remove or limit in any way the applicability of other rules of the Board as they apply to the practice of veterinary medicine.

RULE §573.18 Alternate Therapies--Homeopathy **[REPEAL] *combined with 573.16**

~~(a) Definition. For the purpose of this rule, homeopathy is: a system of therapeutics in which diseases are treated by substances which are capable of producing in healthy animals symptoms like those of the disease to be treated, the substance being administered in minute doses. Use of homeopathic remedies in non-human animals is considered to be an alternate therapy in the practice of veterinary medicine.~~

~~(b) Use of Homeopathy in the Treatment of Animals. Only licensed veterinarians may use homeopathy in the medical treatment of animals. No veterinarian may allow a non-veterinarian employee or other agent to perform homeopathy in the treatment of an animal patient.~~

~~(c) Client Consent Required. Before homeopathy may be used in the treatment of an animal, the veterinarian must obtain a signed statement from the animal's owner or caretaker acknowledging that homeopathy is an alternate therapy in veterinary medicine and approving its use in the treatment of the animal. Before signing the statement, the veterinarian shall inform the client of the conventional treatments available and their probable ability to cure the problem. The signed statement shall become a permanent part of the patient's file.~~

~~(d) Standard Used in Determining Appropriate Use of Homeopathy. If the Board receives a complaint against a licensee about treatment involving the use of homeopathy, investigation of the complaint may include opinions from other licensees who use homeopathy in their treatment of animals. However, veterinarians who practice homeopathy shall exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community, or in similar localities or communities, in which they practice.~~

~~(e) Other Board Rules Not Preempted. Nothing in this rule shall remove or limit in any way the applicability of other rules of the Board as they apply to the practice of veterinary medicine.~~

RULE §573.19 Dentistry

(a) Dentistry, a subset of the practice of veterinary medicine, is~~:~~

> ~~(1)~~ ~~T~~the application or use of any instrument, ~~or~~ device, including, but not limited to, dental scalers, probes, and elevators, to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of an animal's tooth, gum or related tissue.~~; and~~

(~~2~~b) Preventive dental procedures include~~ing~~, but are not limited to, the removal of calculus, soft deposits, plaque, stains or the smoothing, filing, scaling or polishing of tooth surfaces.

(~~b~~c) A non-licensed person may not perform any invasive dental procedure, as defined in §573.80 of this ~~title~~ chapter (relating to Definitions), ~~and~~ except as ~~limited~~ allowed by subsection (e) of this rule and §573.10(d) of this chapter ~~section~~ .

(~~c~~d) ~~Nothing in~~ T~~t~~his rule ~~regulation shall~~ does not prohibit any person from utilizing cotton swabs, gauze, dental floss, dentifrice, or toothbrushes to clean an animal's teeth.

~~(d) In dogs and cats, a licensed veterinary technician under direct or immediate supervision of a veterinarian may extract loose teeth or dental fragments with minimal periodontal attachments by hand and without the use of an elevator.~~

(e) The following treatments may be performed ~~to~~ on an equine~~d~~ animal by ~~a~~ licensed equine dental providers under the general supervision ~~by~~ of a veterinarian, and by a non-veterinarian employees under the direct supervision ~~by the~~ of a veterinarian:

(1) removing sharp enamel points;

(2) removing small dental overgrowths;

(3) rostral profiling of the first cheek teeth;

(4) reducing incisors;

(5) extracting loose, deciduous teeth;

(6) removing supragingival calculus;

(7) extracting loose, mobile, or diseased teeth or dental fragments with minimal periodontal attachments by hand and without the use of an elevator; and

(8) removing erupted, non-displaced wolf teeth.

SUBCHAPTER C – RESPONSIBILITIES TO CLIENTS

RULE §573.20 ~~Responsibility for Acceptance of Medical Care~~ Veterinarian-Client-Patient Relationship

(a) ~~The decision to accept an animal as a patient is at the sole discretion of a veterinarian. The veterinarian is responsible for determining the diagnosis and course of treatment for an animal that has been accepted as a patient and for advising the client as to the diagnosis and treatment to be provided.~~ A veterinarian may not practice veterinary medicine unless a veterinarian-client-patient relationship exists except as allowed by Texas Occupations Code §801.004 and rules 573.10(j) and 573.41(d) of this chapter. A veterinarian-client-patient relationship exists if the veterinarian:

(1) assumes responsibility for medical judgments regarding the health of an animal and a client, who is the owner or other caretaker of the animal, agrees to follow the veterinarian's instructions;

(2) possesses sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the animal's medical condition; and

(3) is readily available to provide, or has provided, follow-up medical care in the event of an adverse reaction to, or a failure of, the regimen of therapy provided by the veterinarian.

(b) ~~For purposes of establishing a veterinarian-client-patient relationship under §801.351 of the Veterinary Licensing Act, Texas Occupations Code, a veterinarian can obtain sufficient knowledge of an animal by making medically appropriate and timely visits to the premises on which the animal is kept only if the animal is a member of a herd.~~ A veterinarian possesses sufficient knowledge of the animal for purposes of subsection (a)(2) of this rule if the veterinarian has recently seen, or is personally acquainted with, the keeping and care of the animal by:

(1) examining the animal; or

(2) making medically appropriate and timely visits to the premises on which the animal is kept, if the animal is a member of a herd.

(c) A veterinarian must inform a client when:

(1) the client has specifically requested that the veterinarian diagnose and/or treat the client's animal; and

(2) the veterinarian reasonably believes there is a likelihood or possibility that another veterinarian may perform some or all of the diagnosis and/or treatment of the patient.

(d) Once a veterinarian-client-patient relationship has been established, a veterinarian may discontinue ~~treatment~~ the relationship:

(1) at the request of the client;

(2) after the veterinarian substantially completes the treatment or diagnostics prescribed;

(3) upon referral to another veterinarian; ~~or~~

(4) after notice to the client providing a reasonable period for the client to secure the services of another veterinarian~~.~~;

(5) if the veterinarian lacks the resources needed to provide safe and competent care for the patient;

(6) if the client declines the treatment options provided by the veterinarian or declines to assume responsibility for the cost of treatment;

(7) if the client is abusive towards or threatens the veterinarian or staff;

(8) if the veterinarian reasonably believes the client or patient threatens the safety of themselves or their staff; or

(9) if the client has indicated that they have lost trust or confidence in the veterinarian to the degree that the veterinarian no longer feels comfortable providing care.

(e) ~~Once a veterinarian establishes a veterinarian-client-patient relationship and prescribes medication(s), another Texas licensed veterinarian within the same clinic or hospital who has access to the patient's current medical records may refill that same prescription(s) without a veterinary-client-patient relationship~~ A veterinarian-client-patient-relationship may not be established solely by telephone or electronic means.

(f) The decision to accept an animal as a patient is at the sole discretion of a veterinarian.

RULE §573.21 Direct Responsibility to Client

(a) The professional services of a ~~licensee~~ veterinarian shall not be controlled or exploited by any person or entity who: ~~lay agency~~, ~~personal or corporate, which intervenes between the client and the licensee~~.

(1) is not a veterinarian; and

(2) intervenes between the veterinarian and the veterinarian's client.

(b) A ~~licensee~~ veterinarian shall not:

(1) allow a ~~non-licensed~~ person or entity who does not hold a license to practice veterinary medicine in this State to interfere or intervene with the ~~licensee's~~ veterinarian's practice of veterinary medicine;

(2) ~~nor shall the licensee~~ submit to ~~such~~ interference or intervention by a ~~non-licensed~~ person or entity who does not hold a license to practice veterinary medicine in this State.

(c) A ~~licensee~~ veterinarian shall avoid all relationships which could result in interference or intervention in the ~~licensee's~~ veterinarian's practice by a ~~non-licensed~~ person or entity who does not hold a license to practice veterinary medicine in this State.

(d) A ~~licensee~~ veterinarian shall be responsible for ~~his or her~~ their own actions and is directly responsible to the client and for the care and treatment of the patient.

(e) A veterinarian shall be responsible for communicating with their clients regarding the client's animal while the animal is under the veterinarian's care. This communication must be sufficient to enable the client to make informed decisions regarding the animal's care. If any non-veterinarian employees are involved in the communication process, it is the veterinarian's responsibility to ensure that the non-veterinarian employees communicate effectively with the client.

RULE §573.22 Professional Standard of Care

Licensees shall exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances, including the type of practice, by average members of the veterinary medical profession in good standing in the locality or geographic community in which they practice, or in similar communities.

RULE §573.23 Board Certified Specialists

(a) Standard of Care for Specialist. Specialists are held to a higher standard of care than non-specialist veterinarians, notwithstanding §573.22 of this chapter ~~title~~ (relating to Professional Standard of Care).

~~(b) Complaints against Specialists. Board investigations of complaints alleging substandard care by a Specialist in his/her area of specialty will include consultations with one or more Specialists licensed by the Board practicing the same specialty on the species involved in the complaint. The Board, at its sole discretion, may consult with Specialists from outside of Texas. If the Board determines an informal conference is warranted, both complainant and respondent may, at their own expense, present oral or written commentary by a Specialist practicing the same specialty on the species involved in the complaint.~~

(~~c~~b) Verification of Specialist Status. Specialists must make information verifying their certification or recognition as a specialist available to the Board~~, Board staff,~~ and the public. This information must be available upon request.

RULE §573.24 Responsibility of Veterinarian to Refer a Case

(a) A veterinarian ~~shall have~~ has a duty to refer or offer a referral to a client ~~to suggest a referral~~ to a specialist, or otherwise more qualified veterinarian, in any case where the veterinarian does not treat a diagnosed condition, or where care and treatment of the animal is beyond the veterinarian's capabilities. A veterinarian's decision on whether to accept or continue care and treatment of an animal, which may require expertise beyond the veterinarian's capabilities, shall be based on the exercise of sound judgment within the prevailing standard of care for a veterinarian faced with the same or similar circumstances.

(b) Complaints Regarding Failure to Make Proper Referral. Board investigations of complaints which allege~~ing~~ or indicate failure to properly make or offer referrals will include evaluation of the training and experience of the veterinarian, the availability of a specialist or more qualified veterinarian, the timeliness and adequacy of information provided to the client regarding the possible need for a referral, the requests of the client, and the likelihood that an adverse result could have been prevented by a timely referral.

RULE §573.25 Issuance of Official Health Documents Through Direct Knowledge Only

(a) Licensed veterinarians in this state shall not issue any official health documents for an animal without first having personally examined the individual animal or herd and know of their own knowledge, by actual inspection and appropriate tests, that said animal or herd meets the requirements for the issuance of the official health document.

(b) A veterinarian is deemed to have issued and to have knowledge of any official health documents issued in the veterinarian's name, written by veterinarian's employee and~~/or~~ maintained in veterinarian's patient ~~or client~~ files.

(c) A veterinarian shall be responsible for the security and proper use of all official certificates, forms, records and reports, and shall take reasonable care to prevent the misuse thereof.

~~A veterinarian shall immediately report to the TBVME the loss, theft or deliberate or accidental misuse of any such certificate, form, record or report.~~

RULE §573.26 Avoidance of Guaranteeing Cures

It is professionally dishonest for a licensee to guarantee a cure. A licensee must avoid bold and confident assurances to clients, especially where the licensee's employment may depend upon such assurance.

RULE §573.27 Honesty, Integrity, and Fair Dealing

Licensees shall conduct their practice with honesty, integrity, and fair dealing.

RULE §573.28 ~~Observance of Confidentiality~~ Client Consent Required

(a) A veterinarian shall obtain client consent prior to performing diagnostics, treatment or surgery, except in emergency situations. ~~not violate the confidential relationship between the veterinarian and a client~~ Client consent may reasonably be implied under some circumstances.

(b) ~~Except as provided in subsection (c) of this section, a veterinarian shall not disclose any information concerning the relationship between the veterinarian and the client or the veterinarian's care for an animal except:~~ Client consent may be provided orally or in writing and must be documented in the patient's medical record.

~~(1) on written or oral authorization or other form of waiver executed by the client;~~

~~(2) for law enforcement purposes or on receipt by the veterinarian of an appropriate court order or subpoena;~~

~~(3) as necessary to substantiate and collect on a debt incurred by a client for veterinary services; or~~

~~(4) as part of a good faith effort to determine ownership of the animal.~~

~~(c) A veterinarian may, without authorization by the client, disclose information contained in a rabies certificate or any information regarding reportable communicable diseases to a governmental entity only for purposes related to the protection of public health and safety.~~

RULE §573.29 Complaint Information and Notice to Clients

(a) ~~A licensed veterinarian or licensed equine dental provider~~ Licensees shall provide an effective way to inform clients and other visitors to the premises, clinic or hospital of how to file complaints with the Board. ~~The~~ lLicensees must provide:

(1) the ~~following specific~~ Board's address: Texas State Board of Veterinary Medical Examiners, ~~333 Guadalupe, Suite 3-810, Austin, Texas 78701-3942~~ 1801 North Congress Ave, Suite 8.800, Austin, Texas 78701;

(2) the Board's telephone number: (512) 305-7555~~;~~ and fax number: (512) 305-7556; ~~and~~

(3) ~~a toll-free complaint information number: 1-800-821-3205.~~ The Board's complaint email address: complaint@veterinary.texas.gov; and

(4) the website address to file a complaint online: https://veterinary.texas.gov/enforcement/complaints

(b) Acceptable forms of providing the information in subsection (a) of this section may include a:

(1) written notice form, with print size of at least 14 point, prominently displayed in the area of each clinic or hospital that is most frequented by the public;

(2) brochure available in the area of each clinic or hospital that is most frequented by the public; ~~or~~

(3) statement on each written bill, invoice or receipt~~.~~; and

(4) for mobile practitioners, the information in subsection (a) of this section is only required to be provided upon request.

SUBCHAPTER D – ADVERTISING, ENDORSEMENTS AND CERTIFICATES

RULE §573.30 Advertising

A licensee may not engage in advertising that is false, deceptive, or misleading. A false, deceptive, or misleading advertising statement or claim includes, without limitation:

(1) a prediction of future success or a guarantee that satisfaction or a cure will result from the performance of the advertised professional services;

(2) illegal transactions;

(3) a representation or implication that the announced services or facilities are superior in quality to those of other licensees which is not subject to reasonable verification by the public and/or would tend to create a false impression of the qualities of the professional services or facilities;

(4) a statement or implication that a licensee is a certified or recognized specialist unless the licensee is a veterinarian who is board certified as recognized by the American Veterinary Medical Association in such specialty;

(5) a claim that intends to create or is likely to create an inflated or unjustified expectation; or

(6) an expressed or implied material misrepresentation of fact.

RULE §573.32 Specialist~~ty~~ ~~Listings~~

(a)A veterinarian may not advertise or represent themself as a specialist unless they are a Board Certified Diplomate of a specialty organization recognized by the American Veterinary Medical Association and in good standing with that organization.~~holding a current certificate of special competence in a particular field of veterinary medicine issued by the respective specialty boards in veterinary medicine, recognized by the American Veterinary Medical Association, may state in reputable veterinary directories, advertising or notices mailed to veterinarians, clients, former clients, personal friends, and relatives; the yellow pages of telephone directories distributed in the geographical area or areas in which the veterinarian resides or maintains offices or had his/her primary practice; and on professional cards or letterhead that he/she is certified in a particular field in the following words: "Board Certified (e.g., Veterinary Radiology)."~~

(b) A veterinarian must indicate ~~his or her~~ their specialty whenever the veterinarian indicates that ~~he or she is~~ they are a specialist.

(c) A veterinarian practicing at a specialty veterinary practice must inform clients in writing if they are not a specialist.

RULE §573.33 Display of Degree, Certificate, or Title from Approved Institutions Only

A licensee ~~shall not~~ may only use or display a~~ny~~ college degree, certificate, or title pertaining to veterinary medicine or equine dentistry granted by an~~y~~ institution ~~not~~ approved by the ~~Texas State~~ Board ~~of Veterinary Medical Examiners~~.

RULE §573.34 Authorized Degrees, Certificates, or Titles Only

A licensee ~~shall not~~ may only use or display a~~ny~~ certificate, college degree, or title to which ~~he or she is not~~ they are entitled.

RULE §573.35 Display of License

(a) ~~Each~~ L~~l~~icensees, including ~~a~~ relief veterinarians, shall post or display ~~at the licensee's practice location, whether mobile or fixed,~~ a copy of ~~his or her~~ their Board- issued license at any location where they are practicing. This document must be displayed where it is easily visible to the public. ~~A legible photocopy of the original document is acceptable.~~

(b) For mobile practitioners, a copy of their Board-issued license is not required to be displayed as described in subsection (a) of this section, but must be made available immediately upon request.

RULE §573.36 Corporate and Assumed Names

Licensees shall not use a corporate or assumed name for their practice which would be false, deceptive, or misleading to the public.

~~RULE §573.37 Ban on Use of Solicitors~~ [REPEAL] *already addressed in statute (801.402(11))

~~A licensee shall not participate in arrangements which share the proceeds from professional services with individuals who may have been instrumental in his or her having been selected to perform the particular service.~~

SUBCHAPTER E – PRESCRIBING AND/OR DISPENSING MEDICATION

RULE §573.40 Labeling of Medications Dispensed

(a) A veterinarian shall affix labels to all unlabeled containers containing any medication dispensed and to all factory labeled containers that contain prescription (legend) drugs and/or controlled substances dispensed. The label must be affixed to the immediate container and include:

(1) the veterinarian's name, address, and telephone number (including area code);

(2) date of delivery or dispensing;

(3) patient/client name (and address if drug is a controlled substance);

(4) species of the animal;

(5) name, strength, and quantity of the drug dispensed;

(6) directions for use; and

(7) cautionary statements as required by law, i.e. not for human consumption, poisonous, withdrawal periods, etc.

(b) If the immediate container is too small to be labeled, the small container shall be enclosed within another container large enough to be labeled.

RULE §573.41 Use of Prescription Drugs

(a) ~~It is unprofessional conduct for~~ A~~a~~ licensed veterinarian ~~to~~ shall not prescribe, administer, dispense, deliver, or order delivered any prescription drug without first having established a veterinarian-client-patient relationship and determining~~ed~~ that such prescription drug is therapeutically indicated for the health and/or well-being of the animal(s). Prescription drugs include all controlled substances in Schedules I - V and legend drugs which bear the federal legends, recognized as such by any law of the State of Texas or of the United States.

(b) ~~It shall be unprofessional conduct and a violation of the rules of professional conduct for~~ A~~a~~ licensed veterinarian ~~to~~ shall not prescribe, provide, obtain, order, administer, possess, dispense, give, or deliver to or for any person prescription drugs that are not necessary or required for the medical care or well-being of animals~~, or where the use or possession of such drugs would promote addiction thereto~~. Prescription drugs are defined in subsection (a) of this section.

(c) A licensed veterinarian prescribing, administering, dispensing, delivering, or ordering delivered any prescription drug must comply with the laws, including all rules, of both the United States and the State of Texas, including but not limited to Chapters 481 and 483 of the Texas Health and Safety Code.

(d) Once a veterinarian establishes a veterinarian-client-patient relationship and prescribes medication(s), another Texas licensed veterinarian within the same clinic or hospital who has access to the patient's current medical records may refill that same prescription(s) without a veterinarian-client-patient relationship.

RULE §573.42 Use of Scheduled Drugs for Performance Enhancement ~~in Training and/or Racing~~

A~~ny~~ licensed veterinarian ~~who~~ shall not prescribe~~s~~, provide~~s~~, obtain~~s~~, order~~s~~, administer~~s~~, possess~~es~~, dispense~~s~~, give~~s~~ or deliver~~s~~ scheduled drugs to or for any animal solely for ~~training or racing~~ performance enhancement for competitive advantage ~~purposes and not for a medically sound reason has violated the Veterinary Licensing Act~~.

Source Note: The provisions of this §573.42 adopted to be effective June 14, 2012, 37 TexReg 4229

RULE §573.43 Controlled Substances Registration

(a) A licensed veterinarian shall comply with all requirements of the federal Drug Enforcement Administration (DEA) regarding controlled substance registration.

(b) A licensed veterinarian registered with the DEA must comply with all relevant state and federal statutes and rules, including but not limited to Chapter 481 of the Texas Health and Safety Code, Chapter 13 of Part 1 of Title 37 of the Texas Administrative Code, and Chapter 13 of Title 21 of the United States Code.

Source Note: The provisions of this §573.43 adopted to be effective June 14, 2012, 37 TexReg 4229; amended to be effective December 25, 2012, 37 TexReg 9937; amended to be effective December 23, 2014, 39 TexReg 10018; amended to be effective September 1, 2016, 40 TexReg 8025; amended to be effective September 24, 2018, 43 TexReg 6283

RULE §573.44 Compounding Drugs

(a) The quantity of compounded drugs ordered by ~~A~~ a veterinarian ~~may only compound drugs for a specific animal or herd with which~~ must not exceed the quantity reasonably needed by the veterinarian ~~has established and maintained a valid veterinarian-client-patient relationship~~ to treat their patients within the period of time that the compounded drug will be effective and safe for use.

(b) A veterinarian may only prescribe, administer, or dispense compounded drugs to treat a specific occurrence of a disease or condition or for the well-being of the animal~~, which threatens the health of the animal or will cause suffering or death if left untreated, that the veterinarian has observed and diagnosed in the particular patient for whom the compounded drugs are intended~~. ~~The amount of a drug that a veterinarian compounds or orders compounded for dispensing or office use must not exceed the established need for specific compounded drugs for patients with which the veterinarian has established and maintained a valid veterinarian-client-patient relationship~~.

(c) Labeling Requirements.

(1) All compounded drugs must bear the labeling information required under §573.40 of this title (relating to Labeling of Medications Dispensed), as well as the following information:

(A) date on which the drug was compounded;

(B) name and strength of medically active ingredients;

(C) identity of treated animals;

(D) withdrawal/withholding times if needed; and

(E) condition or disease to be treated.

(2) In addition to the information listed in paragraph (1) of this subsection, compounded drugs dispensed to the client must also state a date dispensed and an expiration date~~, which should not exceed the length of the prescribed treatment~~.

(d) Limitations on Compounded Products.

(1) A veterinarian shall not compound or order a drug compounded if there is a FDA approved, commercially available animal or human drug that, when used as labeled or in an extra-label fashion in its available dosage, form and concentration, will appropriately treat the patient.

(2) A veterinarian shall only compound or order compounded products with FDA-approved commercially available animal or human drugs as the active ingredients.

(3) A veterinarian shall not promote and/or distribute compounded drugs that are essentially similar to FDA-approved products.

(4) A veterinarian must ensure the safety and efficacy of a compounded drug, including but not limited to avoiding known drug incompatibilities and inappropriate combinations, and must use a pharmacist to perform drug compounding when the complexity of the compounding exceeds the veterinarian's knowledge, skill, facilities, or available equipment.

(e) Compounding for Food-Producing Animals.

(1) For animals intended for human consumption, a veterinarian must establish an extended withdrawal interval for the compounded product sufficient to ensure food safety and may not compound from any drugs prohibited for use in food-producing animals. The withdrawal period must be supported by scientific information, and the veterinarian shall note the method used to determine the withdrawal interval in the patient records.

(2) A veterinarian shall not compound or order a drug compounded if the compounded drug results in violative food residue, or any residue that may present a risk to public health.

(3) Compounding from a human drug for use in food-producing animals is not permitted if an approved animal drug can be used for compounding.

(4) Veterinarians shall ensure that procedures are in place to maintain the identity of treated animals and shall note those procedures in the patient records.

(5) If an individual identification is not available then the withdrawal period will apply to every animal in the herd.

(f) Limitations on Promotion and Sale of Compounded Drugs.

(1) A veterinarian shall not prepare for sale any compounded drugs which employ fanciful names or trade names, colorings or other additives, or that in any way imply that the compounds have some unique effectiveness or composition.

(2) A veterinarian shall not advertise, promote, display, ~~resell,~~ or in any other way market prepared compounded drugs.

(3) A veterinarian shall not offer compounded drugs to other state licensed veterinarians, pharmacists or other commercial entities for resale.

RULE §573.45 Extra-Label or Off-Label Use of Drugs

(a) Extra-label or off-label use is the actual or intended use of a drug in an animal that is not in accordance with the approved labeling, and includes, but is not limited to:

(1) compounded drugs;

(2) use in species not listed in the labeling;

(3) use for diseases or other conditions not listed in the labeling;

(4) use at dosage levels, frequencies, or routes of administration other than those stated in the labeling; and

(5) deviation from the labeled withdrawal time based on these different uses.

(b) A veterinarian must use his or her discretion in the off-label use of drugs for animals. In exercising such discretion, a veterinarian shall consider, to the extent possible:

(1) whether the off-label use of a drug meets the community standard of humane care and treatment set out in §573.22 of this ~~title~~ chapter (relating to Professional Standard of Care);

(2) the established safety of the off-label usage;

(3) the inclusion of a drug in a standard veterinary formulary;

(4) analyses of off-label usage in the veterinary medical literature and in articles and commentaries written by the veterinarian's peers in the veterinary medical profession;

(5) information provided by the drug's manufacturer, vendor or the FDA as to whether off-label usage of a drug may present a risk to public health; ~~and~~

(6) information from Food Animal Residue Avoidance Databank ("FARAD") or requirements of the Animal Medical Drug Use Clarification Act ("AMDUCA"); and

(~~6~~7) any other sources of pertinent information.

(c) If anticipated off-label use of a drug is not commonly accepted or used by average veterinarians in the community in which the veterinarian practices or if the off-label usage does not have an established safety record, the veterinarian shall orally or in writing inform the client that the off-label usage is not commonly accepted or used in the veterinary community and that such usage could pose a risk to the health of the animal. Any oral notification shall be recorded in the patient records.

(d) Extra-Label Drug Use in Food-Producing Animals.

(1) For animals intended for human consumption, a veterinarian must establish an extended withdrawal interval sufficient to ensure food safety. The withdrawal period must be supported by scientific information, and the veterinarian shall note the method used to determine the withdrawal interval in the patient records.

(2) A veterinarian shall not prescribe an extra-label drug in a manner that will result in violative food residue, or any residue that may present a risk to public health.

(3) Veterinarians shall ensure that procedures are in place to maintain the identity of treated animals, and shall note those procedures in the patient records.

SUBCHAPTER F – RECORD~~S~~ KEEPING

RULE §573.50 Controlled Substances Record~~s~~ Keeping ~~for Drugs on Hand~~

(a) Texas veterinarians shall maintain at their place of ~~business~~ practice records of all scheduled drugs ~~listed in the Texas Controlled Substances Act~~ in their possession. Records can be kept electronically or handwritten. ~~These~~ All records required by this rule ~~shall~~ must be: ~~maintained for a minimum of five years. A record shall be kept for each scheduled drug. The records shall be~~

~~complete, contemporaneous, and legible. The record shall contain the following information in addition to the name of the drug:~~

(1) ~~date of acquisition~~ complete, accurate and legible;

(2) ~~quantity purchased~~ maintained for a minimum of five years; and

(3) ~~date administered or dispensed;~~ be readily retrievable for Board inspection.

~~(4) quantity administered or dispensed;~~

~~(5) name of client and patient receiving the drug(s); and~~

~~(6) total balance on hand of the scheduled drug.~~

(b) A record shall be kept separately for each scheduled drug administered and dispensed to include:

(1) date of acquisition;

(2) quantity purchased;

(3) schedule, strength, and form;

(4) date administered or dispensed;

(5) quantity administered or dispensed (recorded by physical number for tablets, patches, etc. and by milliliters for liquids);

(6) name of client;

(7) address of client;

(8) name of patient;

(9) name of the dispensing veterinarian;

(10) name of the dispenser; and

(11) total balance on hand (recorded by physical number for tablets, patches, etc. and by milliliters for liquids)

(b) Inventory required. An inventory of all stocks of scheduled drugs on hand shall be taken at least every 2 years. Each inventory shall contain a record of all scheduled drugs on hand on the date the inventory is taken. Inventory shall be recorded by physical number for tablets, patches, etc. and by milliliters for liquids.

(1) Inventory records of schedule II controlled substances must be kept separate from all other records.

(2) Inventory records of schedule III-V controlled substances must kept separate from all other records.

(c) Invoices and Purchase Orders. Veterinarians shall maintain all DEA 222 forms and invoices for scheduled drugs.

(d) Thefts or Significant Loss. Veterinarians shall maintain all DEA 104 forms for thefts and significant losses of scheduled drugs.

(e) Records of Destruction. Any veterinarian that destroys a scheduled drug or causes the destruction of a scheduled drug shall maintain a record of destruction on a DEA 41 form. The records shall include the names and signatures of the two employees who witnessed the destruction.

(f) Transfer of Scheduled Drugs to Other DEA Registrants. A DEA registrant can transfer controlled substances to another DEA registrant, provided specific documentation requirements and limitations are followed based on the drug's schedule.

(1) Requirements for transferring controlled substances.

(A) Valid registrations. Both the transferor (supplier) and the transferee (recipient) must have valid DEA registrations that authorize them to handle the specific controlled substances being transferred.

(B) Quantity limit (5% rule). The total quantity of controlled substances distributed (transferred) to other registrants within a calendar year must not exceed 5% of the total annual quantity of controlled substances dispensed by the transferor. If a registrant exceeds this limit, they must register as a distributor.

(C) Inventory. A complete inventory of all controlled substances being transferred must be completed on the date of transfer. This inventory serves as the final inventory for the transferor and the initial inventory for the transferee, and a copy must be included in the records of each person.

(2) Specific forms for transfers.

(A) Schedule I and II controlled substances. A DEA Form 222 (or an electronic equivalent via the Controlled Substance Ordering System, “CSOS”) is required for the transfer of all Schedule I and II controlled substances. The recipient (purchaser) is responsible for initiating the form and providing copies to the supplier (transferor) and the DEA.

(B) Schedule III, IV, and V controlled substances. The transfer must be documented in writing using a sales invoice, a purchase order, or an internal transfer form. This documentation must include:

(i) the name, dosage form, strength, and quantity of the controlled substance; and

(ii) the date of the transfer; and

(iii) the name, address, and DEA registration number of both the transferor and the recipient.

(g) Records of Access. A veterinarian shall maintain a written list of all individuals with access to the veterinarian's scheduled drugs, including the dates on which individuals are added or removed from the list.

(h) Records of Authorized Dispensers. A veterinarian shall maintain a written list of all veterinarians at their practice who are authorized to administer or dispense controlled substances under the veterinarian's DEA registration, including the dates on which individuals are added or removed from the list.

RULE §573.51 Rabies Control

(a) Only the vaccinating veterinarian shall issue official rabies vaccination certificates. Each certificate shall contain the information required by Texas Administrative Code, Title 25, ~~TAC~~ Part 1, Chapter 169, §169.29 (relating to Vaccination Requirement) ~~adopted by the Department of State Health Services~~, including:

(1) ~~owner's~~ custodian's name, address and telephone number;

(2) animal identification species, sex (including neutered if applicable), approximate age ~~(three months to 12 months, 12 months or older)~~, size (pounds), predominant breed, and colors;

(3) vaccine used product name, manufacturer, and serial number;

(4) date vaccinated;

(5) date vaccination expires (re-vaccination due date);

(6) rabies tag number if a tag is issued; and

(7) veterinarian's signature, ~~or electronic signature, or~~ signature stamp, or computerized signature, plus address and license number, in accordance with §573.10 of this ~~title~~ chapter (relating to Supervision of Non-~~Licensed Persons~~Veterinarians).

(b) Each veterinarian that issues a rabies vaccination certificate, or the veterinary practice where the certificate was issued, shall retain a readily retrievable copy of the certificate for a period of not less than five years from the date of issuance.

(c) A veterinarian having knowledge of an animal bite to a human shall immediately report the incident to the local health authority. A veterinarian preparing an animal's body for rabies diagnosis shall comply with all requirements of Texas Administrative Code, Title 25, ~~TAC~~ Part 1, Chapter 169, §169.33 (relating to Submission of Specimens for Laboratory Examination) ~~adopted by the Department of State Health Services~~.

(d) A veterinarian who ceases the practice of veterinary medicine shall deliver to the local health authority all duplicate rabies vaccination certificates issued by the veterinarian within the preceding five-year period. ~~A veterinarian who sells or leases his or her practice to another veterinarian may transfer duplicate rabies certificates with the records of the practice which are transferred to a new owner~~ This does not apply to the sale or lease of a practice, when the records of the practice are transferred to a new owner.

RULE §573.52 ~~Veterinarian Patient Record Keeping~~ Veterinary Medical Record Requirements

(a) ~~A~~ licensed veterinarian ~~performing a physical examination, diagnosis, treatment or surgery on an animal or group of animals~~ shall prepare and maintain a legible ~~written record or computer~~ record concerning ~~the~~ any animal~~s~~ or group of animals the veterinarian has practiced veterinary medicine upon, as defined by Texas Occupations Code §801.002(5)(A). Records shall be maintained in a manner that will permit any authorized veterinarian to proceed with the care and treatment of the animal or group of animals by reading the medical record. Records must contain~~ing~~ clinical information sufficient to justify the diagnosis and treatment rendered and must, at a minimum, contain the following information:

(1) name, address, and telephone number of the owner;

(2) identity of the species, animal, herd, or flock;

(3) except for herds or flocks, the name, age, sex, color, and breed;

(4) dates of examination, treatment, consultation, hospitalization and ~~surgery~~ boarding;

(5) brief history of the condition of each animal, litter, herd, or flock and presenting complaint, if applicable;

(6) examination findings, if required for diagnosis or treatment and ~~is~~ not difficult to obtain:

(A) weight - actual or estimated;

(B) temperature;

(C) pulse;

(D) respiration rate; ~~and~~

(E) ~~any additional findings needed for diagnosis~~ assessment of body condition; and

(F) any additional findings needed for diagnosis or treatment.

(i) if any of these findings cannot be obtained due to the patient's temperament or other legitimate reason, it must be notated in the record.

(7) laboratory tests and diagnostic imaging ~~radiographic tests~~ performed, ~~and~~ including results, reports and interpretation, when necessary;

(8) ~~differential diagnosis; referrals/consultations; to/with specialists and the client's response~~ diagnostic images or a summary of the results if unable to save the actual images;

(9) ~~procedures performed/treatment given and results~~ vaccination history, if available;

(10) drugs ~~(and their dosages)~~ administered, dispensed, or prescribed, including strength, concentration, dosage, quantity, frequency, and route of administration;

(11) ~~surgical procedures shall include a description of the procedure, the name of the surgeon, the type of sedative/anesthetic agent used, the route of administration and the dosage~~ the name or initials of the person responsible for entries in the record; ~~and~~

(12) ~~anesthesia monitoring performed during surgical procedures.~~ the name of the treating veterinarian(s);

(13) diagnosis or differential diagnoses and overall prognosis, if applicable;

(14) treatment and diagnostic options offered, including a notation of the options the client consented to and/or declined;

(15) referrals to and/or consultations with specialists or other veterinarians;

(16) procedures performed and treatment given, including preventative care;

(17) progress and disposition of the case, if applicable;

(18) any authorizations, acknowledgements, releases, waivers, consent forms, and discharge instructions, including signed acknowledgements required by rules 573.14 and 573.16 of this chapter;

(19) surgical procedures performed, including, at a minimum:

(A) a description of the procedure(s);

(B) name of the surgeon(s);

(C) types of sedative(s) and/or anesthetic agent(s) used (including dosage and route of administration);

(D) documentation of recovery;

(E) any complications or abnormalities noted; and

(F) a record of appropriate, species-specific anesthesia monitoring during the procedure; and

(20) any other details necessary to substantiate or document the examination, diagnosis, treatment provided, and/or surgical procedure performed.

(b) Individual records must be maintained on each patient, ~~except that records for~~ herds, flock, ~~on livestock~~ or litters of animals may be maintained on a per-client basis. ~~Records pertaining to these animals may be kept in a daily log or billing records, provided that the treatment information is substantial enough to identify these animals and the medical care provided.~~

(c) Medical records and radiographs are the physical property of the veterinary medical facility~~hospital~~ or the proprietor of the ~~practice~~ facility that prepared them. Records, including radiographs and other diagnostic imaging, must be maintained for a minimum of ~~three~~ five years after the last visit except as otherwise provided by law.

~~(d) Medical records shall be released upon request from a treating veterinarian with a legitimate interest, and shall be returned to the originating practice within a reasonable time if requested. Copies of records must be made available upon request from the owner of an animal at a reasonable cost to the owner and within a reasonable time. A veterinarian may not withhold the release of veterinary medical records for nonpayment of a professional fee.~~

(~~e~~d) All regulated substances shall be recorded as required by federal and/or state regulations.

(~~f~~e) ~~Any signed acknowledgement required by §§573.14 and 573.16 - 573.18 (relating to all complementary therapies)~~ Medical records shall be made contemporaneously with the act or observation noted. For the purposes of this rule, "contemporaneously" means within 14 days of the act or observation being recorded. Any amendment, supplementation, change, or correction in a patient record not made contemporaneously with the act or observation must be clearly identified by noting:

(1) the time and date of the amendment, supplementation, change or correction;

(2) the identity of the person making the amendment, supplementation, change or correction; and

(3) the reason for the amendment, supplementation, change or correction.

(f) A licensee shall not:

(1) intentionally create a false record;

(2) make a false statement in a medical record; or

(3) alter or modify any medical record, except as allowed by subsection (e) of this rule.

(g) failure to include an act or observation in the medical record creates a rebuttable presumption that the act or observation did not occur.

(h) Records must be readily retrievable for Board inspection.

Effective August 16, 2022

RULE §573.53 Equine Dental Provider Patient Record Keeping

(a) Individual records shall be complete, contemporaneous and legible and shall include, but are not limited to:

(1) name, address, and phone number of the client;

(2) identification of patient, including name, breed, age, sex, and description;

(3) patient history;

(4) dates of visits;

(5) other details necessary to substantiate or document the procedure performed; and

(6) ~~any amendment, supplementation, change, or correction in a patient record not made contemporaneously with the act or observation noted by indicating the time and date of the amendment, supplementation, change or correction, and clearly indicating that there has been an amendment, supplementation, change, or correction~~ the name, address, and phone number of the supervising veterinarian.

(b) Maintenance of Patient Records.

(1) Patient records shall be current and readily available for a minimum of five years from the date of last treatment by the equine dental provider.

(2) Patient records are the responsibility and property of the equine dental provider, provided however, that equine dental providers shall give copies of records to the owner or caretaker authorizing treatment of the patient at the time of treatment, and shall provide copies of records to the supervising veterinarian on request, within 14 ~~15 business~~ days of the request.

~~(3) An equine dental provider may destroy medical records that relate to any civil, criminal or administrative proceeding only if the equine dental provider knows the proceeding has been finally resolved.~~

(c) Medical records shall be made contemporaneously with the act or observation noted. For the purposes of this rule, "contemporaneously" means within 14 days of the act or observation being recorded. Any amendment, supplementation, change, or correction in a patient record not made contemporaneously with the act or observation must be clearly identified by noting:

(1) the time and date of the amendment, supplementation, change or correction;

(2) the identity of the person making the amendment, supplementation, change or correction; and

(3) the reason for the amendment, supplementation, change or correction.

RULE §573.54 Patient Records Release and Charges

(a) Release of records pursuant to request. Upon the request of the client or their authorized representative, the veterinarian shall furnish a copy of the patient records, including a copy of any radiographs requested, within ~~15 business~~ 14 days of the request or in accordance with subsection (f) of this section, unless a longer period is reasonably required to duplicate the records. If a longer period is necessary and prior to the ~~15 business~~ 14 day deadline, the veterinarian must inform the client in writing how long it will take to furnish the records and why production of the records is delayed. The records must be provided no later than 30 calendar days after the request. If the records are requested for acute/emergency care, the veterinarian must provide the records ~~immediately~~ as soon as possible and no later than ~~one~~ 1 business day.

(b) Contents of records. For purposes of this section, "patient records" shall include those records as defined in §573.52 of this ~~title~~ chapter (relating to Veterinary~~ian Patient~~ Medical Record ~~Keeping~~ Requirements).

(c) Allowable charges. The veterinarian may charge a reasonable fee for this service and, in non-emergency and non-acute situations, may withhold the records until such payment is received. A reasonable fee shall include only the cost of:

(1) copying, including the labor and cost of supplies for copying;

(2) postage, when the individual has requested the copy or summary be mailed; and

(3) preparing a summary of the records when appropriate.

(d) Improper withholding for past due accounts. Patient records requested pursuant to a proper request for release may not be withheld from the client, the client's authorized agent, or the

client's designated recipient for such records based on a past due account for care or treatment previously rendered to the patient.

~~(e) The veterinarian shall be entitled to the reasonable fee prior to the release of the records unless the information is requested by another veterinarian or his or her agent for purposes of emergency or acute medical care.~~

~~(f) The veterinarian must notify the requestor of records the amount of the reasonable fee within five (5) business days of the request. Once the veterinarian receives written or verbal notice from the requestor that the requestor accepts the reasonable fee and will pick up the records, the veterinarian must have the records copied and ready for delivery within ten (10) business days of receiving such notice.~~

RULE §573.55 Transfer and Disposal of Patient Records

(a) Required Notification of Discontinuance of Practice. When a veterinarian discontinues the provision of veterinary services without the continuation of their practice, he or she is responsible for ensuring that clients receive reasonable notification and are given the opportunity to obtain copies of their records or arrange for the transfer of their patient records to another veterinarian.

(b) Method of Notification.

(1) When a veterinarian discontinues the provision of veterinary services without the continuation of their practice, he or she shall provide notice to clients of when the veterinarian intends to terminate the practice or relocate, and will no longer be available to clients, and offer clients the opportunity to obtain a copy of their patient records.

(2) Notification shall be accomplished by:

(A) placing written notice in the veterinarian's office; and

(B) sending written notification to clients seen in the last ~~three~~ years~~s~~ notifying them of discontinuance of practice~~, or placing a notice in the local newspaper~~.

(c) Voluntary Surrender or Revocation of Veterinarian's License.

(1) Veterinarians who have voluntarily surrendered their licenses in lieu of disciplinary action or have had their licenses revoked by the Board must notify their clients, consistent with subsection (b) of this section, within 30 days of the effective date of the voluntary surrender or revocation.

(2) Veterinarians who have voluntarily surrendered their licenses in lieu of disciplinary action or have had their licenses revoked by the Board must obtain a custodian for their records to be approved by the Board within 30 days of the effective date of the voluntary surrender or revocation if their practice will not be continued by a different veterinarian.

SUBCHAPTER G – OTHER PROVISIONS

RULE §573.60 Prohibition Against Treatment of Humans

A veterinarian shall not provide care and treatment of humans including prescribing and/or dispensing prescription medication for personal use by the veterinarian ~~and/~~or another human. A veterinarian may render first aid or emergency care to a human if such action is without expectation of compensation in response to an emergency or disaster situation.

RULE §573.61 Minimum Security for Controlled Substances

Veterinarians shall adhere to the following to ensure security of controlled substances:

(1) Establish adequate security to prevent unauthorized access to controlled substances.

(2) Establish adequate security to prevent the diversion of controlled substances.

(3) During the course of business activities, do not allow any individual access to controlled substances storage areas except those authorized agents required for efficient operations.

(4) Controlled substances listed in Schedules I, II, III, IV, and V shall be stored in a securely locked, substantially constructed cabinet or security cabinet.

(5) The term "substantially constructed cabinet" means the following:

(A) A structure of wood or metal so constructed as to resist any entry by simple tools of attack such as screw drivers, crow bars, tire tools, pry bars, etc. Hinges should not be mounted with bolts or screws on outside of door and the locking devices should be installed internally as in a dead bolt type or the device should be of a type that has protected mounting screws or bolts to inhibit removal. The cabinet should be permanently constructed or attached to the building structure or fixtures so as to prevent the cabinet from being physically removed from the premises. If the cabinet is a metal file cabinet type, it should be permanently attached to prevent easy removal and have an external locking bar that secures the drawer or drawers.

(B) A security cabinet or safe equivalent in construction to a Class 6 Mosler Government ~~Sales~~ Security Filing Cabinet or a Class 5 Mosler Government Safe.

(C) A cabinet less substantially constructed may meet security requirements provided the cabinet is located in a room or area entrance to which has been so constructed that hinge mountings inhibit removal and a limited number of employees have keys or combinations to locking device. If combination locks are utilized, the combination can be changed upon termination of employees having knowledge of the combination.

(6) A veterinarian must maintain a written list of all persons that have access to the controlled substances storage areas, including the dates on which individuals are added or deleted from the list.

RULE §573.62 Violation of Board Orders/Negotiated Settlements

(a) All persons that are subject of a Board order shall abide by the terms of the order. The Board may open a complaint against a person who violates a Board order and/or refer the person to the Attorney General for prosecution under the Veterinary Licensing Act, Texas Occupations Code, Chapter 801, and the Administrative Procedure Act, Texas Government Code~~,~~ §2001.202.

(b) The Board may deny a ~~person's~~ licensee's request to renew a license ~~issued under Title 4, Chapter 801 of the Texas Occupations Code~~ if the ~~person~~ licensee has not paid an administrative penalty imposed under ~~Title 4,~~ Chapter 801 of the Texas Occupations Code. This section does not apply if:

(1) the person's time to pay or request a hearing has not expired under ~~Title 4,~~ Chapter 801 of the Texas Occupations Code;

(2) the person has requested a hearing under ~~Title 4,~~ Chapter 801 of the Texas Occupations Code, but the person's time to pay has not expired under the same statute or Board rules; or

(3) the penalty is stayed.

RULE §573.63 Inspection of Facilities and Records

(a) The Board may conduct unannounced inspections of licensees to include veterinary practices, temporary limited-services clinics and mobile practices.

(b) When conducting risk-based inspections on licensees pursuant to Texas Occupations Code §801.164, other licensees operating within the same practice may also be inspected.

(c) Inspections may be conducted onsite or virtually as the Board deems appropriate.

(1) Onsite inspections.

(A) Licensees shall admit ~~a representative of~~ the Board to perform an onsite inspection, during ~~regular business~~ the hours in which the licensee regularly practices and/or the licensee's practice is open to the public ~~to inspect equipment and business premises; examine and/or copy client and patient records, drug records, including, but not limited to, invoices, receipts, transfer documents, inventory logs, surgery logs; and all other associated records relating to the practice of veterinary medicine or equine dentistry~~.

(B) During an onsite inspection, the Board may inspect equipment and the practice premises; examine and/or copy client and patient records and drug records, including, but not limited to, invoices, receipts, transfer documents, inventory logs, surgery logs; and all other associated records relating to the practice of veterinary medicine or equine dentistry.

(C) The Board may take photographs and/or videos of their findings during an onsite inspection.

(2) Virtual inspections.

(A) Upon notification of a virtual inspection, licensees shall provide the Board with requested records, photographs, videos, or other requested information within 10 days of the request.

Source Note: The provisions of this §573.63 adopted to be effective June 14, 2012, 37 TexReg 4229

RULE §573.64 Continuing Education Requirements

(a) Required Continuing Education Hours.

(1) Licensed Veterinarians. Seventeen (17) hours of acceptable continuing education shall be required annually for renewal of all types of Texas veterinary licenses, except as provided in subsection (b) of this section.

(A) Veterinary licensees who successfully complete the Texas State Board Licensing Examination shall receive credit for 17 continuing education hours for their first renewal year following licensure.

(B) Pursuant to Texas Occupations Code §801.307(a-1), a veterinarian must complete two (2) hours of Board-approved continuing education related to opioid abuse and controlled substance diversion, inventory, and security every two years in order to renew their license. These continuing education hours will be counted towards the veterinarian's annual continuing education hours requirement.

(2) Licensed Equine Dental Providers. Six (6) hours of acceptable continuing education shall be required annually for renewal of Texas equine dental provider licenses.

(A) Equine dental provider licensees who receive certification from the International Association of Equine Dentists, Equine Dental Providers of America, or other Board-approved entity shall receive credit for 6 continuing education hours for their first renewal year following licensure.

(3) Licensed Veterinary Technicians. Ten (10) hours of acceptable continuing education shall be required annually for renewal of Texas veterinary technician licenses.

(A) Licensed veterinary technician licensees who successfully complete the Veterinary Technician National Exam shall receive credit for 10 continuing education hours for their first renewal year following licensure.

(4) A licensee shall earn the required hours of acceptable continuing education during the renewal year immediately preceding the licensee's application for license renewal. Should a licensee earn acceptable continuing education hours during the year in excess of the required hours, the licensee may carry over and apply the excess hours to the requirement for the next renewal year. Licensees may carry over excess hours to the following renewal year only, and may not carry over more hours than the licensee is required to earn in a renewal year.

(5) Hardship extensions may be granted by appeal to the Executive Director of the Board. The executive director shall only consider requests for a hardship extension from licensees who were prevented from completing the required continuing education hours due to circumstances beyond the licensee's control. A hardship extension generally will not be allowed due to financial hardship or lack of time due to a busy professional or personal schedule. Requests for a hardship extension must be received in writing ~~and in the Board offices~~ by no later than the 15th day of the month three (3) months prior to the last day of the licensee's birth month. Should such extension be granted, twice the number of hours of continuing education required for a standard annual license renewal shall be obtained in the two-year period of time that includes the year of insufficiency and the year of extension. Licensees receiving a hardship extension shall maintain records of the continuing education obtained and shall ~~file~~ submit copies of these records with their ~~Board by attaching the records to the~~ license renewal application submitted following the extension year~~, or by sending them to the Board separately if the licensee submits his or her renewal application electronically (on-line)~~.

(6) Exception for military service members. ~~A military service member, as defined in Chapter 55, §55.001, of the Texas Occupations Code, has up to two years to complete the required continuing education requirements for each renewal year~~ Refer to §571.36 of this title.

(7) Except as provided in subsection (a)(1) of this ~~section~~ rule, continuing education hours obtained prior to licensure in Texas may not be applied toward the required number of continuing education hours.

(b) Exemption from Continuing Education Requirements for Veterinary Licensees. A veterinary licensee is not required to obtain or report continuing education hours, provided that the veterinary licensee submits to the Board sufficient proof that during the preceding year the veterinary licensee was:

(1) in retired status;

(2) a veterinary intern or resident; or

(3) out-of-country on charitable, military, or special government assignments for at least nine (9) months ~~in a~~ of the year; or

(4) on inactive status. ~~Veterinary licensees on inactive status may voluntarily acquire continuing education for purposes of reinstating his/her license to regular status.~~

(c) ~~Make up Hours~~ Disciplinary Action for Non-Compliance with Continuing Education Requirements. Failure to complete the required continuing education hours without obtaining a hardship extension from the executive director, failure to maintain required records, falsifying records, or intentionally misrepresenting programs for continuing education credit shall be grounds for disciplinary action by the Board. The Board may require a licensee who does not complete the required hours of continuing education to make up the missed hours in later years as disciplinary action. Hours required to be made up in a later year are in addition to the continuing education hours required to be completed in that year.

RULE §573.65 Proof of Acceptable Continuing Education

(a) Acceptable Continuing Education.

(1) Continuing Education hours shall be acceptable if they relate to clinical matters. For veterinary licensees, continuing education hours shall also be acceptable if they relate to practice management.

(2) Acceptable continuing education hours shall be earned by:

(A) veterinary licensees and licensed veterinary technicians attending meetings sponsored or co-sponsored by the American Veterinary Medical Association (AVMA), AVMA's affiliated state veterinary medical associations and/or their continuing education organizations, AVMA recognized specialty groups, regional veterinary medical associations, local veterinary medical associations, and AVMA-accredited veterinary medical colleges and veterinary technician programs;

(B) equine dental provider licensees attending meetings sponsored or co-sponsored by the International Association of Equine Dentistry, the Equine Dental Providers of America, or other Board-approved entity;

~~(C) veterinary licensees taking correspondence courses that require the licensee to take a test at the conclusion of the course and yield a certificate of completion;~~

(D) all licensees participating in ~~verifiable, monitored~~ on-line and video programs or other telecommunication discussions that yield a certificate of completion. ~~and meet the following minimum standards:~~

~~(i) Inclusion of the following interactive experiences:~~

~~(I) direct, two-way verbal communication between attendees and the instructor at all times;~~

~~(II) direct, two-way verbal communication between attendees at all times; and~~

~~(III) visual communication with the instructor;~~

~~(ii) The ability to document active participation by attendees through:~~

~~(I) verbal interaction and software documentation; and~~

~~(II) the use of real time on-line surveys that promote audience interaction and document the attendance and engagement of the participants;~~

(E) all licensees' self study, through any form of continuing education from which the licensee does not receive a certificate of completion, including reading articles in professional journals or periodicals, listening to audio ~~tapes or CD's~~ or viewing videos ~~tapes or similar devices that transmit a video image~~; ~~or~~

(F) any other methods approved by the Board's Licensing Committee, by an advisory committee of the Board, or approved for veterinary licensees and licensed veterinary technicians by the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB).

(b) Distribution of Continuing Education Hours.

(1) Veterinary Licensees.

(A) Of the required seventeen (17) hours of continuing education for veterinary licensees, no more than five (5) hours may be derived from ~~either:~~

~~(i) correspondence courses; or~~

~~(ii)~~ practice management courses.

(B) Hours claimed for self study shall not exceed three (3) hours.

(2) Equine Dental Provider Licensees.

(A) None of the required six (6) hours of continuing education required for equine dental provider licensees may be derived from ~~either correspondence courses or~~ practice management courses.

(B) Hours claimed from self study shall not exceed one (1) hour.

(3) Licensed Veterinary Technicians.

(A) ~~Licensed veterinary technicians are required to complete ten (10) hours of continuing education annually.~~ Of the required ten (10) hours of continuing education for veterinary technician licensees, no more than two (2) hours of continuing education for licensed veterinary technicians may be derived from practice management.

~~(B) No more than four (4) hours of continuing education for licensed veterinary technicians may be derived from correspondence courses.~~

(~~C~~B) Hours claimed from self study shall not exceed two (2) hours.

(c) Proof of Continuing Education.

(1) ~~The~~ L~~l~~icensees shall ~~sign a statement~~ submit proof of completion of ~~on the licensee's annual license renewal form attesting to the fact that~~ the annual required continuing education hours ~~have been obtained~~ when renewing their license. ~~If the licensee renews his license electronically (on-line), the licensee shall input an affirmation that the required continuing education hours have been obtained.~~

(2) The licensee shall maintain ~~records which support the signed statement or affirmation~~ proof of completion of the annual required continuing education hours for the last five (5) renewal cycles. These documents must be ~~maintained for the last four (4) calendar years and shall be~~ readily available ~~at the practice location~~ for inspection ~~to~~ by the Board ~~investigators~~ upon request.

(3) Proof of attendance at live, on-site courses may require sign-in procedures, course checklists, certificates of course completion and other measures as directed by the Board. If the licensee attends a multi-day course and the certificate of completion reflects only a total number of continuing education credits that can be earned, proof of attendance must include a pre-printed schedule, agenda, or brochure on which the licensee marks the actual courses or seminars the licensee personally attended.

(4) For proof of on-line ~~interactive~~ courses, the licensee must provide a certificate from the provider showing the nature of the course, date taken, and the hours ~~given~~ earned.

(5) For proof of self-study, the licensee must provide a signed statement showing details, including dates, of the articles or courses read, videos observed, or audio~~s~~ listened to, and hours claimed.

RULE §573.66 ~~Disciplinary Action for Non-Compliance with Continuing Education Requirements~~ Continuing Education for Board Service

~~Failure to complete the required hours without obtaining a hardship extension from the executive director, failure to maintain required records, falsifying records, or intentionally misrepresenting programs for continuing education credit shall be grounds for disciplinary action by the Board~~ Veterinarian Board members may earn up to five (5) hours of continuing education for service to the Board which relates to clinical matters, such as reviewing cases which require medical expertise prior to informal conferences and completing medical reviews of cases.

~~RULE §573.67 Continuing Education as Disciplinary Action~~ [REPEAL]

~~(a) The Board may require a licensee who violates the Veterinary Licensing Act or the Board's Rules to participate in a program to acquire continuing education.~~

~~(b) Continuing education hours required under this subsection shall be in addition to the hours required of all licensees, and shall be:~~

~~(1) based on the seriousness of the violation; and~~

~~(2) relevant to the violation committed by the license holder.~~

RULE §573.68 Telemedicine

(a)"Telemedicine" means veterinary medicine offered or provided by a person to a patient at a different physical location than the person using telecommunications or information technology.

(b)Pursuant to §801.251, Texas Occupations Code, a person may not practice, or offer or attempt to practice, veterinary telemedicine unless the person holds a license to practice veterinary medicine issued by the Board.

(c)Pursuant to §801.351(a), Texas Occupations Code, a person may not practice veterinary telemedicine unless a veterinarian-client-patient relationship exists. Pursuant to §801.351(c), Texas Occupations Code, a veterinarian-client-patient relationship may not be established solely by telephone or electronic means.

(d)A person providing veterinary telemedicine is subject to the professional standard of care that would apply to the provision of the same services in an in-person setting.

RULE §573.69 Conditions Relative to License Suspension

If a Board disciplinary action is taken against a licensee that results in the suspension of a license for a specified period of time, the Board shall identify specific conditions (or prohibitions) relative to the suspension. The conditions (or prohibitions) should be clearly stated as part of the negotiated settlement or Board order. The following guidelines will be utilized when specifying the conditions of a license suspension.

(1) Licensees shall not practice nor give the appearance that they are practicing veterinary medicine or equine dentistry during the time of suspension. The Board may provide a notice of the Board's order of suspension for the licensee to post in the reception area or other place clearly visible to the public.

(2) Licensees shall not supervise other licensees, nor supervise, encourage, or allow any employee(s) who are not licensed to practice in Texas, to perform duties described as the practice of veterinary medicine or equine dentistry in the Veterinary Licensing Act, the Rules of Professional Conduct, and other policies of the Board.

(3) During the period of downtime, licensees shall notify all present and prospective employers of the Board order, including the terms, conditions, and restrictions imposed. Within 30 days of the effective date of the order and within 15 days of undertaking new employment, licensees shall cause their employers to provide written acknowledgment to the Board that they have read and understand the terms and conditions of the Board order.

(4) Licensees shall notify all veterinarians, equine dental providers, and veterinary technician employees with whom the licensee practices of the Board order and, within 30 days of the effective date of the order, licensees shall acknowledge to the Board in writing that this has been done.

(5) A sole practitioner's clinic or facilities may be used by the disciplined licensee for administrative purposes only. Examples are opening mail, referring patients, accepting payments on accounts, and general office tasks. In these instances, ~~he/she~~ the licensee must exercise extreme caution to not be persuaded, coerced, or otherwise drawn by anyone to practicing or even giving the appearance of practicing veterinary medicine or equine dentistry. The licensee may lease the clinic/practice to, or employ, another licensee to continue the clinic business during their suspension.

(6) A disciplined veterinarian who owns/operates a clinic and employs associate veterinarians may enter the clinic or hospital for administrative purposes only, as cited in paragraph (5) of this section.

(7) A disciplined licensee shall abide by the Board's order and conform to all laws, rules, and regulations governing the practice of veterinary medicine and equine dentistry in Texas.

(8) If the Board receives information alleging that the licensee is practicing during the period of suspension (downtime), Board staff will initiate an investigation. If there is evidence to support

the allegation, the licensee will be subject to further disciplinary action and/or referral for criminal prosecution.

RULE §573.70 Mandatory Reporting of Criminal Activity

(a) A licensee or an applicant for a license shall report to the Board within 30 days of being arrested for, charged with, or indicted for any criminal offense above the grade of a Class C misdemeanor, or for any Class C misdemeanor in or connected with the practice of veterinary medicine or equine dentistry.

(b) A licensee or an applicant for a license shall report the final disposition of ~~the~~ a matter described in subsection (a) of this rule to the Board within 30 days of the disposition.

(c) All reports made pursuant to this rule shall be made on the form provided by the Board, available on the Board's website at https://veterinary.texas.gov/report-of-criminal-activity/.

RULE §573.71 ~~Operation of~~ Temporary Limited-Service Veterinary ~~Services~~ Providers

(a) Requirements for operation. Veterinarians operating temporary limited service clinics shall:

(1) maintain sanitary conditions at the clinic site, including, but not limited to, removal of animal solid waste and sanitizing/disinfecting of urine and solid waste sites;

(2) provide injections with sterile disposable needles and syringes;

(3) utilize a non-porous table for examining and/or injecting small animals;

(4) maintain biologics and injectable medications between temperature ranges of 35 to 45 degrees Fahrenheit;

~~(5) perform and complete blood and fecal examinations before dispensing relevant federal legend medications~~;

(~~6~~5) maintain rabies vaccination records and treatment records for five years, indexed alphabetically by the client's last name and by vaccination tag numbers, if issued; and

(~~7~~6) provide clients with a printed form that contains the identity of the administering veterinarian and the ~~address of the places~~ location where the records are to be maintained.

(b) Required notification to the Board prior to operation. Before any temporary limited-service clinic may be operated, the veterinarian is required to provide notification to the Board ~~office~~ at least 48 hours before the clinic begins operation. Notification shall be made by completing the form provided by the Board, available on the Board's website at https://veterinary.texas.gov/register-a-temporary-clinic/. Notice may be provided no more than

90 days prior to the clinic operating for a particular day and any cancellations of operation must be provided to the Board within 48 hours before the clinic was to operate, if practicable. Notice must include the veterinarian's full name, license number, and daytime phone number; the date the clinic will be held, the specific location of where the clinic will be held, and times of operation; and the permanent address where records for the clinic will be kept. Notice may be by electronic transmission or mail. Mailed notice will be considered to have met the notification requirement if the written notice is postmarked at least five days prior to the operation of the clinic.

RULE §573.72 Employment by Nonprofit or Municipal Corporations

(a) A nonprofit or municipal corporation may employ or contract with a veterinarian to provide veterinary services in connection with sheltering, sterilization, vaccination, or other medical care and treatment of animals.

(b) Employment by or contractual service to a nonprofit or municipal corporation does not alone exempt the veterinarian from any of the provisions of the Veterinary Licensing Act, Texas Occupations Code, Chapter 801 or the Board's rules.

(c) Veterinarians employed by, or contracted to, nonprofit or municipal corporations shall be liable for any violations of the Act or rules occurring as a result of the practice of veterinary medicine or any veterinary services provided by the nonprofit or municipal corporation, including those occurring due to the acts or omissions of non-licensed employees of, or volunteers for, the nonprofit or municipal corporation, unless otherwise exempt from the Veterinary Licensing Act ~~under~~ pursuant to Texas Occupations Code §801.004.

RULE §573.73 Animal Reproduction

(a) The Board considers the following activities the practice of veterinary medicine as defined in the Veterinary Licensing Act, Texas Occupations Code, §801.002:

(1) surgical invasion of the reproductive tract of an animal, including laparoscopy and needle entry unless performed under the direct supervision of a veterinarian;

(2) obtaining, possessing or administering prescription or legend drugs for use in an animal without a valid prescription from a licensed veterinarian or in a properly labeled container dispensed by a licensed veterinarian; and

(3) a breeding soundness examination, which is defined as the assessment of an animal by a veterinarian to determine the animal's ability or potential for reproduction, and includes, but is not limited to, diagnosis by rectal palpation of reproduction structures, ultrasonography, semen collection and microscopic examination, serum/blood chemistry analysis, cytology, and biopsy of tissue.

(b) The activities described in this section do not affect those activities exempted from coverage of the Veterinary Licensing Act~~,~~ pursuant to Texas Occupations Code~~,~~ §801.004.

RULE §573.74 Management Services Organizations in Veterinary Practice

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Control--the ability to order or dictate the delivery or the manner of delivery of any services or tasks. Consulting with another person regarding a service or task, or assisting in the performance of a service or task, does not constitute control.

(2) Intervene--directly altering the practice of veterinary medicine. Recommending or providing a service or supply or performing management services under this section does not constitute intervention.

(3) Management services--those services and activities relating to the operation of a veterinary practice exclusive of the practice of veterinary medicine.

(4) Management services organization--a person or entity that provides management services.

(5) Veterinary medical personnel--persons under the direct or general supervision, as defined by the Veterinary Licensing Act, Texas Occupations Code, §801.002, of a veterinarian who perform duties directly related to the practice of veterinary medicine.

(b) Management Services Contracts. A veterinarian or group of veterinarians, whether or not incorporated, may contract with a management services organization to provide management services.

(c) Prohibited Practices. A management services organization shall not control or intervene in a veterinarian's practice of veterinary medicine. Prohibited activities by a management services organization, whether or not authorized by contract, include but are not limited to:

(1) employing a veterinarian to practice veterinary medicine;

(2) determining the compensation of a veterinarian for the practice of veterinary medicine;

(3) controlling or intervening in a veterinarian's diagnosis, treatment, correction, change, manipulation, relief, or prevention of animal disease, deformity, defect, injury or other physical condition, including the prescription or administration of a drug, biologic, anesthetic, apparatus, or other therapeutic or diagnostic substance or technique;

(4) controlling or intervening in a veterinarian's selection or use of type or quality of medical supplies and pharmaceuticals to be used in the practice of veterinary medicine;

(5) determining the amount of time a veterinarian may spend with a patient;

(6) owning drugs, unless the drugs are owned in compliance with applicable Texas or federal law;

(7) owning and controlling the records of patients of the veterinarian;

(8) determining the fees to be charged by the veterinarian for the veterinarian's practice of veterinary medicine;

(9) mandating compliance with specific professional standards, protocols or practice guidelines relating to the practice of veterinary medicine;

(10) placing limitations or conditions upon communications that are clinical in nature with the veterinarian's clients;

(11) requiring a veterinarian to make referrals in violation of Texas Occupations Code §801.402(11); or

(12) penalizing a veterinarian for reporting violations of a law regulating the practice of veterinary medicine.

(d) Veterinarians, and entities in which veterinarians are the sole owner, shareholders or partners, are not prohibited from performing the activities set out in subsection (c)(1) - (10) of this section.

(e) Permitted Management Services. Permitted activities by a management services organization include but are not limited to:

(1) providing by lease, ownership or other arrangement:

(A) the facility used by the veterinarian in the practice of veterinary medicine;

(B) the medical equipment, instruments and supplies used by the veterinarian in the practice of veterinary medicine; and

(C) the business, office and similar non-medical equipment used by the veterinarian.

(2) providing for the repair, maintenance, renovation, replacement or otherwise of any facility or equipment used by the veterinarian in the practice of veterinary medicine;

(3) providing accounting, financial, payroll, bookkeeping, budget, investment, tax compliance and similar financial services to the veterinarian;

(4) providing information and information systems and services for the veterinarian so long as any patient records in these systems are clearly owned and freely accessed by the veterinarian;

(5) providing the services of billing and collection of the veterinarian's fees and charges;

(6) arranging for the collection or sale of the veterinarian's accounts receivable;

(7) providing advertising, marketing and public relations services in compliance with §§573.30 - 573.37 of this ~~title~~ chapter (relating to Advertising, Endorsements and Certificates) pertaining to the practice of veterinary medicine;

(8) providing contract negotiation, drafting and similar services for the veterinarian;

(9) providing receptionist, scheduling, messaging and similar coordination services for the veterinarian;

(10) obtaining all licenses and permits necessary to operate a practice of veterinary medicine that may be obtained by a non-veterinarian, and assisting veterinarians in obtaining licenses and permits necessary to operate a practice of veterinary medicine that may be obtained only by a veterinarian~~, provided that the Executive Director of the Board approves the method of payment for veterinary license renewals paid by the management services organization~~;

(11) assisting in the recruiting, continuing education, training and legal and logistical peer review services for the veterinarian;

(12) providing insurance, purchasing and claims services for the veterinarian, and including the veterinarian and veterinary medical personnel on the same insurance policies and benefit plans as the management services organization;

(13) providing consulting, business and financial planning and business practice and other advice;

(14) establishing the price to be charged to the veterinary client for the goods and supplies provided or managed by the management services organizations;

(15) employing and controlling persons who:

(A) perform management services;

(B) are veterinarians employed by a management services organization to perform management services but not the practice of veterinary medicine; or

(C) perform management, administrative, clerical, receptionist, secretarial, bookkeeping, accounting, payroll, billing, collection, boarding, cleaning and other functions; or

(16) employing veterinary medical and other personnel, if a veterinarian present at the practice location who is in charge of veterinary medicine for that practice location at which the veterinary medical and other personnel work has the right to:

(A) control the medically related procedures, duties, and performance of the veterinary medical and other personnel; and

(B) suspend for medically related reasons the veterinary medical and other personnel unless the suspension is contrary to law, regulation or other legal requirements.

(f) Disclosure of Contracts.

(1) A veterinarian or a group of veterinarians that contract with a management services organization shall:

(A) make available for inspection by the Board at the main office of the veterinarian or group of veterinarians~~, pursuant to §573.66 of this title (relating to Disciplinary Action for Non-Compliance with Continuing Education Requirements),~~ copies of the contracts with the management services organizations; and

(B) if the Board opens an investigation against a veterinarian or a group of veterinarians, make available to the Board copies of the contracts with the management services organizations.

(2) Verbal contracts will not be considered evidence of compliance with this rule.

~~(3) Copies of contracts produced under this subsection shall be governed by the Veterinary Licensing Act, Texas Occupations Code, §801.207.~~

RULE §573.75 Duty to Cooperate with Board

A licensee shall:

(1) cooperate fully with any Board inspection or investigation; and

(2) respond within twenty-one (21) days of receipt to requests for information regarding complaints and other requests for information from the Board, except where:

(A) the Board in contacting a licensee imposes a different response date; or

(B) the licensee is unable for good cause to meet the response date and requests a different response date.

RULE §573.76 Notification of Licensee Addresses

(a) Each licensee shall report to the Board the licensee's:

(1) name ~~and license number~~;

(2) primary clinic or practice name;

(3) primary physical business address;

(4) mailing address;

(5) residence address;

(6) business telephone number; ~~and~~

(7) ~~residence and/or cellular~~ personal telephone number(s)~~.~~; and

(8) email address.

(b) A mailing address may be a post office box number. A physical business address shall be a physical location and shall not be a post office box number. ~~If a remote practice location does not have a physical business address, the licensee must provide as the physical business address sufficient directions as to how the practice location may be found.~~

(c) A relief veterinarian's physical business address shall be the physical business address where the relief veterinarian regularly conducts the largest percentage of his or her relief work at one clinic. If the relief veterinarian does not have one clinic where ~~he or~~ she they conduct~~s~~ the largest percentage of ~~his or her~~ their work, then the relief veterinarian shall use the physical address of one of the locations where ~~he or she~~ they work~~s~~. If the relief veterinarian is not actively working, then the relief veterinarian may use ~~his or her~~ their physical residence address as their physical business address~~, which shall not be a post office box number~~.

(d) A mobile veterinarian's physical business address shall be the physical location where the mobile veterinarian's controlled substances and associated records are stored. If a mobile veterinarian does not possess any controlled substances, the mobile veterinarian's physical business address shall be their physical residence address.

(~~d~~e) A licensee shall notify the Board of any change of items required under subsection (a) of this section not later than the ~~60~~30th day after the change takes place.

RULE §573.77 Sterilization of Animals from Releasing Agencies

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Releasing agency--a public or private animal pound, shelter, or humane organization. This term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

(2) Animal--a dog or cat.

(3) Microchip--a transponder that is placed under an animal's skin by an injector and can be read by a microchip scanner.

(4) Tattoo--a permanent etching formed by injecting ink into the basal layer of the epidermis of an animal.

(b) Sterilization required. A new owner of an animal released from a releasing agency must have the animal sterilized in accordance with Chapter 828, Texas Health and Safety Code.

(c) Identification markers. An animal sterilized under this section must be identified by a microchip and/or a tattoo indicating that it has been sterilized.

(1) A new owner of an animal with a microchip shall be responsible for providing information to the data base registry of the microchip manufacturer indicating that the animal has been sterilized.

(2) A tattoo must:

(A) consist of a line ~~be~~ placed on the inside of the animal's thigh near the abdomen or on the caudal-ventral abdomen;

(B) be imprinted with ink that is manufactured in the United States;

(C) meet the standards of the federal Food and Drug Administration for tattooing;

(D) be of a contrasting color to the predominant color of the skin in which it is tattooed~~; and~~

~~(E) consist of the universal symbol for male or female overlain by a slash through the circle to indicate sterilization~~.

~~RULE §573.78 Default on Student Loan/Child Support Payments~~ [REPEAL]

~~(a) A licensee who has defaulted on a student loan or breached a student loan repayment contract by failing to perform his or her service obligation under the contract, or any other agreement between the licensee and the administering entity, relating to payment of a student loan may be subject to disciplinary action by the Board.~~

~~(b) A licensee, who has a final order under Chapter 232 of the Texas Family Code suspending the license for failure to pay child support and/or where the Office of the Attorney General has~~

~~notified the Board to not renew the license for failure to pay child support, may be subject to disciplinary action by the Board.~~

RULE §573.79 Maintenance of Sanitary Premises

Licensees must maintain their offices/clinics/hospitals and the offices/clinics/hospitals in which they work, including mobile and temporary facilities, in a clean and sanitary condition without any accumulation of trash, debris, or filth. Licensees must dispose of medical waste and contaminated supplies in a safe and sanitary manner. Such premises shall be maintained in full compliance with all health requirements of the city or county in which located and in conformity with the health laws of the State of Texas; further, they shall use properly sterilized instruments and clean supplies.

RULE §573.80 Definitions

The following words and terms, when used in the Veterinary Licensing Act, "the Act" (Chapter 801, Texas Occupations Code) or the Rules of the Board (Texas Administrative Code, Title 22, Part 24, Chapters 571, 573, 575, and 577) shall have the following meanings, unless the context clearly indicates otherwise:

(1) Accepted livestock management practices--those practices involving animals raised or produced primarily for food, fiber, or other products for human consumption, and may include the following:

(A) branding, tattooing, ear tags or identifying marks of any kind;

(B) tail docking, except cosmetic tail docking that is performed for appearance purposes only;

(C) earmarking;

(D) routine dehorning, except cosmetic dehorning that reshapes or alters the poll area for appearance purposes;

(E) castration;

(F) non-surgical assistance with birthing;

(G) implantation with approved implant products;

(H) administration of a biologic, except where restricted by law to administration by a veterinarian, and not including deworming by use of stomach tubing;

(I) artificial insemination;

(J) shoeing and trimming hooves; and

(K) application or administration of parasiticides, except where restricted by law.

(2) Food production animals--any mammalians, poultry, fowl, fish or other animals that are raised primarily for human food consumption.

(3) Biologic--any serum, vaccine, antitoxin, or antigen used in the prevention or treatment of disease.

(4) Pregnancy testing--the diagnosis of the physical condition of pregnancy by any method other than the gross visual observation of the animal.

(5) Invasive dentistry or invasive dental procedures--exposing of the dental pulp, or performing extractions.

(6) Consultation--the act of rendering professional advice ~~(diagnosis and prognosis)~~ about a specific veterinary medical case, but does not include treatment or surgery.

(7) General Supervision--a veterinarian required to generally supervise a non-veterinarian must be readily available to communicate with the person under supervision.

(8) Direct Supervision--a licensee required to directly supervise a person must be physically present on the same premises as the person under supervision.

(9) Immediate Supervision--a licensee required to immediately supervise a person must be within audible and visual range of both the animal patient and the person under supervision.

(10) Official Health Documents--any certificate attesting to the health, vaccination status, physical condition and/or soundness of an animal.

(11) Specialist--a veterinarian that is a Board Certified Diplomate of a specialty organization recognized by the American Veterinary Medical Association.

(12) Non-veterinarian employee--an individual paid directly by a veterinarian for work involving the practice of veterinary medicine, as defined in the ~~Veterinary Licensing Act,~~ Texas Occupations Code~~,~~ §801.002(5), regardless of the defined status of the employment relationship between the individual and the veterinarian under Internal Revenue Service regulations.

(13) Herd--a group of animals of the same species, managed as a group and confined to a specific geographic location. A herd may not include dogs, cats, any animal in individual training, or any animal that competes as an individual.

(14) Equine animal--an animal belonging to the family Equidae, including horses and donkeys.

(15) Licensee--a person who holds a license issued by the Board.

(16) Board--The Texas Board of Veterinary Medical Examiners or their designee.

(17) Client--the patient's owner, owner's designee, or other person responsible for the patient.

(18) Client Consent--consent given after the veterinarian has informed the client or the client's authorized representative of the reasonable and usual diagnostic and treatment options available, risk assessment, and prognosis.

(19) Veterinarian--a person licensed by the Board to practice veterinary medicine.

(20) Temporary Limited Services Clinic--a veterinary practice that is not conducted at a permanent fixed physical location or a location of the client's choosing.

(21) Practice of veterinary medicine--

(A) the diagnosis, treatment, correction, change, manipulation, relief, or prevention of animal disease, deformity, defect, injury, or other physical condition, including the prescription or administration of a drug, biologic, anesthetic, apparatus, or other therapeutic or diagnostic substance or technique;

(B) the representation of an ability and willingness to perform an act listed in section (A); the use of a title, a word, or letters to induce the belief that a person is legally authorized and qualified to perform an act listed in section (A);

(C) the use of a title, a word, or letters to induce the belief that a person is legally authorized and qualified to perform an act listed in section (A); or

(D) the receipt of compensation for performing an act listed in section (A).

RULE §573.81 Mandatory Report by Licensee

(a) A licensee shall report to the Board in the manner prescribed under subsection (b) of this section if the licensee has reasonable cause to suspect that:

(1) the ability of another licensee to provide veterinary, LVT, or EDP services safely and reasonably is impaired by chemical dependency or a mental health issue; or

(2) another licensee generally poses a continuing threat to the public welfare.

(b) A report by a licensee under subsection (a) of this section must:

(1) Be in writing ~~and signed~~; and

(2) Include the identity of the licensee and any additional information required by the Board.

(c) A licensee may not suspend or terminate the employment or otherwise retaliate against, discipline, or discriminate against, a person who:

(1) Reports in good faith under this section; or

(2) Advises a licensee of the licensee's rights and obligations under this section.

~~(d) A licensee satisfies his or her duty to report in accordance with subsection (a)(1) of this section by reporting the other licensee to the Board's approved Peer Assistance Program.~~

~~RULE §573.82 Laser Therapy~~ [REPEAL] *already covered in 573.15

~~(a) Definition. For the purpose of this rule, Laser Therapy is an acceptable therapy through the use of laser or IPL device radiation for the purpose of diagnosis, therapy, or treatment in the practice of veterinary medicine.~~

~~(b) Use of Laser Therapy in the treatment of animals. A licensed veterinarian may perform or prescribe Laser Therapy after a valid veterinarian-client-patient relationship has been created in accordance with the Act and Board Rules. An LVT or non-veterinarian employee of a veterinarian may perform Laser Therapy under the general supervision of the veterinarian if the other conditions within this subsection (b) have been met. The veterinarian and his or her employees performing Laser Therapy must be in compliance with all other relevant federal and Texas laws and rules. The veterinarian and his or her employee(s) performing Laser Therapy must comply with the accepted safety standards for use of lasers in health care for animals.~~

~~(c) Standard Used in Determining Appropriate Use of Laser Therapy. If the Board receives a complaint against a licensee about treatment involving the use of Laser Therapy, investigation of the complaint may include opinions from other licensees who use Laser Therapy in their treatment of animals. However, veterinarians who practice Laser Therapy shall exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances, including the type of practice, by average members of the veterinary medical profession in good standing in the locality or geographic community in which they practice, or in similar communities.~~

~~(d) Other Board Rules Not Preempted. Nothing in this rule shall remove or limit in any way the applicability of other rules of the Board as they apply to the practice of veterinary medicine.~~

RULE §573.83 Price Transparency for Emergency Care

(a) For purposes of this section, "emergency care" means medical care rendered to an ill or injured animal that, in the reasoned opinion of the veterinarian, has a life-threatening condition and immediate medical treatment is necessary to sustain life or alleviate or end suffering.

(b) After a reasonable opportunity to assess an animal's medical condition and before providing medical treatment, a veterinarian must disclose to the owner or caretaker that the animal requires emergency care and treatment.

(c) The disclosure required by subsection (b) of this section must contain:

(1) a description of the proposed treatment(s), with reasonable options, if any; and

(2) the estimated price of the proposed treatment option(s).

(d) If the animal's medical condition changes, before continuing treatment, a veterinarian must update the disclosures required by subsection (c) of this section.

(e) The person presenting an animal to the veterinarian for emergency care and treatment is presumed to be the owner or caretaker of that animal and to be financially responsible for the care and treatment provided.

Effective June 13, 2024