

BOARD OF VETERINARY MEDICINE

Chapter 61G18-10

61G18-10.0065 Notice to the Department of Mailing Address and Place of Practice of Licensee.

Each licensee and registrant shall provide by certified mail written notification to the department the licensee's current mailing address and place of practice upon change thereof or license renewal. The term "place of practice" means the address of the physical location where the veterinarian practices veterinary medicine.

Specific Authority 455.275 FS., as created by Chapter 94-119, Laws of Florida. Law Implemented 455.275 FS., as created by Chapter 94-119, Laws of Florida. History—New 2-6-95.

61G18-10.008 Probable Cause Panel.

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of Chapter 455 or 474, F.S., or of the rules promulgated thereunder has occurred, shall be made by a majority vote of the probable cause panel.

(2) The probable cause panel shall be composed of two (2) members of the Board of Veterinary Medicine. Not more than one (1) member of the panel may be a lay member. The Chairman may appoint a former member of the board to serve on the probable cause panel in lieu of a current member of the Board of Veterinary Medicine.

(3) The probable cause panel members shall be assigned by the Chairman of the Board, and shall meet as necessary or at such times as called by the Chairman of the Board.

Specific Authority 120.53(1), 455.225, 474.206 FS. Law Implemented 455.225 FS. History—New 11-14-79, Formerly 21X-10.08, 21X-10.008, Amended 2-6-95.

61G18-10.018 Other Board Business for Which Compensation Is Allowed.

The following are considered to be other business involving the Board as required by Section 455.207(4), F.S. The following are considered to be other business involving the Board as required by 455.207(4), F.S.

(1) All joint Board or Committee meetings required by statutes, Board rule or Board action.

(2) Meetings of Board members with Department staff or contractors of the Department at the Department's or the Board's request. Any participation or meeting of members noticed or unnoticed will be on file in the Board office.

(3) Where a Board member has been requested by the Secretary of the Department to participate in a meeting.

(4) Probable Cause Panel Meeting.

(5) All activity of Board members, if authorized by the Board, when grading, proctoring or reviewing examinations given by the Department.

(6) All participation in Board authorized meetings with professional associates of which the Board is a member or invitee. This would include all meetings of national associations of registration Boards of which the Board is a member as well as Board authorized participation in meetings of national or professional associations or organizations involved in educating, regulating or reviewing the profession over which the Boards has statutory authority.

(7) Any and all other activities which are Board approved and which are necessary for Board members to attend in order to further protect the public health, safety and welfare, through the regulation of which the Board has statutory authority.

Specific Authority 120.53(1), 455.207(4) FS. Law Implemented 455.207(4) FS. History—New 12-10-81, Amended 4-7-85, Formerly 21X-10.18, 21X-10.018.

Chapter 61G18-11

61G18-11.002 Examination and Licensure.

(1) An applicant for any of the required examinations must apply to the Department and pay the appropriate examination fee. An applicant will have completed the requirements of Section 474.207(2)(b), F.S., or be enrolled in the last year of the veterinary medical curriculum of a college of veterinary medicine accredited by the American Veterinary Medical Association's Council on Education. This application will remain valid for twelve (12) months.

(2) An applicant for licensure will have complied with the requirements in Section 474.207, F.S.

(3) Effective on November 1, 2000, there shall be two examinations. The first examination will be the North American Veterinary Licensing Examination (NAVLE) developed by the National Board of Veterinary Medical Examiners. The second examination concerns laws and rules related to the practice of veterinary medicine. The context of the second test shall include the following subjects: The Veterinary Medical Practice Act, Chapter 474, F.S.; Chapter 455, F.S., relating to the Department of Business and Professional Regulation; Chapter 61G18, F.A.C., the rules promulgated by the Board of Veterinary Medicine; Chapters 465, 499, 585, 828 and 893, F.S.; and the most recent revision of the "Practitioner's Manual," an informational outline of the Controlled Substances Act of 1970, published by the Drug Enforcement Administration of the United States Department of Justice.

(4) In order to obtain licensure, the candidate must receive a passing score on each portion of the examination. The candidate must receive a score of 425 on the NAVLE. A candidate who fails to achieve a passing score on any part of the examination will only be required to retake the parts failed so long as those scores remain valid.

(5) A passing score on the veterinary Laws and Rules examination shall be a score of seventy percent (70%) or better. All questions shall be weighted equally and percentages shall be rounded off to whole numbers. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be dropped. To be valid, a passing score on the veterinary law portion of the examination must have been achieved on an examination taken within the two year period prior to the date of the administration of the first examination offered in Florida subsequent to the filing of the application for licensure.

(6) The North American Veterinary Licensing Examination (NAVLE) may be taken in another state or Canada and the scores may, upon submission of an application for licensure and the application fee, be transferred to Florida for purposes of satisfying the North American Veterinary Licensing Examination's (NAVLE) portion of the examination for licensure. The concerned North American Veterinary Licensing Examination (NAVLE) must have been taken and successfully completed as outlined above within five years prior to the date of the administration of the first examination offered in Florida subsequent to the filing of the application for licensure.

Rulemaking Authority 455.217, 474.206, 474.2065, 474.207 FS. Law Implemented 455.217, 474.2065, 474.207 FS. History—New 11-14-79, Amended 5-11-80, 7-9-80, 5-4-81, 12-10-81, 12-5-82, 5-15-83, 11-5-84, 5-7-85, 11-5-85, Formerly 21X-11.02, Amended 3-1-88, 11-24-88, 4-3-89, 4-13-92, 3-30-93, 7-13-93, Formerly 21X-11.002, Amended 7-4-94, 3-20-95, 3-29-95, 5-1-95, 5-27-99, 12-25-05, 6-28-07, 8-29-10.

61G18-11.003 Reexamination.

An applicant who fails any portion of the state examination for licensure shall be required to submit an

application, an application fee, and the reexamination fee set forth in Rule 61G18-12.002 and to retake only that portion or those portions of the future examination on which he failed to achieve a passing grade, so long as the scores of the portions passed remain valid. The determination of whether the applicant passed or failed any portion of a previous examination shall be based on the laws and rules in effect at the time the application being acted upon is received. If the applicant fails to achieve a passing grade as provided above, he shall be required to take and pass the complete state examination for licensure in order to be licensed as a veterinarian.

Specific Authority 474.206, 455.217(2) FS. Law Implemented 474.2065, 474.207, 455.217(2) FS. History—New 11-14-79, Amended 4-6-81, 5-7-85, Formerly 21X-11.03, Amended 11-2-88, 2-25-90, 4-13-92, Formerly 21X-11.003.

61G18-11.004 Examination Review and Procedure.

Any applicant that takes the examination may, at a mutually convenient time, examine his answers and questions, papers, grades and grading key, upon such terms and conditions as set forth by the Department of Business and Professional Regulation in 455.217, F.S. All such reviews shall be subject to national testing security requirements in order to insure the integrity of the examination.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2) FS. History—New 11-14-79, Amended 4-6-81, Formerly 21X-11.04, 21X-11.004, Amended 7-4-94.

Chapter 61G18-12

61G18-12.001 Collection and Payment of Fees.

All fees shall be made payable to the Department of Business and Professional Regulation.

Specific Authority 474.206 FS. Law Implemented 474.206, 455.213 FS. History—New 11-14-79, Formerly 21X-12.01, 21X-12.001.

61G18-12.002 Examination and Reexamination Fees.

(1) Any time a person applies to take or retake any or all portions of an examination, as set forth below, that person must submit an application on forms provided by the department, an application fee of \$100.00, and an examination fee for each portion of the examination to be taken.

(2) For those applicants taking the Laws and Rules examination, when the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, the examination fee shall be \$165.00 payable to the department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, the examination fee shall be \$151.50 payable to the department plus \$13.50 payable to the testing service. When conducted by a professional testing service, applicants retaking the Laws and Rules examination shall only pay the fee payable to the testing service.

(3) The examination and reexamination fees are refundable only if the applicant is ruled ineligible to take the examination.

Specific Authority 474.206, 474.2065, 474.207(2)(a), 455.217, 455.219 FS. Law Implemented 474.2065, 474.207(2), 455.217(2), 455.219 FS. History—New 11-14-79, Amended 5-11-80, 4-6-81, 9-1-82, 12-5-82, 10-17-85, Formerly 21X-12.02, Amended 3-15-87, 11-2-88, 1-29-92, Formerly 21X-12.002, Amended 5-16-94, 7-4-95, 5-27-99, 8-18-05.

61G18-12.005 Renewal of Active Status License Fee for Veterinarians.

The fee for biennial renewal of an active status license shall be \$260.00.

Specific Authority 474.206, 474.211 FS. Law Implemented 474.211, 474.2065 FS. History—New 11-14-79, Amended 3-1-84, Formerly 21X-12.05, Amended 12-14-87, 7-26-89, Formerly 21X-12.005, Amended 2-6-95, 5-27-99, 12-16-03.

61G18-12.006 Delinquency Fee.

A delinquent status licensee shall pay a delinquency fee of two hundred sixty (\$260) dollars when the licensee applies for active or inactive status.

Specific Authority 455.271 FS. Law Implemented 455.271 FS. History—New 2-6-95, Amended 5-8-00, 12-16-03.

61G18-12.007 Initial Licensure Fee.

(1) The initial licensure fee for any person who is licensed in the first 12 months of the biennium shall be \$200.

(2) The initial licensure fee for any person who is licensed in the second 12 months of the biennium shall be \$100.

Specific Authority 455.213(2) FS. Law Implemented 455.213(2), 474.2065 FS. History—New 12-12-83, Amended 5-2-84, Formerly 21X-12.07, Amended 12-14-87, 7-26-89, Formerly 21X-12.007, Amended 9-24-96.

61G18-12.008 Reactivation Fee.

The fee for reactivation of an inactive status license shall be fifty dollars (\$50.00).

Specific Authority 474.206, 474.212 FS. Law Implemented 474.212 FS. History–New 3-1-84, Formerly 21X-12.08, 21X-12.008, Amended 1-9-95.

61G18-12.0085 Processing Fee.

The fee for processing a licensee's request to change licensure status at any time other than at the beginning of a licensing cycle shall be fifty dollars (\$50.00). The licensure cycle shall begin 90 days before the biennial date and the end on the biennial renewal date.

Specific Authority 455.271 FS., as created by Chapter 94-119, Laws of Florida. Law Implemented 455.271 FS., as created by Chapter 94-119, Laws of Florida. History–New 2-6-95.

61G18-12.009 Renewal Fee for Inactive Status License.

The fee for renewal of an inactive license shall be two hundred sixty dollars (\$260.00).

Specific Authority 474.206 FS. Law Implemented 455.271(3), 474.2065 FS. History–New 3-1-84, Formerly 21X-12.09, 21X-12.009, Amended 1-5-95, 4-25-00, 12-16-03.

61G18-12.010 Temporary License Fee.

The fee for a temporary license to practice veterinary medicine shall be two hundred dollars (\$200.00).

Specific Authority 474.206, 474.2065, 474.2125(2) FS. Law Implemented 474.2065, 474.2125 FS. History–New 10-13-85, Formerly 21X-12.10, 21X-12.010.

61G18-12.011 Licensure by Endorsement.

The fee for applicants seeking licensure by endorsement shall be five hundred dollars (\$500.00).

Specific Authority 474.206, 474.2065, 474.217 FS. Law Implemented 474.2065, 474.217 FS. History–New 10-13-85, Formerly 21X-12.11, Amended 1-28-93, Formerly 21X-12.011.

61G18-12.013 Periodic Inspection Fee.

The fee to be charged for the periodic inspection of veterinarian establishments possessing a premise permit or mobile clinic permit shall be \$60.00. The fee to be charged for any reinspection of an establishment as a result of deficiencies noted at the time of the periodic inspection shall be \$60.00 for each reinspection.

Specific Authority 474.206, 474.2065, 455.219 FS. Law Implemented 474.2065, 474.215, 455.219 FS. History–New 10-13-85, Formerly 21X-12.13, Amended 11-2-88, 7-14-91, Formerly 21X-12.013.

61G18-12.014 Premises Permit or Mobile Clinic Permit Fee.

Each application for a premises permit or a mobile clinic permit must be accompanied by payment of a fee of \$250.00.

Specific Authority 474.206, 474.215, 455.219 FS. Law Implemented 474.215, 455.219 FS. History–New 11-2-88,

Amended 2-25-90, Formerly 21X-12.014.

61G18-12.015 Examination Review Fee for Applicants for Licensure as a Veterinarian.

The fee for review of the examination by an applicant for licensure as a veterinarian shall be \$55.00.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2) FS. History--New 3-26-90, Formerly 21X-12.015.

61G18-12.016 Duplicate License Fee.

The fee for issuing a duplicate copy of a previously issued license shall be \$25.00.

Specific Authority 474.206, 474.2065, 119.07 FS. Law Implemented 474.2065 FS. History--New 1-29-92, Formerly 21X-12.016.

61G18-12.017 Fee to Enforce Unlicensed Activity.

The Legislature requires each Board to adopt a rule requiring each initial and each renewing licensee to pay an additional \$5.00 fee to fund the efforts of the Department of Business and Professional Regulation to combat unlicensed activity; consequently, each initial and each renewing licensee shall pay \$5.00 in addition to the fee for initial licensure and licensure renewal to fund the efforts of the Department of Business and Professional Regulation to combat unlicensed veterinary activity.

Specific Authority 455.2281 FS. Law Implemented 455.2281 FS. History--New 5-16-94.

61G18-12.018 Limited Service Permit Fee.

The fee for a limited service permit shall be two hundred fifty dollars (\$250.00) per biennium. The limited service permittee shall pay an annual twenty-five dollar (\$25.00) fee to register each location where limited service clinics are held. The registration for each location shall be renewed on June 1st of each year. The limited services biennial permit renewal shall coincide with the renewal for veterinarians.

Specific Authority 474.206, 474.215 FS. Law Implemented 474.215 FS. History--New 3-16-95.

61G18-12.019 Reinstatement of a Null and Void License Fee.

Reinstatement of a null and void license must be accompanied by payment of a fee of \$260.00.

Specific Authority 474.206, 474.215, 455.219 FS. Law Implemented 474.215, 455.219, 455.271 FS. History--New 6-28-07.

Chapter 61G18-13

61G18-13.002 Approved Schools.

The following shall be considered approved schools by the Board of Veterinary Medicine:

(1) Schools or colleges which are accredited by the American Veterinary Medical Association Council on Education.

(2) A college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World when an applicant who graduated from said college has obtained a certificate from the Education Commission for Foreign Veterinary Graduates.

Specific Authority 474.206, 474.207(2)(b) FS. Law Implemented 474.207(2)(b) FS. History--New 7-4-94.

61G18-14

61G18-14.002 Licensure by Endorsement.

(1) An applicant for licensure by endorsement must submit an application on forms provided by the department and an application fee. The application fee must accompany the application.

(2) Licensure by endorsement is governed by Section 474.217, F.S.

(3) For purposes of Section 474.217(1)(a), F.S., in order for another state's licensure requirements to be considered substantially similar to, equivalent to, or more stringent than the requirements of Chapter 474, F.S., the other state as of the date the application for endorsement is received by the Board, must require the following:

(a) National Board Examination with a passing score on the National Board Examination of Veterinary Medicine equivalent to or higher than 1.0 standard deviation below the mean score. The mean score and standard deviation are statistically arrived at on the basis of the performance of the criterion population taking the examination on the common testing date. The criterion population is defined as candidates from American Veterinary Medical Association accredited schools or colleges of veterinary medicine in the United States and Canada who are taking the National Board Examination for the first time. For applicants that have taken the National Board Examination (NBE) after December 1, 1992, a passing score on the NBE shall be a scaled score of four hundred twenty-five (425) on a scale ranging from two hundred (200) to eight hundred (800);

(b) The Clinical Competency Test with a passing score on the Clinical Competency Test portion equivalent to or higher than the mean score minus 1.0 standard deviation below the mean score or converted score which is four hundred (400) statistically arrived at on the basis of the performance of the national candidate population taking the Clinical Competency Test on that testing date, the common testing date. The candidate population is defined as candidates who are graduates of American Veterinary Medical Association accredited schools or colleges of veterinary medicine who graduated the year in which they are taking the Clinical Competency Test and are taking it for the first time. For applicants taking the Clinical Competency Test (CCT) after December 1, 1992, a passing score on the CCT shall be a scaled score of four hundred twenty-five (425) on a scale ranging from two hundred (200) to eight hundred (800); and

© Graduation from a school of veterinary medicine meeting the requirements specified in Rule 61G18-13.002, F.A.C.

Specific Authority 474.206 FS. Law Implemented 474.217 FS. History—New 10-13-85, Formerly 21X-14.02, Amended 11-2-88, 4-30-89, 7-6-92, Formerly 21X-14.002, Amended 5-17-94, 3-7-06, 4-9-08.

61G18-14.003 Endorsement Definitions.

The term "Has demonstrated, in a manner designated by rule of the Board, knowledge of the laws and rules governing the practice of veterinary medicine in this state" shall mean that the applicant has successfully completed the laws and rules portion of the exam. However, for purposes of obtaining a temporary license pursuant to Section 474.2125, F.S., in an emergency situation as defined in Section 252.34(2), F.S., the applicant shall prepare and attach to the application, a statement that the veterinarian has read Chapters 474, 455, 465, 499, 585, 828, and 893, F.S., Rule Chapter 61G18, F.A.C., and the "Practitioner's Manual, 2006 Edition" published by the Drug Enforcement Administration of the Department of Justice. The statement shall contain the following acknowledgment: Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, F.S.

Specific Authority 474.217(1)(a), 474.206 FS. Law Implemented 474.217(1)(a) FS. History—New 8-17-94, Amended 3-20-95, 5-20-08.

Chapter 61G18-15

61G18-15.001 Permit Requirements.

(1) All establishments where veterinary medicine is practiced shall be required to have a permit issued by the Department of Business and Professional Regulation. An application for a permit shall be filed with the department not less than fourteen (14) days prior to the opening date of the establishment. The establishment shall be inspected for compliance with the minimum standards for sanitary conditions and physical plant as set forth in rule Chapter 61G18-15, F.A.C., prior to issuance of the permit. The decision whether reinspection prior to issuance of the permit is necessary because of the establishment's failure to meet required standards on the initial inspection shall be made by the department on an individual basis and shall be based on the number and severity of the deficiencies documented on the initial inspection report.

(2) The applicant shall designate a responsible veterinarian in whose name the permit shall be jointly issued. Upon any change in the responsible veterinarian, the permittee shall have ten (10) days within which to notify the Board in writing, of the name of the new responsible veterinarian. Failure of the permittee to timely notify the Board in writing of the name of the new responsible veterinarian will require the filing of a new application.

(3) It shall be the duty of the licensed veterinarian named on the permit to return the permit to the department when the named veterinarian ceases to be responsible for the management of the establishment, or notify the Board that the veterinarian is no longer the responsible veterinarian at that location.

Specific Authority 474.206, 474.215 FS. Law Implemented 474.215 FS. History—New 11-14-79, Amended 12-10-81, 9-22-82, 12-12-83, 10-17-85, Formerly 21X-15.01, Amended 10-14-86, 5-9-90, Formerly 21X-15.001, Amended 2-6-95, 6-8-95, 4-9-08.

61G18-15.002 Minimum Standards for Premises Where Veterinary Medicine Is Practiced.

(1) Exterior.

(a) All establishments where veterinary medicine is practiced must have the following:

1. Legible sign to identify location.
2. Facility clean and in good repair.
3. Telephone number for emergency veterinary care shall be visible and legible from the exterior.

(b) If premises where veterinary medicine is practiced have grounds, they must be clean and orderly.

(2) Interior.

(a) All premises where veterinary medicine is practiced must have the following:

1. Restroom – clean and orderly.
2. Office.
 - a. Clean and orderly.
 - b. License renewal and premise permit displayed.
3. A telephone must be answered 24 hours a day which one may call for emergency service.
4. Examination areas.
 - a. Clean and orderly.
 - b. Lined waste receptacle.
 - c. Sink and disposable towels. Sinks located in restrooms may not be used to satisfy this standard.
 - d. Examination table constructed of smooth impervious material.
5. Pharmacy.
 - a. Clean and orderly.
 - b. Blood storage or blood donor available.
 - c. Existence of accurate controlled substance log and individual patient records.
 - d. If controlled substances are on premises, a locking, secure cabinet for storage.

- e. DEA certificate on premises.
- f. Segregated area for the storage of expired drugs.
- g. Disposable needles and syringes.
- h. All drugs stored in the pharmacy must be properly labeled with drug name, strength, and expiration date.

i. If drugs are dispensed to the public the drugs are to be distributed in child-resistant containers unless a specific written request for non child-resistant containers is made by the animal owner. All containers distributed must be labeled with the name of the drug contained within, the strength and quantity of the drug, the expiration date of the drug, instructions as to the use of the drug, the name and species of the animal for which the drug is intended to be administered, the last name of the animal's owner, and the name, address and telephone number of the veterinarian prescribing the drug.

6. Medical records as required by Rule 61G18-18.002, F.A.C.

7. Laboratory.

a. Microscope.

b. Centrifuge.

c. Urinalysis equipment or outside laboratory services available.

d. Hematology facilities or outside laboratory service available.

e. Blood chemistry facilities or outside laboratory service available.

f. Microbiological capability or outside laboratory service available.

8. Facilities and equipment to render immediate resuscitative care.

a. Clean and orderly.

b. Sterile instruments, drapes, caps and masks.

c. Operating table appropriate to the proposed use constructed of smooth impervious material.

d. Oxygen and equipment for its administration.

e. Anesthesia equipment.

9. Holding areas shall be capable of sanitation and shall be maintained by including proper ventilation, sufficient lighting and be of a size consistent with the welfare of the animal.

10. Garbage and trash disposal.

a. Sanitary cans lined with disposable bags.

b. Effective insect and rodent control.

11. Carcass disposal – any adequate method used in area, provided the sanitary code is not violated.

12. Emergency lighting which must include at least a functioning rechargeable battery-operated light.

13. Fire extinguisher, with current annual inspection.

14. Refrigeration of stored drugs, biologicals, lab samples, reagents and other perishable items.

15. Comply with the requirements of Rule 64E-16, F.A.C., concerning the handling and disposal of biohazardous waste.

(b) All premises must have facilities for radiology, surgery and long-term hospitalization, as described below or, in lieu thereof, written evidence that arrangements have been made with a local clinic or hospital must be available for inspection. For the purpose of this chapter local is defined as within 30 minutes or 30 miles whichever is greater to provide the service outside the premise.

1. Radiology.

a. X-ray machine; 100 MA preferred minimum.

b. Developing tanks.

c. Monitoring of exposure of personnel to radiation required.

2. Surgery.

a. Clean and orderly.

b. Method of sterilization of surgical equipment, either by autoclave or gas sterilization.

c. Operating table appropriate to the proposed use constructed of a smooth impervious surface.

d. Well lighted.

- e. Oxygen and equipment for its administration.
- 3. Hospital wards.
 - a. Clean and orderly.
 - b. Holding areas shall be capable of sanitation and shall be maintained by including proper ventilation, sufficient lighting and be of a size consistent with the welfare of the animal.
 - c. Well lighted.
 - d. Proper ventilation.
- (c) Establishments where veterinary medicine is practiced are not required to have the following facilities. However, if they do have them, the facilities must meet the standards set forth.
 - 1. Reception area – entrance shall be free from hazards.
 - 2. Grooming area – Clean and orderly.
 - 3. Kitchen or food area – Clean and orderly.
 - 4. Exercise runs.
 - a. Clean and secure.
 - b. No hazards.
- (3) Veterinarians must furnish a permanent address at which they can be reached by clients in order that clients may obtain veterinary medical records.

Specific Authority 474.206, 474.215(1) FS. Law Implemented 474.202(7), 474.215(1), 474.216 FS. History—New 7-14-79, Amended 4-6-81, Formerly 21X-15.02, Amended 10-14-86, 11-2-88, 8-29-89, 5-27-91, 3-24-93, Formerly 21X-15.002, Amended 7-4-95.

61G18-15.0022 Minimum Standards for Permanent Locations Where Agricultural Veterinary Medicine Is Practiced.

Agricultural veterinary medicine is practiced upon livestock as defined by Section 828.23(3), Florida Statutes. Minimum standards for permanent locations where agricultural veterinary medicine is practiced are:

- (1) Exterior.
 - (a) All establishments where veterinary medicine is practiced must have the following:
 - 1. Legible sign to identify location,
 - 2. Facility clean and in good repair, and
 - 3. Telephone number for emergency veterinary care shall be visible and legible from the exterior.
 - (b) The location where agricultural veterinary medicine is practiced must be clean and orderly.
- (2) Interior.
 - (a) All locations where agricultural veterinary medicine is practiced must have the following:
 - 1. Restroom – clean and orderly.
 - 2. Office:
 - a. Clean and orderly,
 - b. Current license displayed.
 - 3. 24 hours telephone service a day for emergencies.
 - 4. Examination areas:
 - a. Clean and orderly,
 - b. Lined waste receptacles,
 - c. Sink and disposable towels (Sinks located in restrooms may not be used to satisfy this standard), and
 - d. Examination table, if present, must be of a material subject to disinfection.
 - 5. Pharmacy:
 - a. Clean and orderly,
 - b. Individual patient or herd/flock records,
 - c. If controlled substances are on premises, a locking secure cabinet for storage and an accurate controlled substance log.

6. Accessibility to a laboratory.
7. Holding areas shall be capable of sanitation and shall include proper ventilation, sufficient lighting, and be of a size consistent with the welfare of the animal.
8. Garbage and trash disposal:
 - a. Sanitary cans lined with disposable bags,
 - b. Effective insect and rodent control.
9. Carcass disposal.
10. Emergency lighting which must include at least a functioning rechargeable battery-operated light.
11. Fire extinguisher, with current inspection.
12. Refrigeration of stored drugs, biologicals, laboratory samples, and other perishable items.
13. Compliance with the requirement of Rule 64E-16, F.A.C., concerning the handling and disposal of biohazardous waste.

(b) All locations must have facilities for radiology, surgery, and long term hospitalization, as described below, or in lieu thereof, written evidence that arrangements have been made with another clinic or hospital to provide the services.

1. Surgery:
 - a. Clean and orderly,
 - b. Method of sterilization of equipment and instructions,
 - c. Well-lighted, and
 - d. Surfaces, if applicable, must be made of smooth material subject to disinfection.
2. Hospital holding areas shall include proper ventilation, sufficient lighting, and be of a size consistent with the welfare of the animal.

(c) Establishments where veterinary medicine is practiced are not required to have the following facilities. However, if they do have them, the facilities must meet the standards set forth.

1. Reception area – shall be free from hazards.
2. Kitchen or food area – clean and orderly.
3. Exercise areas:
 - a. Clean and secure, and
 - b. No hazards.

(3) Veterinarians must furnish a permanent address at which they can be reached by clients in order that clients may obtain veterinary medical records.

Specific Authority 474.206, 474.215(6) FS. Law Implemented 474.215(6) FS. History–New 7-9-95, Amended 9-18-95, 12-28-95.

61G18-15.0025 Minimum Standards for a Mobile Veterinary Practice for Agricultural Animals.

The following minimum standards shall apply to mobile veterinary medical practices for agricultural animals:

- (1) Mobile units utilized by veterinarians:
 - (a) Shall be clean and orderly.
 - (b) Shall contain the following:
 1. Sterile syringes and needles.
 2. Properly stored biologics.
 3. Antiseptic intravenous equipment.
 4. If controlled substances are on the unit, a locking secure cabinet for storage and an accurate controlled substance log.
 5. When surgery is to be performed, the following shall be maintained:
 - a. Surgical instruments,
 - b. Access to a means of sterilization,

- c. Suture material, and
- d. Intravenous equipment.

(2) When working with known infectious diseases within a herd, precautions shall be used to prevent transmission of infectious agents to another animal whether or not within the herd.

(3) Veterinarians must have a written agreement with a clinic or hospital for the provision of long term hospitalization, surgery, or radiology, if these services are not provided by the mobile clinic.

(4) Veterinarians must furnish a permanent address at which the veterinarian can be reached so that their clients can request veterinary medical records.

Rulemaking Authority 474.206, 474.215(6) FS. Law Implemented 474.215(6) FS. History—New 7-4-95, Amended 7-22-10.

61G18-15.0035 Minimum Standards for Mobile Premises Permits.

(1) Minimum standards for equipment for mobile premises permits are the same as for other premises where veterinary medicine is practiced, except for the requirements in subsections 61G18-15.002(1) and (2)(a)1., F.A.C.

(2) Veterinarians must have a written agreement with a local clinic or hospital for the provisions of long-term hospitalization, surgery, or radiology, if these services are not available at the mobile clinic itself.

(3) Veterinarians must have a written agreement with a local clinic for the provision of emergency services and display a notice to that effect within the mobile unit to so inform clients.

(4) Veterinarians must furnish a permanent address at which they can be reached to their clients in order that their clients may obtain their veterinary medical records.

Specific Authority 474.206, 474.215(1) FS. Law Implemented 474.215(1) FS. History—New 10-13-85, Formerly 21X-15.035, 21X-15.0035, Amended 7-4-95.

61G18-15.005 Periodic Inspections.

(1) The Department shall make inspections of veterinary premises every two (2) years. Such inspection shall include but not be limited to verification of compliance with Rule 61G18-15.002, F.A.C., governing minimum standards for veterinary premises.

(2) Additionally, the Department shall conduct unannounced routine inspections of one percent (1%) of the veterinary premises each year. The selection of premises to be inspected shall be made by the Department on a random basis.

Specific Authority 474.206, 474.215 FS. Law Implemented 474.215, 455.243 FS. History—New 5-11-80, Amended 12-5-82, Formerly 21X-15.05, Amended 10-14-86, 3-15-87, 4-8-90, 1-27-92, Formerly 21X-15.005, Amended 10-19-08.

61G18-15.006 Minimum Standards for House-Call Practices.

Veterinarians practicing on a house-call basis and who practice where the animal is kept must meet the requirements of Rule 61G18-15.002 or 61G18-15.0035, F.A.C., except that no premises permit is required.

Specific Authority 474.206, 474.215(4) FS. Law Implemented 474.215(4) FS. History—New 4-6-81, Formerly 21X-15.06, Amended 5-28-89, Formerly 21X-15.006, Amended 7-4-95.

61G18-15.007 Minimum Standards for Limited-Service Veterinary Medical Practices.

(1) The term “limited-service veterinary medical practice” shall mean a privately or publicly supported vaccination clinic where a veterinarian performs vaccinations and/or immunizations against disease on

multiple animals, and where the veterinarian may also perform preventative procedures for parasitic control, and shall not mean a premise otherwise permitted by the Board. With regard to operation of limited-service veterinary medical practice, the term “limited time,” shall mean no more often than once every two (2) weeks and no more than four (4) hours in any one day for any single location where a vaccination clinic is held.

(2) The Limited-Service permittee shall register each clinic with the Board of Veterinary Medicine by name, address, date of clinic, time and duration, at least 28 days prior to offering a limited-service clinic. A copy of the limited-service permit shall be clearly visible at each limited service clinic held during its hours of operation and posted at the main office where the records are stored.

(3) A veterinarian must remain on site throughout the duration of a limited-service clinic and must maintain autonomy for all medical decisions made. A physical examination and history must be taken for each patient receiving veterinary medical care at a limited-service clinic. Recommendations and preventive medicine protocols must be developed from current accepted veterinary medical practice. The veterinarian is responsible for proper immunization and parasitic procedures and the completeness of recommendations made to the public by the paraprofessional staff that the veterinarian supervises or employs. The veterinarian is responsible for consultation and referral of clients when disease is detected or suspected.

(4) All locations where limited-service veterinary medicine is practiced must have or comply with the following:

(a) Legible sign to identify permit holder.

(b) A clean safe location which allows for the safety of animals and their owners and which is conducive to the handling of animals and consultations with the public. The location shall utilize a method of visibly segregating the vaccination and examination area to deter public access.

(c) Meet local sanitation requirements.

(d) A copy of the Limited Service clinic premise permit displayed.

(e) Shall provide a legible list of the name, address and hours of operation of all facilities that provide or advertise emergency services and when applicable the location of other clinics provided by the same entity on that day, that are located within a 30-minute or 30-mile radius.

(f) Lined waste receptacle.

(g) Fresh, clean running water for cleaning and first aid; disposable towels and soap.

(h) Safe, clean examination work area constructed of a smooth impervious material.

(i) Storage of supplies and equipment to preclude public access.

(j) Separate area for clerical work.

(k) Proper handling of vaccinations, biologics, pharmaceuticals and supplies: Facilities must be provided for proper storage, safekeeping and preparation of pharmaceuticals in accordance with federal, state, and local laws. If controlled substances are on the premises, they must be kept in a locking, secure cabinet for storage and an accurate controlled substance log must be maintained. All pharmaceuticals shall be maintained at the temperature recommended by the manufacturer. A thermometer shall be included where the pharmaceuticals are being stored.

(l) Equipment must be of the type and quality to provide for the delivery of immunization and parasiticides in the best interest of the patient and with safety to the public.

(m) Each limited-service clinic must have the capacity to render emergency care for hypersensitivity reaction, anaphylaxis, and immediate emergency care of injury to the animals in attendance at the clinic.

(n) Sanitation equipment and solutions.

(o) Proper bio-medical waste handling equipment, registration and procedures.

Specific Authority 474.206, 474.215 FS. Law Implemented 474.215 FS. History—New 3-16-95, Amended 7-7-96.

61G18-15.0071 Limited Service Patient Records.

(1) A legible individual record must be maintained for every patient of the clinic, and must include

specific information needed for proper identification of the animal and its owner. The immunization or parasitic procedure shall be indicated on the record. A statement of recommendations for future immunizations and procedures should be clearly legible on the record. Records shall be maintained for not less than three (3) years.

(2) The medical record must reflect any preventative or corrective parasiticide including any medication administered, and the date, type dose, route and frequency of administration, or any medication prescribed.

(3) Patient records must be available to a client or a client's veterinarian. The client or the client's veterinarian must be able to receive the immunization or parasiticide treatment record within twenty-four (24) hours after a request is received unless the request is received within seven (7) days of the clinic in which situation, the records shall be provided within forty-eight (48) hours.

(4) The type of tests performed and the manner in which the results will be obtained and a complete listing of procedures provided at the clinic should be given to the client. A copy of the record must be kept under the control of the limited service premise permit holder.

Specific Authority 474.206, 474.215 FS. Law Implemented 474.215 FS. History--New 3-20-95.

61G18-15.0072 Limited Service Written Statement.

(1) Each client prior to the provision of veterinary medical services must be informed as to the limits of the physical exam provided for the patient and shall receive a written statement that at a minimum contains:

(a) The following notice: YOUR PET HAS BEEN EXAMINED TO DETERMINE THE APPROPRIATENESS OF IMMUNIZATIONS SELECTED. THIS IS NOT A FULL AND COMPLETE PHYSICAL EXAMINATION.

(b) The telephone number where emergency veterinary care can be obtained.

(c) The name and address of where a client can secure a copy of the patient's records.

(d) The limited service permittee shall provide a phone number for consultation or referral for follow up care and treatment in case of adverse reaction or failure of the regimen of therapy.

(2) The permit holder and the veterinarian are jointly responsible for providing this statement.

Specific Authority 474.206, 474.215 FS. Law Implemented 474.215 FS. History--New 3-20-95, Amended 12-30-97.

61G18-15.0073 Inspections.

The Department of Business and Professional Regulation shall on a random basis inspect the veterinary activity within a limited service veterinary practice at any time when the activity is being conducted.

Specific Authority 474.206, 474.215 FS. Law Implemented 474.215 FS. History--New 3-20-95.

61G18-15.008 Emergency Rabies Clinic.

(1) An Emergency Rabies Clinic is a type of limited service veterinary medical practice as provided for in § 474.215(7), F.S.

(2) An Emergency Rabies Clinic may be established under this rule only after the State Health Officer, in consultation with the State Veterinarian, has declared that an emergency rabies situation exists in a particular area of the State.

(3) An Emergency Rabies Clinic may not be used as a fundraising event, shall only charge for the actual cost of a rabies vaccination, and shall not offer any other type of immunization or service.

(4) An Emergency Rabies Clinic that complies with the provisions of this rule shall not be subject to the time limitations contained in subsections 61G18-15.007(1) and (2), F.A.C.; the requirements of physical examinations and histories contained in subsection 61G18-15.007(3), F.A.C.; the requirements

contained in paragraphs 61G18-15.007(4)(a), (d), and (e), F.A.C.; nor the fee provided by Rule 61G18-12.018, F.A.C.

(5) An Emergency Rabies Clinic must register with the Board of Veterinary Medicine prior to commencing its operation, and provide the date(s) of the clinic, the address, and the name(s) of the veterinarian(s) responsible for the vaccinations.

Specific Authority 474.206 FS. Law Implemented 474.215(7) FS. History—New 5-26-98.

Chapter 61G18-16

61G18-16.001 Continuing Education Requirements for Inactive Status License.

(1) As a condition of activation or reactivation of an inactive status license which has been inactive for less than four years, a veterinarian must satisfy the continuing education requirements of Rule 61G18-16.002, F.A.C., and must file a complete application as defined by subsection 61G18-23.001(1), F.A.C.

(2) As a condition of reactivation of an inactive status license which has been inactive for four or more years, a veterinarian must satisfy the continuing education requirements of Rule 61G18-16.002, F.A.C., and must file a complete application as defined in subsection 61G18-23.001(3), F.A.C.

Specific Authority 474.206, 474.211, 474.212 FS. Law Implemented 474.211, 474.212 FS. History—New 11-14-79, Amended 3-1-84, Formerly 21X-16.01, Amended 11-2-88, Formerly 21X-16.001, Amended 8-18-94, 2-6-95.

61G18-16.002 Continuing Education Requirements for Active Status License Renewal.

(1) All licensed veterinarians shall be required to obtain continuing professional education which contributes to the advancement, extension or enhancement of professional skills and knowledge in the field of veterinary medicine.

(2) Licensed veterinarians shall complete a minimum of thirty (30) hours of continuing professional education in veterinary medicine every biennium, two of which shall be in the area of dispensing legend drugs.

(a) One (1) hour equals a minimum of fifty (50) minutes and a maximum of sixty (60) minutes. Total hours of lecture time cannot be added up and divided into 50 minute intervals to obtain 1 hour credit for each 50 minute interval.

(b) Not more than fifteen (15) hours shall be non-interactive, correspondence courses. Computer on-line programs that involve on-line, real time, live or delayed participatory questioning or responses are not correspondence courses.

(3) During the license renewal period of each biennium, an application for renewal will be mailed to each licensee at the last address provided to the Board. Failure to receive any notification during this period does not relieve the licensee of the responsibility of meeting the requirement. The application for renewal shall include a form on which the licensee shall state that he has completed the required continuing education. The licensee must retain for a period of not less than three years from the date the course was taken certificates of attendance or verification from the provider, to document completion of the continuing education certified on the renewal form. The Board will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met.

(4) Failure to comply with the continuing professional education requirement shall prohibit license renewal and result in delinquent status at the end of the renewal period.

(5) A licensed veterinarian shall not be required to complete a continuing education requirement prior to the first renewal of his license, but it shall be required prior to any subsequent renewal.

(6) Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action up to and including license revocation.

Specific Authority 474.206, 474.211, 474.212 FS. Law Implemented 474.211 FS. History—New 11-14-79, Amended 11-1-81, Formerly 21X-16.02, Amended 4-20-88, 11-2-88, 3-26-90, Formerly 21X-16.002, Amended 8-18-94, 2-6-95, 3-20-95, 9-24-96, 11-28-96, 12-30-97.

61G18-16.003 Continuing Education Standards.

(1) The continuing education requirements outlined in Rules 61G18-16.001 and 61G18-16.002, F.A.C., may be complied with by attendance at approved scientific veterinary medical meetings. A licensed veterinarian shall receive credit for no more than five (5) hours of continuing professional education in business, practice management courses or stress and impairment seminars during any biennium period.

(2) Approved courses are scientific and continuing education courses provided by:

(a) National, State and International veterinary association meetings and Board meetings;

(b) Board Certified Specialties recognized by the AVMA;

(c) University of Florida, College of Veterinary Medicine sponsored courses, including clinical grand rounds, veterinary resident's seminars and Board specialty review sessions; and

(d) The Registry of Approved Continuing Education Courses (RACE).

(3) Upon specific request, continuing education courses shall be approved by the Board whenever the courses provide additional current information with respect to the practice of veterinary medicine. Such requests shall include the following:

(a) A detailed course outline or syllabus;

(b) A current curriculum vitae of each speaker or lecturer;

(c) The procedure to be used for recording attendance; and

(d) The number of continuing education hours for which the course sponsor requests approval.

(4) Beginning on May 31, 2006, each provider, unless exempted by rule, shall be registered with the Board. The fee for such registration shall be \$200 and such registration must be renewed by May 31 of every other even numbered year.

(5) Course approval shall expire four (4) years from the date of approval. Continuing education providers shall reapply for approval of any course that has expired by complying with Rule 61G18-16.0035, F.A.C.

Specific Authority 474.206, 474.211 FS. Law Implemented 474.211 FS. History--New 12-10-81, Amended 8-15-84, 5-7-85, Formerly 21X-16.03, Amended 10-14-86, 3-26-90, Formerly 21X-16.003, Amended 8-18-94, 2-6-95, 7-4-95, 12-30-97, 7-13-04, 3-7-06.

61G18-16.0035 Standards for Providers of Continuing Veterinary Medical Education.

(1) Each proposal for program or course approval submitted by a provider must contain a detailed outline of the content of the program or course and must build upon a basic course or courses offered in the curricula of accredited schools or colleges of veterinary medicine. Continuing education must consist of post-doctoral degree programs offered by accredited college or schools of veterinary medicine, post-correspondence and on-line, real time courses, or other Board-approved educational methods.

(2) All offerings of continuing education must meet the following standards:

(a) Educational Content Development.

1. Continuing education offerings shall include a statement of measurable educational goals and behavioral objectives.

2. Continuing education offerings shall be designed to reflect the educational needs of the veterinarian and build upon the standards for practice and courses as found in the curricula of accredited colleges of schools of veterinary medicine.

3. Each continuing education offering shall be designed to explore one subject or a group of closely related subjects or standards.

(b) Methods of Delivery.

1. The method of delivery of a course shall be determined by giving appropriate consideration to such factors as educational content, objectives and composition of the audience.

2. The method of delivery must encourage active participation and involvement on the part of the veterinarian.

(c) Program Faculty Qualification.

1. The program faculty for a particular continuing education offering shall be competent in the subject matter and qualified by experience.

2. An appropriate number of program faculty for each activity shall be utilized.

3. There shall be adequate personnel to assist with administrative matters and personnel with competencies outside content areas in cases where the method of delivery requires technical or other special expertise.

(d) Facilities – The facilities to be utilized shall be appropriate and adequate to the content, method of delivery, size of the audience and promote the attainment of the objectives of the offering.

(e) Contact Hour Criteria. The number of contact hours of Continuing Education Units shall be determined by the provider in advance of the offering subject to approval by the Board and awarded upon the successful completion of the entire planned education experience.

(f) Record Keeping.

1. Records of individual offerings shall be maintained by the provider for inspection by the Board. The records shall be adequate to serve the needs of the participants and to permit the Board to monitor for adherence to the standards for continuing education offerings. The records shall also be adequate to identify the individual participant.

2. An individual certificate of attendance specifying title of offering, provider number, date of offering and number of contact hours earned shall be furnished to each participant by the provider. The individual certificate of attendance shall be maintained by the veterinarian for a period of three (3) years and shall be provided to the Board upon audit or request.

3. Records shall be maintained by the provider for a minimum of three (3) years.

(3) Providers seeking Board approval shall meet each of the standards outlined herein:

(a) All continuing education offerings conducted by the provider shall meet the standards for continuing education offerings as outlined in these rules.

(b) There shall be a visible, continuous and identifiable authority charged with administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background and experience in presenting courses in and having experience in the administration of continuing education.

(4) Providers must be registered with and approved by the Board. Such Board approval must be renewed by the Provider every four years.

Specific Authority 474.206, 474.211, 474.212 FS. Law Implemented 455.2179, 474.211, 474.212 FS. History--New 5-19-96, Amended 9-24-96, 8-1-04.

61G18-16.005 Euthanasia of Dogs and Cats; Technician Certification Course.

(1) Euthanasia shall be performed only by:

(a) A licensed veterinarian; or

(b) An employee or agent of a public or private agency, animal shelter or other facility that is operated for the collection and care of stray, neglected, abandoned or unwanted animals, as provided herein.

(2) Any employee or agent of a public or private agency, animal shelter or other facility that is operated for the collection and care of stray, neglected, abandoned or unwanted animals who performs euthanasia shall successfully complete a 16-hour euthanasia technician certification course. Any employee or agent who before October 1, 1993, has performed euthanasia shall obtain certification by October 1, 1994. Any employee or agent who after October 1, 1993, begins performing euthanasia must have successfully completed the euthanasia technician certification course before performing any euthanasia.

(3) The curriculum for the 16-hour euthanasia technician certification course shall provide information on the following subjects:

(a) Pharmacology, proper administration and storage of euthanasia solutions; eight (8) hours;

(b) Federal and state laws regulating the storage and accountability of euthanasia solutions; two (2) hours;

(c) Euthanasia technician stress management; four (4) hours; and

(d) Disposal of euthanized animals; two (2) hours.

(4) A certified veterinary technician who is an employee or agent of a public or private agency, animal shelter, or other facility which is operated for the collection of stray, neglected, abandoned, or unwanted animals may perform euthanasia without completion of the certification course. A licensed veterinarian who delegates the performance of euthanasia to a technician shall verify that said technician has either completed the certification course, or is a certified veterinary technician who has graduated from a veterinary technology training program that is accredited by the American Veterinary Medical Association Committee on Veterinary Technicians Education and Activities (CVTEA) and has successfully completed the examinations required by the Florida Veterinary Medical Association's Technician Committee.

(5) Approval of the curriculum of the 16-hour euthanasia technician certification course by the Board of Veterinary Medicine prior to its presentation, shall be required. All providers of a 16-hour euthanasia technician certification course shall comply with the requirements of Rule 61G18-16.003, F.A.C.

Specific Authority 474.206, 828.058 FS. Law Implemented 474.214(1)(hh), 828.058 FS. History--New 4-18-94, Amended 3-29-01.

Chapter 61G18-17

61G18-17.005 Tasks Requiring Immediate Supervision.

(1) All tasks which may be delegated to a veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian shall be performed only under the “immediate supervision” of a licensed veterinarian as that phrase is defined in subsection 474.202(5), F.S., with the exception of the following tasks which may be performed without the licensed veterinarian on the premises:

(a) The administration of medication and treatment, excluding vaccinations, as directed by the licensed veterinarian; and

(b) The obtaining of samples and the performance of those diagnostic tests, including radiographs, directed by the licensed veterinarian.

(2) The administration of anesthesia and tranquilization by a veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian requires “immediate supervision” as that phrase is defined in subsection 474.202(5), F.S.

(3) The administration of any vaccination by a veterinary aide, nurse, technician, intern or other employee of a licensed veterinarian which is not specifically prohibited by Rule 61G18-17.006, F.A.C., requires “immediate supervision” as that phrase is defined in subsection 474.202(5), F.S.

Specific Authority 474.203(7), 474.206 FS. Law Implemented 474.203(7) FS. History–New 10-17-85, Formerly 21X-17.05, 21X-17.005, Amended 5-27-03.

61G18-17.006 Diseases which Only a Veterinarian May Immunize or Treat.

For the purpose of implementing the exemption provisions of subsection 474.203(4), F.S., the Board recognizes that the following diseases are communicable to humans and are of public health significance, and that only a veterinarian may immunize or treat an animal for these diseases:

(1) Brucellosis.

(2) Tuberculosis.

(3) Rabies.

(4) Equine Encephalomyelitis.

Specific Authority 474.206 FS. Law Implemented 474.203(4) FS. History–New 10-17-85, Formerly 21X-17.06, 21X-17.006.

Chapter 61G18-18

61G18-18.001 Medical Records of Deceased Veterinarian, Retention, Time Limitations.

(1) The executor, administrator, personal representative or survivor of a deceased veterinarian licensed pursuant to Chapter 474, Florida Statutes, shall retain medical records in existence upon the death of the veterinarian concerning any patient of the veterinarian for at least a period of two (2) years from the date of the death of the veterinarian.

(2) Within one (1) month from the date of death of the veterinarian, the executor, administrator, personal representative or survivor of the deceased veterinarian shall cause to be published in the newspaper of greatest general circulation in the county where the veterinarian resided or practiced, a notice indicating to the owners of the patients of the deceased veterinarian, that the veterinarian's medical records are available to the owners of the patients or their duly constituted representative from a specific person at a certain location.

(3) At the conclusion of a twenty-two (22) month period of time from the date of the veterinarian's death, or thereafter, the executor, administrator, personal representative, or survivor shall cause to be published once during each week for four (4) consecutive weeks, in the newspaper of greatest general circulation in the county where the veterinarian resided, a notice indicating to the owners of the patients of the deceased veterinarian that the veterinarian's medical records will be disposed of or destroyed one (1) month or later from the last day of the fourth week of publication of notice.

Specific Authority 474.206, 455.242 FS. Law Implemented 455.242 FS. History—New 9-15-80, Formerly 21X-18.01, Amended 7-26-90, Formerly 21X-18.001, Amended 7-4-95, 12-30-97, 7-29-99.

61G18-18.0015 Medical Records; Relocating or Terminating Practice; Retention and Disposition.

(1) Every veterinarian or entity licensed pursuant to Chapter 474, Florida Statutes, who terminates practice or relocates practice and is no longer available to patients or clients, shall retain medical records pertaining to patients for at least a period of 3 years after the date of last entry.

(2) No later than one month after the veterinarian or entity terminates practice or relocates practice and is no longer available to patients or clients, the veterinarian or entity shall cause to be published in the newspaper of greatest general circulation in the county where the veterinarian or entity resided or practiced, a notice indicating to the owners of the patients of said veterinarian or entity that the medical records are available to the owners of the patients or their duly constituted representative from a specific person at a specific location.

(3) At the conclusion of a 3 year period of time from the date that the veterinarian or entity terminated practice or relocated practice and was no longer available to patients or clients, the veterinarian or entity shall cause to be published once during each week for 4 consecutive weeks, in the newspaper of greatest general circulation in the county where the veterinarian resided or practiced, a notice indicating to the owners of the patients of the veterinarian or entity that the medical records may be disposed of or destroyed one month or later from the last day of the 4th week of publication of notice. However, nothing herein shall be construed to require that a veterinarian or entity ever destroy the medical records; it permits destruction of records after 3 years and requires notification to clients that the records can be destroyed.

Specific Authority 474.206, 455.242, 474.215(7) FS. Law Implemented 455.242, 474.215(7) FS. History—New 11-1-88, Formerly 21X-18.0015, Amended 7-4-95.

61G18-18.002 Maintenance of Medical Records.

(1) There must be an individual medical record maintained on every patient examined or administered to by the veterinarian, except as provided in (2) below, for a period of not less than three years after date of last entry. The medical record shall contain all clinical information pertaining to the patient with sufficient information to justify the diagnosis or determination of health status and warrant any treatment recommended or administered.

(2) When a veterinarian is providing services to a client owning or leasing 10 or more animals of the same species at a location where the client keeps the animals, one medical record may be kept for the group of animals. This record must include the species and breed of the animals, and the approximate number of the animals in the group. However when one specific animal is treated, the record must include the identification, diagnosis, and treatment regime of the individual animals examined and treated at each visit to the location, as well as all other information required by this rule.

(3) Medical records shall be contemporaneously written and include the date of each service performed. They shall contain the following information:

- Name of owner or agent
- Patient identification
- Record of any vaccinations administered
- Complaint or reason for provision of services
- History
- Physical examination
- Any present illness or injury noted
- Provisional diagnosis or health status determination

(4) In addition, medical records shall contain the following information if these services are provided or occur during the examination or treatment of an animal or animals:

- Clinical laboratory reports
- Radiographs and their interpretation
- Consultation
- Treatment – medical, surgical
- Hospitalization
- Drugs prescribed, administered, or dispensed
- Tissue examination report
- Necropsy findings

(5) A veterinarian shall maintain confidentiality of all patient records in his/her possession or under his/her control. All patient records shall not be disclosed without the consent of the client. Appropriate disclosure may be made without such consent:

- (a) in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice by the party seeking such records to the client or his/her legal representative;
- (b) when required by the Board's rules.

(6) A veterinarian shall, upon a written request, furnish, in a timely manner without delays for legal reviews, a true and correct copy of all of the patient records to the client, or to anyone designated by the client. Such records release shall not be conditioned upon payment of a fee for services rendered, except for the reasonable cost of duplication.

(7)(a) Reasonable costs of duplication of written or typed documents or reports shall not be more than \$1.00 per page for the first 25 pages, and shall not be more than 25 cents per page for each page in excess of 25 pages.

(b) Reasonable costs of reproducing x-rays, and such other special kinds of records shall be the actual costs. The phrase "actual costs" means the cost of the material and supplies used to duplicate the record, as

well as the labor costs and overhead costs associated with such duplication.

(8) It is understood that there may be several files in different locations. Sufficient cross indexes are to be maintained for prompt retrieval when required.

(9) Medical records may be maintained in an easily retrievable electronic data format; however, the licensee shall be responsible for providing an adequate backup system to assure data is not lost due to system failure.

Specific Authority 474.206, 474.2165 FS. Law Implemented 474.2165 FS. History—New 4-6-81, Formerly 21X-18.02, Amended 3-13-90, Formerly 21X-18.002, Amended 7-4-95, 12-30-97, 8-23-98.

Chapter 61G18-19

61G18-19.001 Emergency Care.

It is the responsibility of every veterinarian practicing in this State to provide, either personally or through another licensed veterinarian, twenty-four (24) hour emergency services for all animals under his continuing care.

Specific Authority 474.206 FS. Law Implemented 474.214(1)(r) FS. History—New 10-14-86, Formerly 21X-19.001.

61G18-19.002 Complementary or Alternative Veterinary Medicine.

(1) Definition – Complementary, alternative and integrative therapies means a heterogenous group of preventive, diagnostic and therapeutic philosophies and practices, which at the time they are performed may differ from current scientific knowledge, or whose theoretical basis and techniques may diverge from veterinary medicine routinely taught in accredited veterinary medical colleges, or both. These therapies include, but are not limited to, veterinary acupuncture, acupressure, veterinary homeopathy, veterinary manual or manipulative therapy (i.e., therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy); veterinary nutraceutical therapy and veterinary physiotherapy.

(2) Communication of treatment alternatives – A licensed veterinarian who offers to provide a patient with complementary or alternative health care treatment must inform the owner of the patient of the nature of the treatment and must explain the benefits and risks associated with the treatment to the extent necessary for the owner to make an informed and prudent decision regarding such treatment option. In compliance with this subsection:

(a) The licensed veterinarian must inform the owner of his or her education, experience and credentials in relation to veterinary complementary or alternative health care treatment option.

(b) The licensed veterinarian may, in his or her discretion, communicate the information orally or in written form directly to the owner or to the owner's legal representative.

(c) The licensed veterinarian may, in his or her discretion and without restriction, recommend any mode of treatment that is, in his or her judgment, in the best interests of the patient, including complementary or alternative health care treatments, in accordance with the provisions of his or her license.

(3) Records – Every licensed veterinarian providing a patient with a complementary or alternative health care treatment must indicate in the patient's record the method by which the requirements of subsection (2) were met.

(4) Effect – This section does not modify or change the scope of practice of any licensed veterinarian, nor does it alter in any way the provisions of Chapter 474, F.S., which require licensees to practice within standards of care, and which prohibit fraud and exploitation of clients.

Specific Authority 474.206 FS. Law Implemented 474.202(13), 474.2165 FS. History—New 12-25-05.

Chapter 61G18-20

61G18-20.001 Approval of Treatment Programs for Impaired Veterinarians.

(1) It is the intent of the Board that the consultant appointed by the Department pursuant to Section 474.2141, Florida Statutes, to act as liaison between the Board and impaired veterinarians and providers, have discretion and flexibility to assist the impaired veterinarian in selecting a treatment resource which will provide appropriate treatment consistent with the impaired veterinarian's condition and professional, personal and financial responsibilities.

(2) Programs and professionals as described below may be approved as providers of treatment for impaired veterinarians, as such programs are referred to in Section 474.2141, Florida Statutes, upon application to the Board and recommendation by the consultant.

(a) Treatment programs recognized and approved by the Florida Medical Foundation which provide services to veterinarians.

(b) Alcohol, drug abuse and mental illness treatment programs offered by JCAH approved and Florida licensed hospitals.

© Facilities as defined in Part 1, Chapter 394, Florida Statutes (The Florida Mental Health Act).

(d) Alcohol treatment resources as defined in Chapter 396, Florida Statutes (Comprehensive Alcoholism Prevention Control and Treatment Act).

(e) Drug abuse treatment resources and education centers as defined in Chapter 397, Florida Statutes.

(f) Psychiatric physicians who can demonstrate their training, competence and standard of practice by submitting information which would include, but not necessarily be limited to, specialty certification, faculty rank and recommendation by medical and psychiatric societies.

(g) Appropriate monitoring and after-care programs as recommended by the consultant after discussions with the program.

(3) In the event that the consultant shall determine that a licensed or accredited treatment resource other than one described by the above classifications is best suited to the needs and circumstances of an impaired veterinarian, the consultant may grant temporary approval for such resource to provide services to impaired veterinarians, and shall generate an application to the Board for approval of the resource or class of resource at the earliest meeting of the Board, at which such item of business could be taken up according to the provisions of the Administrative Procedures Act.

(4) In the event that the consultant shall determine that a particular program provider is unable to provide appropriate treatment for impaired professionals, he may recommend to the Board that the program be disapproved. Such disapproval shall not prevent a program provider from subsequently making another application.

Specific Authority 474.206, 474.2141 FS. Law Implemented 474.2141 FS. History—New 10-17-85, Formerly 21X-20.01, 21X-20.001.

Chapter 61G18-21

61G18-21.001 Advertising.

(1) Advertising by veterinarians is permitted in order to disseminate information for the purpose of providing the public sufficient basis upon which to make an informed selection of veterinarians. In the interest of protecting the public health, safety and welfare, advertising which is false and misleading is prohibited.

(2) As used in the rules of this Board, the terms “advertisement” and “advertising” shall mean any statements, oral or written, disseminated to or before the public or any portion thereof, with the intent of furthering the purpose, either directly or indirectly, of selling professional services, or offering to perform professional services, or inducing members of the public to enter any obligation relating to such professional services. The terms advertisement or advertising shall include the name under which professional services are performed.

(3) No veterinarian shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading in form or content. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive or misleading if it:

(a) Contains a misrepresentation of facts; or

(b) Is misleading or deceptive because in its content or in the context in which it is presented it makes only a partial disclosure of relevant facts; or

(c) Creates false or unjustified expectations of beneficial treatment or successful cures; or

(d) Conveys the impression that the veterinarian disseminating the advertising or referred to therein, his staff, his services or method of delivery of veterinary services are superior to any other licensed veterinary services, licensed veterinarian or legally recognized method of delivery unless such claims can be substantiated. A veterinarian shall not advertise that he is a specialist unless he is a diplomate of one or more national specialty boards which are recognized by the Board of Veterinary Medicine. For the purposes of this rule the Board recognizes only those national specialty boards which are recognized by the American Veterinary Medical Association. It is permissible for a veterinarian to advertise that he limits his practice to or has a particular interest in a particular species or particular area of practice.

(e) Fails to conspicuously identify the veterinarian or veterinarians referred to in the advertising as a veterinarian or veterinarians; or

(f) Contains any representations or claims as to which the veterinarian, referred to in the advertising, fails to perform; or

(g) Contains any other representation, statement or claim which is misleading or deceptive in form or content.

(4) The provisions of this rule shall apply to media exposure of any nature regardless of whether it is in the form of paid advertising.

(5) A veterinarian who advertises a veterinary hospital or clinic shall include in all emergency hospital or clinic advertisements the hours during which such emergency services are provided and the availability of the veterinarian who is to provide the emergency service. The availability of the veterinarian who is to provide emergency service shall be specified as either “veterinarian on premises” or “veterinarian on call.” The phrase “veterinarian on premises” shall mean that there is a veterinarian actually present at the hospital who is prepared to render emergency veterinary services. The phrase “veterinarian on call” shall mean that a veterinarian is not present at the hospital, but is able to respond within a reasonable time to requests for emergency services and has been designated to so respond.

Specific Authority 474.206 FS. Law Implemented 474.214(1)(e) FS. History—New 12-4-84, Formerly 21X-12.01, Amended 10-14-86, 5-2-89, Formerly 21X-21.001, Amended 6-30-98.

Chapter 61G18-22

61G18-22.001 Active Status License.

(1) The department shall renew an inactive license to practice veterinary medicine upon timely receipt of the complete application for active status, the biennial renewal fee, and certification that the licensee has demonstrated participation in the continuing professional education requirements of Rule 61G18-16.002.

(2) "Complete application" for purposes of active status licensure shall be the Department renewal card and the continuing education affidavit.

Specific Authority 455.271 FS., as created by Chapter 94-119, Laws of Florida. Law Implemented 455.271, 474.211(1) FS., as created by Chapter 94-119, Laws of Florida. History—New 2-6-95.

Chapter 61G18-23

61G18-23.001 Inactive Status.

(1) Any licensee may elect at the time of license renewal to place the license into inactive status by filing with the board a complete application for inactive status and paying the inactive status fee. For the purpose of this section, a complete application shall be a renewal form provided by the department on which the licensee affirmatively elects inactive status.

(2) An inactive status licensee whose license has been in inactive status for less than two consecutive biennial licensure cycles may change to active status at any time provided the licensee meets the continuing education requirements of Rule 61G18-16.001, F.A.C., and pays the active status fees for each biennium during which the license was inactive, pays the reactivation fee and, if applicable, the processing fee as specified by Rule 61G18-12.0085, F.A.C.

(3) An inactive status licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles may change to active status at any time provided the licensee meets the continuing education requirements of Rule 61G18-16.002, F.A.C., and pays the active status fees for each biennium during which the license was inactive, pays the reactivation fee and, if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the processing fee and files with the board a complete application. For the purposes of this section, a complete application shall be the application required for initial licensure as a veterinarian.

(4) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.

Specific Authority 455.271 FS., as created by Chapter 94-119, Laws of Florida. Law Implemented 455.271 FS., as created by Chapter 94-119, Laws of Florida. History—New 2-7-95.

61G18-23.002 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions during such absence. The licensee must show proof to the Board of the absence and the spouse's military status. Such proof shall consist of copies of the military orders requiring the change of duty station and must be sent to the Board office in order to qualify for the exemption.

Specific Authority 455.02(2), 474.206 FS. Law Implemented 455.02(2) FS. History—New 1-3-05.

Chapter 61G18-24

61G18-24.001 Delinquent Status.

(1) The failure of any license holder to elect active or inactive status before the license expires shall cause the license to become delinquent.

(2) The delinquent status licensee must affirmatively apply for active or inactive status during the biennium in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to become active or inactive before the expiration of the biennium which the license became delinquent shall render the license null and void without further action by the board or the department.

(3) The delinquent status licensee who applies for active or inactive license status shall:

(a) file with the board the complete application for either active or inactive status as defined in Rule 61G18-23.001, F.A.C.;

(b) pay to the board either the active status or inactive status license fee, the delinquent status license fee and, if applicable, the processing fee; and

(c) demonstrate compliance with the continuing education requirements of Rule 61G18-16.002, F.A.C.

Specific Authority 455.271 FS., as created by Chapter 94-119, Laws of Florida. Law Implemented 455.271 FS., as created by Chapter 94-119, Laws of Florida. History—New 1-18-95.

Chapter 61G18-25

61G18-25.001 Temporary License to Practice Veterinary Medicine.

(1) In order to be certified to the Department by the Board for issuance of a temporary license to practice veterinary medicine, an applicant must demonstrate to the Board that the veterinarian meets the following qualifications:

(a)1. Applicant has filed an application for temporary licensure identifying the name and address of the owner of the animals to be treated, the type of animals to be treated and their injury or disease, the location the treatment is to be performed, and the names, addresses, and titles of all persons entering the state with the applicant to perform the treatment; or

2. Has filed an application and is responding to an emergency as defined in Section 252.34(2), F.S., for the treatment of animals of multiple owners.

(b) Has paid the temporary licensure fee specified in Rule 61G18-12.010, F.A.C.;

(c) Holds an active license to practice veterinary medicine in another state of the United States and that any license to practice veterinary medicine that he has ever held has never been revoked, suspended or otherwise acted against by the licensing authority. For the purposes of this rule, the Board interprets the phrase "valid license" as requiring an active license;

(d) Is neither the subject of any pending prosecution nor has he ever been convicted of any offense which is related to the practice of veterinary medicine; and

(e) Satisfies the qualifications for licensure by endorsement specified in Rule 61G18-14.002, F.A.C., except for having demonstrated knowledge of the laws and rules of veterinary medicine in this State as required by 474.217(1)(a), F.S.

(2) A temporary license is valid for a period of thirty (30) days from its issuance and no license shall cover more than the treatment of the animals of the owner identified in the application. Upon expiration of the license, a new license shall be required.

Specific Authority 474.206, 474.2125 FS. Law Implemented 474.2125 FS. History—New 12-12-85, Formerly 21X-25.01, 21X-25.001, Amended 2-6-95.

Chapter 61G18-30

61G18-30.001 Disciplinary Guidelines.

(1) When the Board finds an applicant or licensee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 474.213(1), F.S., which are felonies of the third degree as well as violations of the Practice act, it shall issue a final order imposing appropriate penalties, using the following disciplinary guidelines:

(a) Practicing veterinary medicine in this State unless a person holds an active license to practice veterinary medicine pursuant to Chapter 474, F.S.

In the case of an applicant, the usual action of the Board shall be to request the Department issue a Cease and Desist Order, which will remain in effect until licensure is granted, plus an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) and, upon eligibility for licensure, imposition of up to a one (1) year probation.

In the case of a non-licensed veterinarian practicing veterinary medicine in the State of Florida the Board shall request that the Department issue a Cease and Desist Order and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) plus one (1) year probation if the subject should become licensed in the State of Florida. In the case of a non-veterinarian practicing veterinary medicine in the State of Florida the board shall request that the Department issue a Cease and Desist Order and impose an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) for each count.

(b) Using the name or title “veterinarian” when the person has not been licensed pursuant to Chapter 474, F.S.

In the case of an applicant, the usual action of the Board shall be to request that the Department issue a Cease and Desist Order, which shall remain in effect until licensure is granted, and an administrative fine of one (1) thousand dollars (\$1,000.00) and, upon issuance of a license, imposition of one (1) year probation.

(c) Presenting as one’s own license the license of another.

The usual action of the Board shall be to request that the Department issue a Cease and Desist Order, and an administrative fine of five thousand dollars (\$5,000.00) and, upon issuance of licensure, imposition of one (1) year probation.

(d) Giving false or forged evidence to the Board, or a member thereof, for the purpose of obtaining a license.

In the case of an applicant, the usual action of the Board shall be denial of licensure. The usual action of the Board in the case of a licensee for a first offense shall be to impose a penalty of an administrative fine of three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a

(e) Using or attempting to use a veterinarian's license which has been suspended or revoked.

(f) Knowingly employing unlicensed persons in the practice of veterinary medicine.

(g) Knowingly concealing information relative to a violation of Chapter 474, F.S.

(h) Obtaining or attempting to obtain a license by fraud.

(i) Selling or offering to sell a diploma conferring a degree in veterinary medicine or a license to practice veterinary medicine in this state.

(j) Leading the public to believe that the person is licensed as a veterinarian or is engaged in the licensed practice of veterinary medicine without a valid active license.

penalty of an administrative fine of five thousand dollars (\$5,000.00) and revocation of any license obtained based on false or forged evidence. In the case of an applicant, the usual action shall be denial of licensure and to request the Department issue a Cease and Desist Order. The usual action of the Board in the case of a licensee shall be to impose revocation if the subject's license has been suspended and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of up to one (1) year probation and an administrative fine of three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to one (1) year suspension, followed by up to two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of six (6) months probation and an administrative fine of one thousand dollars (\$1,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to one (1) year probation and an administrative fine of three thousand dollars (\$3,000.00).

Revocation or denial of licensure plus an administrative fine of five thousand dollars (\$5,000.00).

An administrative fine of five thousand dollars (\$5,000.00) and revocation.

In the case of an applicant, the usual action of the Board shall be to request the Department issue a Cease and Desist Order, which will remain in effect until licensure is granted, plus an administrative fine of two thousand dollars (\$2,000.00) and, upon eligibility for licensure, imposition of one (1) year probation. In the case of a non-licensed veterinarian the Board shall request that the Department issue a Cease and Desist Order and an administrative fine of two thousand dollars (\$2,000.00) plus one (1) year probation if the subject should become licensed in the State of Florida. In the case of a non-veterinarian the Board

(k) Knowingly operating a veterinary establishment or premises without a valid premise permit.

(2) When the Board finds an applicant, licensee, or permittee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 474.214(1), F.S., it shall issue a Final Order imposing appropriate penalties which are set forth in Section 474.214(2), F.S., using the following disciplinary guidelines:

(a) Attempting to procure, or procuring, a license to practice veterinary medicine or a permit to own and operate a veterinary establishment, by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board.

(b) Having a license to practice veterinary medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of an adjudication, of a crime in any jurisdiction which directly relates to the practice of veterinary medicine or the ability to practice veterinary medicine.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed veterinarian.

shall request that the Department issue a Cease and Desist Order and an administrative fine of two thousand dollars (\$2,000.00) for each count.

The usual action of the Board shall be an administrative fine of two thousand dollars (\$2,000.00). The Board shall also require that a premise permit be obtained or request the Department to issue a Cease and Desist Order.

In the case of an applicant, the usual action of the Board shall be denial of licensure or permit. The usual action of the Board in the case of a licensee or permittee shall be to impose a penalty of revocation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00).

The usual action of the Board will be a penalty generally concurrent with that of the other jurisdiction with the addition of appropriate safeguards as determined by the Board.

In the case of an applicant, the usual action of the Board shall be denial of licensure. The usual action of the Board in the case of a licensee or permittee shall be to impose a penalty ranging from an administrative fine of two thousand dollars (\$2,000.00) and up to one (1) year probation to an administrative fine of five thousand dollars (\$5,000.00) and revocation. For a second offense, the usual action of the Board shall be to impose a penalty ranging from an administrative fine of five thousand dollars (\$5,000.00) and up to two (2) years suspension followed by two (2) years probation to an administrative fine of five thousand dollars (\$5,000.00) to revocation.

The usual action of the Board shall be to impose a penalty of one (1) year suspension followed by one (1) year probation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) per count or violation. For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of a two (2) year suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00) to revocation.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Violating a statute or administrative rule regulating practice under this chapter or Chapter 455, F.S. or a lawful disciplinary order or subpoena of the Board or the Department.

(g) Practicing with a revoked, suspended, or inactive license.

(h) Being unable to practice veterinary medicine with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition.

In the case of violations, which are not resolved by the Board's rule concerning minor violations, the usual action of the Board shall be to impose an administrative fine of one thousand dollars (\$1,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of two (2) years probation and an administrative fine of two thousand dollars (\$2,000.00) for each count.

The usual action of the Board shall be to impose a penalty ranging from a reprimand and an administrative fine of two thousand dollars (\$2,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose up to two (2) years suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00). In the case of a subpoena or disciplinary order, the usual action shall be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of four thousand dollars (\$4,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty ranging from up to three (3) years suspension followed by up to three (3) years probation to revocation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty consistent with paragraph (1)(a) above. In the case of a licensed veterinarian being found late in payment of renewal fees, the veterinarian shall have thirty days from receipt of official notice from the Department of Business and Professional Regulation to become current in payment of fees to the Department and pay an administrative fine of five hundred dollars (\$500.00). If the delinquent veterinarian does not respond to the Department within the above mentioned thirty days, the Board shall request that the Department issue a Cease and Desist Order, which shall remain in effect until license renewal fees and an administrative fine of one thousand dollars (\$1,000.00) are paid. The usual action of the Board shall be to impose a penalty of suspension until such time as the licensee demonstrates rehabilitation followed by probation under such terms and conditions as set by the Board. If the individual is an applicant, the usual action shall be to deny the application.

(i) Judicial determination of mental incompetency.

(j) Knowingly maintaining a professional connection or association with any person who is in violation of the provisions of Chapter 474, F.S., or the rules of the Board.

(k) Paying or receiving kickbacks, rebates, bonuses, or other remuneration for receiving a patient or client or for referring a patient or client to another provider of veterinary services or goods. In construing this section, the Board shall deem that a referral to an entity with which the veterinarian has a contractual relationship, for the sale of non-veterinary, non-medical pet food or pet supplies, does not constitute a kickback, so long as the client is aware of the relationship.

(l) Performing or prescribing unnecessary or unauthorized treatment.

(m) Engaging in fraud in the collection of fees from consumers or any person, agency, or organization paying fees to practitioners.

(n) Attempting to restrict competition in the field of veterinary medicine other than for the protection of the public.

(o) Fraud, deceit, negligence, incompetency, or misconduct in the practice of veterinary medicine.

The usual action of the Board shall be to impose a penalty of suspension or denial of licensure until there is a legal restoration of the licensee's competency to be followed by probation under such terms and conditions as set by the Board. The usual action of the Board shall be to impose a penalty of an administrative fine of three thousand dollars (\$3,000.00) and one (1) year probation. For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of an administrative fine of five thousand dollars (\$5,000.00) and up to two (2) years probation. The usual action of the Board for those violations not disposed of by the Board's rule concerning minor violations shall be to impose a penalty of a one (1) year probation and an administrative fine of one thousand dollars (\$1,000.00) for each count. For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of two (2) years probation and an administrative fine of two thousand dollars (\$2,000.00) for each count.

The usual action of the Board shall be to impose a penalty ranging from a reprimand to one (1) year probation and an administrative fine up to two thousand dollars (\$2,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty ranging from a reprimand to two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by one (1) year probation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose two (2) years suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of one (1) year probation and an administrative fine of two thousand dollars (\$2,000.00). For a second or subsequent offense, and revocation of the veterinarian's license to practice in the State of Florida. The usual action of the Board shall be to impose a penalty ranging from one (1) year probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00). For a

(p) Being convicted of a charge of cruelty to animals.

(q) Permitting or allowing another to use a veterinarian's license for the purpose of treating or offering to treat sick, injured, or afflicted animals.

(r) Being guilty of incompetence or negligence by failing to practice veterinary medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions and circumstances.

(s) Willfully making any misrepresentations in connection with the inspection of food for human consumption.

(t) Fraudulently issuing or using any false health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine relating to the presence or absence of animal diseases or transporting animals or issuing any false certificate relating to the sale of products of animal origin for human consumption.

(u) Engaging in fraud or dishonesty in applying, treating, or reporting on tuberculin, diagnostic, or other biological tests.

second or subsequent offense, an administrative fine of five thousand dollars (\$5,000.00) and revocation of the veterinarian's license to practice in the State of Florida.

The usual action of the Board shall be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of four thousand dollars (\$4,000.00). For a second or subsequent offense, an administrative fine of five thousand dollars (\$5,000.00) and revocation.

The usual action of the Board shall be to impose a penalty of up to one (1) year suspension followed by up to one (1) year probation and an administrative fine of three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00)

The usual action of the Board shall be to impose a penalty of one (1) year probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to one (1) year suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of up to one (1) year suspension followed by one (1) year probation and an administrative fine of four thousand dollars (\$4,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty of ranging from up to one (1) year suspension followed by one (1) year probation and an administrative fine of three thousand dollars (\$3,000.00) and revocation. For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of an administrative fine of five thousand dollars (\$5,000.00) and revocation.

The usual action of the Board shall be to impose a penalty of ranging from up to one (1) year suspension followed by one (1) year probation to revocation

(v) Failing to keep the equipment and premises of the business establishment in a clean and sanitary condition or having a premise permit suspended or revoked pursuant to Section 474.215, F.S.

(w) Practicing veterinary medicine at a location for which a valid premise permit has not been issued when required under Section 474.215, F.S.

(x) Refusing to permit the Department to inspect the business premises of the licensee during regular business hours.

(y) Using the privilege of ordering, prescribing, or making available medicinal drugs or drugs defined in Chapter 465, F.S., or controlled substances as defined in Chapter 893, F.S., for use other than for the specific treatment of animal patients for which there is a documented veterinarian/client/patient relationship. Pursuant thereto, the veterinarian shall:

and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose an administrative fine of five thousand dollars (\$5,000.00) and revocation. The usual action of the Board shall be to suspend the premise permit until compliance with requirements followed by up to one (1) year probation and an administrative fine from one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to suspend the premise permit until compliance with requirements followed by up to three (3) years probation to revocation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose an administrative fine of one thousand dollars (\$1,000.00) penalty and to require remedial education. The Board shall also require that a premise permit be obtained or the Department shall be requested to issue a Cease and Desist Order. For a second or subsequent offense, the usual action of the Board shall be to impose an administrative fine of three thousand dollars (\$3,000.00).

The usual action of the Board shall be to impose a penalty of an administrative fine of two thousand dollars (\$2,000.00), unless circumstances legally justify such action by the veterinarian and/or request that the Department issue a Cease and Desist Order. For a second or subsequent offense, the usual action of the Board shall be to impose an administrative fine of five thousand dollars (\$5,000.00).

For violations involving medicinal drugs or drugs defined in Chapter 465 F.S., the usual action of the Board shall be to impose a penalty ranging from a reprimand up to one (1) year suspension followed by one (1) year probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00). For violations involving controlled substances as defined in Chapter 893, F.S., the usual action of the Board shall be to impose a penalty of two (2) year suspension to revocation and an administrative fine of four thousand dollars (\$4,000.00). For a second or subsequent offense, the

usual action of the Board shall be to impose an administrative fine of five thousand dollars (\$5,000.00) and revocation.

1. Have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian is personally acquainted with the keeping and the caring of the animal and has recent contact with the animal or has made medically appropriate and timely visits to the premises where the animal is kept.

2. Be available to provide for follow up care and treatment in case of adverse reactions or failure of the regimen of therapy.

3. Maintain records which document patient visits, diagnosis, treatment, and other relevant information required under this Chapter. The documented patient/client/veterinarian relationship cited in Section 474.214, F.S. is herein defined as a veterinarian's record of a client's animal which documents that the veterinarian has seen the animal in a professional capacity within a period of 12 months or less.

(z) Providing, prescribing, ordering, or making available for human use medicinal drugs or drugs as defined in Chapter 465, F.S., controlled substances as defined in Chapter 893, F.S., or any material, chemical, or substance used exclusively for animal treatment.

(aa) Failing to report to the Department any person the licensee knows to be in violation of Chapter 474, F.S., or the rules of the Board or Department.

(bb) Violating any of the requirements of Chapter 499, F.S., the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 seq., the Comprehensive Drug Abuse Prevention and

For violations involving medicinal drugs or drugs defined in Chapter 465, F.S., the usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by two (2) years probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of three (3) years suspension followed by three (3) years probation up to an administrative fine of five thousand dollars (\$5,000.00) and revocation. For violations involving controlled substances as defined in Chapter 893, F.S., the usual penalty will be revocation and an administrative fine up to five thousand dollars (\$5,000.00).

The usual action of the Board shall be issuance of a reprimand and an administrative fine of up to one thousand dollars (\$1,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to one (1) year probation and an administrative fine up to three thousand dollars (\$3,000.00).

The usual action of the Board shall be to impose a penalty of up to two (2) years probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the

Control Act of 1970, more commonly known as the Federal Drug Abuse Act; or Chapter 893, F.S.	Board shall be up to two (2) years suspension followed by three (3) years probation and an administrative fine of five thousand dollars (\$5,000.00).
(cc) Failing to provide adequate radiation safeguards.	The usual action of the Board shall be issuance of a reprimand plus the violator must pay cost of investigation and provide proof of compliance with the rule.
(dd) Failing to perform any statutory or legal obligation placed upon a licensee.	The usual action of the Board shall be a penalty ranging from the issuance of a reprimand and an administrative fine of one thousand dollars (\$1,000.00) up to revocation and an administrative fine of up to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of a reprimand to revocation and an administrative fine of five thousand dollars (\$5,000.00).
(ee) Failing to keep contemporaneously written medical records as required by rule of the Board.	The usual action of the Board shall be issuance of a reprimand and up to one (1) year probation, and an administrative fine of up to two thousand dollars (\$2,000.00). For a second or subsequent offense, the usual action of the Board shall be a penalty of two (2) years probation and an administrative fine of five thousand dollars (\$5,000.00).
(ff) Prescribing or dispensing legend drug as defined in Chapter 465, F.S., including any controlled substance, inappropriately or in excessive or inappropriate quantities.	The usual action of the Board shall be to impose a penalty of an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) and up to two (2) years probation. For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to one (1) year suspension followed by three (3) years probation and an administrative fine of five thousand dollars (\$5,000.00).
(gg) Practicing or offering to practice beyond the scope permitted by law.	The usual action of the Board shall be issuance of a reprimand up to one (1) year probation, and an administrative fine from one thousand dollars (\$1,000.00) to three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be two (2) years probation and an administrative fine of up to five thousand dollars (\$5,000.00).
(hh) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.	The usual action of the Board shall be to impose a penalty of an administrative fine from one thousand five hundred dollars (\$1,500.00) to three thousand dollars (\$3,000.00) and up to one (1) year probation. For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to one (1) year suspension followed by up to two (2) years

(ii) Presigning blank prescription forms.

probation to revocation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board shall be to impose a penalty ranging from up to one (1) year suspension of the veterinarian's license followed by up to one (1) year probation to revocation and an administrative fine of up to two thousand dollars (\$2,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation to revocation and an administrative fine up to five thousand dollars (\$5,000.00).

(jj) Failing to report to the Board within 30 days, in writing, any action set forth in paragraph (b) that has been taken against the practitioner's license to practice veterinary medicine by any jurisdiction, including any agency or subdivision thereof.

The usual action of the Board shall be the issuance of a reprimand and an administrative fine from one thousand dollars (\$1,000.00) to three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be the issuance of a reprimand and an administrative fine of five thousand dollars (\$5,000.00).

(kk) Aiding or assisting another person in violating any provision of this Chapter or any rule adopted pursuant thereto.

The usual action of the Board shall be to impose a penalty from one (1) to three (3) years probation and an administrative fine from one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to two (2) years suspension followed by up to three (3) years probation to revocation and an administrative fine of up to five thousand dollars (\$5,000.00).

(ll) Failing to respond within 60 days after receipt of a request to provide satisfactory proof of having satisfactory proof of having participated in approved continuing education programs.

The usual action of the Board shall be suspension until the Board receives acceptable response to the request and an administrative fine from one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be suspension until the Board receives an acceptable response to the request and an administrative fine of five thousand dollars (\$5,000.00).

(mm) Failing to maintain accurate records or reports as required by this chapter or by federal or state laws or rules pertaining to the storing, labeling, selling, dispensing, prescribing, and administering of controlled substances.

The usual action of the Board shall be an administrative fine from one thousand five hundred dollars (\$1,500.00) to five thousand dollars (\$5,000.00) and up to two (2) years probation. For a second or subsequent offense, the usual action of the Board shall be up to three (3) years probation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00).

(nn) Failing to report a change of address to the Board within 60 days thereof.

The usual action of the Board shall be an administrative fine of one thousand dollars (\$1,000.00). For a second or subsequent offense, the usual action of the Board shall be an administrative

fine of three thousand dollars (\$3,000.00)

(oo) Failure of the responsible veterinarian or permittee to report a change of premises ownership or responsible veterinarian within 60 days thereof.

The usual action of the Board shall be an administrative fine of one thousand dollars (\$1,000.00). For a second or subsequent offense, the usual action of the Board shall be an administrative fine of three thousand dollars (\$3,000.00).

(pp) Failing to give the owner of a patient, before dispensing any drug, a written prescription when requested.

The usual action of the Board shall be an administrative fine of two thousand dollars (\$2,000.00). For a second or subsequent offense, the usual action of the Board shall be an administrative fine from three thousand dollars to five thousand dollars (\$5,000.00).

(3) When the Board finds an applicant, licensee, or permittee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 455.227(1), F.S., it will issue a Final Order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

(a) Misleading, deceptive, untrue, or fraudulent representations in the practice of veterinary medicine.

The usual action of the Board will be to impose a penalty ranging from up to one (1) year suspension followed by one (1) year probation and an administrative fine of up to two thousand dollars (\$2,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be a penalty of up to two (2) years suspension followed by up to two (2) years probation to revocation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00).

(b) Intentionally violating any rule adopted by the Board or the Department.

The usual action of the Board will be to impose a penalty ranging from the issuance of a reprimand and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be a penalty ranging from up to one (1) year probation to revocation and an administrative fine from three thousand dollars to five thousand dollars (\$5,000.00).

(c) Being convicted of a felony which relates to the practice of veterinary medicine.

The usual action of the Board will be revocation and an administrative fine of up to five thousand dollars (\$5,000.00).

(d) Being adjudicated mentally incompetent.

The usual action of the Board will be consistent with paragraph (2)(j) above.

(e) The license has been obtained by fraud or material misrepresentation of a material fact.

The usual action of the Board will be revocation of the license and an administrative fine of up to five thousand dollars (\$5,000.00).

(f) Use of a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules promulgated pursuant to Section 501.122(2), F.S., governing the registration of such devices with the Department of Health and Rehabilitation.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee.

(h) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

(i) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

The usual action of the Board will be an administrative fine of up to three thousand dollars (\$3,000.00). For a second or subsequent offense, the usual action of the Board shall be an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board will be to impose a penalty ranging from the issuance of a reprimand up to two (2) years suspension followed by up to two (2) years probation and an administrative fine from two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty of up to three (3) years suspension followed by up to three (3) years probation to revocation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00).

The usual action of the Board will be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of up to three thousand dollars (\$3,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be to impose a penalty ranging from up to three (3) years suspension followed by three (3) years probation to revocation and an administrative fine of five thousand dollars (\$5,000.00).

The usual action of the Board will be up to two (2) years suspension followed by up to two (2) years probation and an administrative fine from three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00). For a second or subsequent offense, the usual action of the Board shall be up to three (3) years suspension followed by up to three (3) years probation to revocation and an administrative fine of five thousand dollars (\$5,000.00).

(4) Based upon consideration of aggravating or mitigating factors present in an individual case, the Board may deviate from the penalties recommended in subsections (1), (2) and (3) above. The Board shall consider as aggravating or mitigating factors the following:

- (a) The danger to the public;
- (b) The length of time since the violation;
- (c) The number of times the licensee has been previously disciplined by the Board;
- (d) The length of time licensee has practiced;
- (e) The actual damage, physical or otherwise, caused by the violation;
- (f) The deterrent affect of the penalty imposed;
- (g) The affect of the penalty upon the licensee's livelihood;
- (h) Any effort of rehabilitation by the licensee;
- (i) The actual knowledge of the licensee pertaining to the violation;

- (j) Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;
 - (k) Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
 - (l) Actual negligence of the licensee pertaining to any violation;
 - (m) Penalties imposed for related offenses under subsections (1), (2) and (3) above;
 - (n) Pecuniary benefit or self-gain enuring to licensee;
 - (o) Any other relevant mitigating or aggravating factors under the circumstances.
- (5) Penalties imposed by the Board pursuant to subsections (1), (2) and (3) above may be imposed in combination or individually, and are as follows:
- (a) Issuance of a reprimand;
 - (b) Imposition of an administrative fine not to exceed five thousand dollars (\$5,000.00) for each count or separate offense;
 - (c) Restriction of the authorized scope of practice;
 - (d) Placement of the licensee on probation for a period of time and subject to such conditions as the Board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee;
 - (e) Suspension of a license;
 - (f) Revocation of a license;
 - (g) Denial of an application for licensure or a permit to own and operate a veterinary establishment;
- and
- (h) The taking and passing of a clinical competency specialty examination.
- (6) The provisions of subsections (1) through (5) above are not intended and shall not be construed to limit the ability of the Board to informally dispose of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(3), F.S.
- (7) The provisions of subsections (1) through (5) above are not intended and shall not be construed to limit the ability of the Board to pursue or recommend the Department pursue collateral civil or criminal actions when appropriate.

Rulemaking Authority 455.2273(1), 474.206 FS. Law Implemented 455.2273, 455.2281, 474.213, 474.214 FS. History—New 12-8-86, Amended 5-27-91, Formerly 21X-30.001, Amended 8-18-94, 5-13-96, 2-18-01, 7-20-03, 7-30-06, 8-20-09.

61G18-30.002 Minor Violations, Notice of Noncompliance Department may provide a licensee with a notice of noncompliance. Failure of a licensee to take action in correcting the violation within the 15 days after notice may result in the institution of regular disciplinary proceedings.

(2) A notice of noncompliance may be issued when there has been no economic or physical harm to a person; when the public health, safety or welfare has not been endangered and when there is no evidence or allegation of deliberate deception.

(3) A first time offense of the following violations may be disposed by a notice of noncompliance:

(a) False, deceptive or misleading advertising in violation of Section 474.214(1)(e), F.S., or Rule 61G18-21.001, F.A.C., so long as the veterinarian has received no compensation for services sought by the client as the result of the advertising or if compensation has been received, so long as it has been returned to the client;

(b) Failure to include in an advertisement for free or discounted services the statement required by Section 455.24, F.S.;

(c) Failure to display a license, premises permit or mobile clinic permit as required by Section 474.216, F.S.

(d) Practicing veterinary medicine with a delinquent license for less than 90 days.

- (e) Operating a veterinary establishment without a premises permit for less than 60 days.
- (f) Failure to notify board of a change in responsible veterinarian within 30 days.
- (g) Failure to report a change of address to the Board within 90 days.

(4) A second or subsequent offense shall result in the issuance of a citation pursuant to Rule 61G18-30.003, F.A.C., if available, or disciplinary proceedings pursuant to Section 455.225, F.S. In cases where more than two (2) of these offenses are present, disciplinary proceedings pursuant to Section 455.225, F.S., shall be instituted.

Specific Authority 474.206, 455.225(3) FS. Law Implemented 455.225(3) FS. History--New 5-9-90, Formerly 21X-30.002, Amended 12-30-97.

61G18-30.003 Citations.

(1) Definitions.

(a) "Citation" means an instrument which meets the requirements set forth in Section 455.224, F.S., and which is served upon a subject for the purpose of assessing a penalty in an amount established by this rule;

(b) "Subject" means the licensee, trainee, or applicant alleged to have committed a violation designated in this rule.

(2) In lieu of the disciplinary procedures contained in Section 455.225, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 455.225, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 455.225, F.S., shall apply.

(4) Pursuant to Section 455.224, F.S. (1991), the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. The Board hereby designates the following as citation violations which shall result in a penalty of five hundred dollars (\$500.00) unless otherwise noted:

(a) False, deceptive or misleading advertising in violation of Section 474.214(1)(e), F.S., or Rule 61G18-21.001, F.A.C., so long as the veterinarian has received no compensation for services sought by the client as the result of the advertising or if compensation has been received, so long as it has been returned to the client;

(b) Failure to include in an advertisement for free or discounted services the statement required by Section 455.24, F.S.;

(c) Failure to display a license, premises permit or mobile clinic permit as required by Section 474.216, F.S.

(d) Failure to respond to the self-inspection audit as required by subsection 61G18-15.005(3), F.A.C., prior to the date of license renewal.

(e) Practicing veterinary medicine or operating a veterinary establishment when the license has become delinquent.

(f) Failure to notify the Board of a change in responsible veterinarian.

(g) Failure to obtain or complete the continuing education required for licensure renewal within the biennium. The licensee shall be required to complete the hours needed within 6 months of the date of issuance of the citation. These hours shall not be used for license renewal during the biennium in which they were earned.

(h) Operating a veterinary establishment without a premises permit for more than 60 days but less than one year. The fine shall be \$100 per month, to a maximum of \$1,200.

(5) Prior to issuance of the citation, the Department must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety, and welfare, such potential for harm must be removed prior to issuance of the citation.

(6) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions of Chapter 119, F.S. The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to Rule 61G18-30.001, F.A.C.

(7) The Board of Veterinary Medicine shall, at the end of each calendar quarter, promulgate a report of the citations issued which report shall contain the name of the subject, the violation, fine imposed, whether the subject complied with the citation upon it becoming a final order, and the number of subjects who chose to follow the procedures of Section 455.224, F.S.

Specific Authority 455.224, 474.206 FS. Law Implemented 455.224 FS. History—New 1-1-92, Formerly 21X-30.003, Amended 7-4-95, 5-13-96, 2-17-02.

61G18-30.004 Time Limitation for Payment of Administrative Fine.

In cases where the Board imposes an administrative fine and costs for a violation of Ch. 455 or 474, F.S., or the rules promulgated pursuant thereunder, the fine or costs shall be paid within thirty (30) days from the date the order of the Board is filed.

Specific Authority 455.227(2), 474.206 FS. Law Implemented 455.227(2) FS. History—New 8-16-94.

61G18-30.005 Terms of Probation.

Any licensee determined to have violated the provisions of Chapter 474, F.S., may be ordered to serve probationary terms including any or all of the following:

(1) Probationer's license may be suspended for a period of time set by the Board, the suspension may be stayed so long as the licensee complies with the terms of probation established.

(2) The licensee may be placed on probation for a period of time set by the Board. Any deviation from the requirements of the probation without prior written consent of the Board shall constitute a violation of probation. The probationary period shall automatically terminate at the end of the prescribed time, but only if all terms and conditions have been met. Otherwise, the probation shall be terminated only by order of the Board upon proper petition of the licensee, supported by evidence of compliance with the Final Order.

(3) The licensee's probation may be subject to the following terms and conditions:

(a) Probationer shall comply with all state statutes and rules pertaining to the practice of Veterinary Medicine Chapter 455 and 474, F.S., and Rule Chapter 61G18, F.A.C.

(b) Probationer shall appear before the Board at the first meeting after the probation commences, at the last meeting of the Board preceding termination of probation, and at such other times as requested by the Board.

(c) In the event Probationer leaves the State of Florida for a period of thirty days or more, or otherwise does not engage in practice in Florida, Probationer's probation shall be tolled and shall remain in a tolled status until Probationer returns to active practice in the State of Florida, at which time the probationary status shall resume. Probationer must keep current residence and business address on file with the Board. Probationer shall notify the Board within ten (10) days of any changes of said addresses.

(d) Probationer shall practice only under the supervision of a veterinarian fully licensed under Chapter 474, F.S., to be approved by the Board or its designee. Probationer shall have the supervising veterinarian with the Probationer at the Probationer's first probation appearance before the Board. Prior to approval of the supervising veterinarian by the Board or its designee, the Probationer shall provide to the supervising veterinarian a copy of the administrative complaint filed in this case. A failure of the Probationer or the supervising veterinarian to appear at the scheduled Board meeting shall constitute a violation of the Board's

Final Order. Prior to the approval of the supervising veterinarian by the Board or its designee, Probationer shall submit to the Board or its designee a current curriculum vitae and description of the current practice from the proposed supervising veterinarian. Said materials shall be received in the Board office no later than fourteen (14) days before Probationer's first scheduled probation appearance. Probationer shall be responsible for ensuring that the supervising veterinarian submits the required reports. The responsibilities of the supervising veterinarian shall include:

1. Submit quarterly reports in affidavit form which shall include:
 - a. Brief statement of why Probationer is on probation.
 - b. Description of Probationer's practice.
 - c. Brief statement of Probationer's compliance with terms of probation.
 - d. Brief statement of Probationer's relationship with supervising veterinarian.
 - e. Detail any problems which may have arisen with Probationer.
2. Review a percentage of Probationer's patient records selected on a random basis at least once every two (2) weeks.
3. Review all patient records treated for/with certain conditions.
4. Consult with Probationer on all cases involving specified conditions.
5. Review Probationer's use of pharmaceutical agents.
6. Report to the Board any violations by the Probationer of Chapters 455, 893, and 474, F.S., and the rules promulgated pursuant thereto.

(e) Probationer shall submit quarterly reports in affidavit form to the Board. The reports shall include:

1. Brief statement of why Probationer is on probation.
2. Practice location.
3. Description of current practice stating type and composition.
4. Brief statement of compliance with probationary terms.
5. Description of relationship with the supervising veterinarian.
6. Description of any problems.
7. Certified copies of a number of patient records of patients examined or treated by the Probationer within the previous sixty (60) days with all identification of patient suitably obliterated.

(f) Probationer shall obtain a number of Continuing Education credits in specific areas, within a number of months/year(s), in addition to those hours required for renewal of licensure.

(g) Probationer shall see a psychiatrist, psychologist or psychotherapist approved by the Board or its designee at least the specified number of visits for evaluations and treatment.

(h) Probationer shall comply with the requirements of the PRN program and shall provide releases to medical records sufficient to satisfy state and federal laws.

(4) Probationer shall pay an administrative fine or costs in the amount set by the Board, said fine to be paid or costs to the Board within a certain number of days of the effective date of the Final Order.

Specific Authority 455.2273 FS. Law Implemented 455.2273 FS. History--New 1-18-95, Amended 3-20-95.

61G18-30.006 Mediation.

(1) "Mediation" means a process whereby a mediator appointed by the department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) The board finds that mediation is an acceptable method of dispute resolution for the following violations as they are economic in nature or can be remedied by the licensee:

- (a) Failure for the licensee to timely pay any assessed administrative fines or costs;
- (b) Failure of the licensee to timely respond to a continuing education audit.

Specific Authority 455.2235 FS., as amended by Chapter 94-119, Laws of Florida. Law Implemented 455.2235 FS., as amended by Chapter 94-119, Laws of Florida. History--New 1-5-95.

