

Proposed Rulemaking

Title

Promulgated by:
Department of Agriculture
Arkansas Board of Animal Health

Title 17. Professions, Occupations, and Businesses

Chapter I. Arkansas Board of Animal Health, Department of Agriculture

Subchapter A. Generally

Part 1. Veterinary Medicine

Subpart 1. Generally

17 CAR § 1-101. General provisions.

~~(a) The principal office of the Arkansas Board of Animal Health is located at:~~

~~_____ 1 Natural Resources Drive~~

~~_____ Little Rock, Arkansas 72205~~

~~_____ (b)(1) Pursuant to Acts 1987, No. 60, the board creates a specialty area in poultry practice.~~

~~_____ (2) Veterinarians seeking licensure under this provision will be tested only in poultry medicine.~~

~~_____ (3) A veterinarian who is only issued a Poultry Specialty license will not be allowed to practice any other form of veterinary medicine.~~

~~_____ (c) Each person holding a license or certificate from the board must:~~

~~_____ (1) File his or her current mailing address with the board at its principal office;~~
~~and~~

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~~_____ (2) Immediately notify the board at its principal office of a change in their mailing address, giving both his or her old and new address. The terms used in this part have the meanings as defined in the Arkansas Veterinary Medical Practice Act, Arkansas Code § 17-101-101 et seq., or as follows:~~

~~_____ (1) "Advertising" means:~~

~~_____ (A) Newspaper, magazine, and periodical announcements and listings;~~

~~_____ (B) Professional cards;~~

~~_____ (C) Professional announcement cards;~~

~~_____ (D) Office and other signs;~~

~~_____ (E) Letterheads;~~

~~_____ (F) Telephone and other directory listings; and~~

~~_____ (G) Any other form of communication designed to:~~

~~_____ (i) Inform the general public about the availability, nature, or prices of products or services; or~~

~~_____ (ii) Attract clients.~~

~~_____ (2) "Corporate veterinary practice" means any entity that offers or provides veterinary medical services to the public through one or more licensed veterinarians and is registered to do business in the State of Arkansas as a:~~

~~_____ (A) Corporation;~~

~~_____ (B) Professional corporation;~~

~~_____ (C) Limited liability company;~~

~~_____ (D) Professional limited liability company;~~

~~_____ (E) Partnership; or~~

~~_____ (F) Other corporate or noncorporate holding through which veterinary services are offered.~~

~~_____ (3) "Equine Teeth Floating Practitioner" as used in Arkansas Code § 17-101-315 and in this part means a non-veterinarian qualified by education and experience in the practice of equine teeth floating.~~

~~_____ (4) "Solicitation" means advertising intentionally directed to specific individuals.~~

(5) "Veterinary telemedicine" means the practice of veterinary medicine in which the animal patient care, treatment, and services are provided by electronic communication, including telephone and audio-visual technology, consistent with the veterinarian's professional judgment and includes providing:

(A) Health information, opinion, guidance, or recommendation that is not specific to a particular animal; or

(B) A timely assessment and decision as to whether to immediately refer an animal patient to a veterinarian for emergency or urgent care.

**17 CAR § 1-102. ~~Veterinary medical license and certificate fees,~~
~~renewals, and contact information.~~**

~~(a)(1) The schedule for license, certificate, registration, permit, examination, and renewal fees made publicly available by the Department of Agriculture and upon request.~~

~~(2) The application fee is waived for an applicant applying for a license under Arkansas Code § 17-4-105.~~

~~(b)(1)(A) **Veterinarians.** The schedule for license, certificate, and permit fees will be as follows:~~

~~(1)(A) The application fee for licensure by examination is one hundred dollars (\$100) and must be paid at the time of filing the application.~~

~~(B) The completed application must be received at least thirty (30) days prior to the date of the next written Arkansas Board of Animal Health examination;~~

~~(2) The application fee for licensure by endorsement is one hundred dollars (\$100) and must be paid at the time of filing the application;~~

~~(3) The application fee is waived for a veterinarian applying for a license pursuant to Arkansas Code § 17-4-105;~~

~~(4) North American Veterinary Licensing Examination (NAVLE) candidates must submit to the Arkansas Board of Animal Health an application for licensure by examination, as well as submit a NAVLE application and fee directly to the International Council for Veterinary Assessment;~~

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~~—————(5)(A) The annual renewal fee for an active veterinary license is one hundred dollars (\$100), and the annual renewal fee for an inactive veterinary license is twenty-five dollars (\$25.00).~~

~~—————(B) A veterinarian cannot practice in Arkansas with an inactive license;~~

~~—————(6)(A) The application fee for a corporate practice is thirty five dollars (\$35.00).~~

~~—————(B) The annual renewal fee for a corporate practice certificate is ten dollars (\$10.00);~~

~~—————(7)(A) All~~ Except as stated in 17 CAR § 1-112, all license, certificate, and registration renewals are due by March 31 each year.

(B) ~~The~~ A delinquent fee ~~is one hundred dollars (\$100) will be assessed and will be due on all veterinarian and corporate practice renewals received after the postmarked date of~~ March 31 each year.;

~~—————(C) The renewal fee is waived for a veterinarian who is on active duty with any branch of the armed services of the United States for not to exceed three (3) years or for the duration of a national emergency, whichever is longer;~~

~~(8) The fee for a temporary permit is fifty dollars (\$50.00);~~

~~—————(9) The fee for a restricted license is fifty dollars (\$50.00);~~

~~—————(10) The fee to reissue an original license is ten dollars (\$10.00), and the request must be made in writing; and~~

~~—————(11) All fees are nonrefundable.~~

~~————(b) **Veterinary technicians, veterinary technologists, and veterinary technician specialists.** The schedule for certificate fees will be as follows:~~

~~—————(1)(A) The initial application fee for a veterinary technician, veterinary technologist, or veterinary technician specialist is forty dollars (\$40.00) and must be paid at the time of filing the application.~~

~~—————(B) The application fee is waived for a person applying for a certification pursuant to Arkansas Code § 17-4-105;~~

~~—————(2) Veterinary Technician National Examination (VTNE) candidates must submit to the Arkansas Board of Animal Health an application for certification, as well as~~

~~submit a VTNE application and fee directly to the American Association of Veterinary State Boards;~~

~~_____ (3) The annual renewal fee for certification is twenty five dollars (\$25.00);~~

~~_____ (4)(A) All renewals are due by March 31 each year.~~

~~_____ (B) The delinquent fee is fifty dollars (\$50.00) and will be due on all renewals received after the postmarked date of March 31 each year.~~

~~_____ (C) The renewal fee is waived for a veterinary technician, veterinary technologist, or veterinary technician specialist who is on active duty with any branch of the armed services of the United States for up to three (3) years or for the duration of a national emergency, whichever is longer;~~

~~_____ (5) The fee to reissue an original certificate is ten dollars (\$10.00), and the request must be made in writing; and~~

~~_____ (6) All fees are nonrefundable.~~(2) For a deployed uniformed service member as defined in Arkansas Code § 17-4-103 or the spouse of a uniformed service member meeting the requirements of Arkansas Code § 17-4-104, the Arkansas Board of Animal Health will:

~~_____ (A) Waive the renewal fee for a maximum of three (3) years, for the duration of deployment, or for the duration of a national emergency, whichever is longer;~~

~~_____ (B) Extend the license or certification expiration date for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.~~

~~_____ (c) Each license, certificate, registration, or permit holder must:~~

~~_____ (1) Submit the license, certificate, registration, or permit holder's current mailing address in the form and manner designated by the department; and~~

~~_____ (2) Submit updated information to the department within ten (10) days of a change in the license, certificate, registration, or permit holder's mailing address, business location, phone number, or email address.~~

17 CAR § 1-103. Continuing education requirements for veterinary ~~medical~~medicine license and certificate renewal.

~~(a) The continuing education requirements for the renewal of an active license or certificate are as follows:~~

~~—(b)~~(1) Veterinarians must earn twenty (20) continuing education hours each year to be eligible for license renewal.

(2) Continuing education must pertain to veterinary medicine and surgery, ethics, recordkeeping, or practice management and meet the following~~topic~~ requirements ~~are as follows:~~

(A) Ten (10) hours must be education pertaining to veterinary medicine and surgery;

(B) A maximum of eight (8) hours can be education pertaining to nonscientific topics;

(C) A maximum of two (2) hours can be education through visitation with a colleague, not associated with the veterinarian's practice, at the facility of the colleague; and

(D) A maximum of two (2) hours can be education through attending exhibit halls at state or national meetings and conferences.

~~(3) Continuing education hours can be earned as follows:~~

~~—(A) At least ten (10) hours must be taken in person or through live, interactive webinars; and~~

~~—(B) A maximum of ten (10) hours will be allowed for online education that is prerecorded or noninteractive.~~

~~(eb)~~(1) Veterinary technicians and veterinary technologists must earn twelve (12) continuing education hours each year to be eligible for certificate renewal.

(2) Continuing education must pertain to veterinary medicine and surgery, ethics, recordkeeping, or practice management and meet the following~~topic~~ requirements ~~are as follows:~~

(A) Eight (8) hours must be education pertaining to veterinary medicine and surgery; ~~and~~

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(B) A maximum of four (4) hours can be education pertaining to nonscientific topics; ~~and~~

~~(C) A maximum of two (2) hours can be education through attending exhibit halls at state or national meetings and conferences.~~

~~—(3) Continuing education hours can be earned as follows:~~

~~—(A) At least six (6) hours must be taken in person or through live, interactive webinars; and~~

~~—(B) A maximum of six (6) hours will be allowed for online education that is prerecorded or noninteractive.~~

~~(dc)~~(1) In addition to the requirements in subsection (b), A veterinary technician specialists must complete an additional eight (8) hours of advanced continuing education in their area of specialty each year before renewal.

~~—(2) This is in addition to the twelve (12) hours of continuing education required for renewal of their veterinary technician or technologist certification.~~

~~(ed)~~ Continuing education hours are waived for veterinarians, veterinary technicians, and veterinary technologists who received a license or certificate from the Arkansas Board of Animal Health during the renewal period in which they graduated.

~~(fe)~~(1) The following are approved by the board for continuing education:

~~(1A)~~ An educational program sponsored by an accredited or approved college of veterinary medicine;

~~(2B)~~ An educational program sponsored by the American Animal Hospital Association;

~~(3C)~~ An educational program sponsored by:

~~(Ai)~~ The American Veterinary Medical Association; or

~~(Bii)~~ One (1) of its recognized veterinary specialties or veterinary specialty organizations;

~~(4D)~~ An educational program sponsored by a local, state, regional, or national veterinary association;

~~(5E)~~ An educational program sponsored by:

~~(Ai)~~ The National Association of Veterinary Technicians in America; or

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____(Bii) One (1) of its veterinary technician specialty academies or societies;

____(6F) An educational program approved by the Registry of Approved Continuing Education, which is the American Association of Veterinary State Boards' national clearinghouse for approval of continuing education; or

____(7G) An educational program sponsored by the United States Department of Agriculture.

(2) Requests for approval of educational programs must be submitted to the Department of Agriculture within the current license or certificate renewal period.

(gf)(1) Each veterinarian, veterinary technician, veterinary technologist, and veterinary technician specialist must:

(A) ~~Must k~~Keep a record of continuing education hours earned for a period of three (3) years after completion; and

(B) ~~Will be required to c~~Certify ~~those completed~~ hours on a form made available by the board ~~;~~ and

(C) Submit the certification form to the board in a manner determined by the board at the time of renewal.

~~(2) The form will be sent to each veterinarian, veterinary technician, veterinary technologist, and veterinary technician specialist at the time of annual renewal.~~

~~____(3) All records of continuing education hours must be kept by the license or certificate holder for three (3) years.~~

~~____(4) The board, at its discretion, may request to review or an audit of an individual's license or certificate holder's~~ continuing education records.

(hg)(1) Veterinarians, veterinary technicians, veterinary technologists, or veterinary technician specialists unable to earn continuing education hours because of sickness or any other justifiable reason may, after written request to and at the discretion of the board ,

~~____(1) B~~be granted an exemption from all or part of the continuing education requirements ~~;~~ or

~~_____ (2) Be granted~~ an extension of time to obtain their required continuing education hours.

~~_____ (2)(A) The board will grant an extension of time to complete the continuing education requirement for a deployed uniformed service member as defined in Arkansas Code § 17-4-103 or the spouse of a uniformed service member meeting the requirements of Arkansas Code § 17-4-104;~~

~~_____ (B) The extension of time will be one hundred eighty (180) days following the date of the uniformed service member's return from deployment; and~~

~~_____ (3) A license or certificate holder granted an extension under subsection (g) must provide evidence of completing the required continuing education before renewal of the license or certificate will be granted.~~

~~(i) Requests for approval of educational programs must be submitted to the Department of Agriculture within the current license or certificate renewal period.~~

~~_____ (j)(1) To activate-reinstate~~ an inactive license or certificate, the license or certificate holder must submit proof of completing the required continuing education hours ~~must be obtained during that~~for the renewal period.

~~_____ (2)(A) To reinstate an expired license within five (5) years of expiration, the license or certificate holder must provide proof of completing the required continuing education hours for each year that the license was expired and pay the renewal fee for each year the license was expired.~~

~~_____ (B) A license that is expired for five (5) or more years may not be reinstated without a new license application.~~

17 CAR § 1-104. Inspection and minimum standards of practice.

(a)(1) The Arkansas Board of Animal Health or its employees may at any time inspect the premises in which the practice of veterinary medicine is performed, ~~veterinary dentistry, or veterinary surgery is practiced.~~

(2) All locations where veterinary medicine is practiced ~~shall~~must at all times be adequate for the maintenance of good hygiene ~~at all times.~~

~~_____ (3) All areas of the premises shall be~~and maintained in a clean, ~~odor free,~~ and orderly condition ~~at all times.~~

(b) The minimum standards for all facilities where veterinary medicine is practiced ~~shall be~~are:

(1) Adequate heating and cooling ~~shall be provided~~ for the comfort of the animals, ~~and the facility shall have~~ sufficient ventilation in all areas;

(2) Proper lighting ~~shall be provided~~ in all rooms utilized for the practice of veterinary medicine;

(3) Hot and cold running water ~~available at the facility shall be provided along with~~ and adequate toilets and lavatories for ~~the personnel and for the employees and~~ clients;

(4) ~~All premises shall have~~ sSanitary storage that is adequate for the size of the facility;

(5) ~~The facility shall have~~ iInterior and exterior receptacles for waste disposal that comply with state, county, and municipal ~~health~~laws:

~~_____ (A) Laws;~~

~~_____ (B) Ordinances;~~

~~_____ (C) Rules; and~~

~~_____ (D) Regulations;~~

(6)(A) ~~The facilities shall employ a~~ A procedure for the prompt, sanitary, and aesthetic disposal of dead animals that complies with all state, county, and municipal ~~laws~~laws:

~~_____ (i) Laws;~~

~~_____ (ii) Ordinances;~~

~~_____ (iii) Rules; and~~

~~_____ (iv) Regulations.~~

(B) Dead animals held on premises for longer than six (6) hours ~~shall~~ must be placed in a refrigerator;

(7) ~~All~~ Clean and orderly interior spaces ~~in of~~ the facility ~~must be clean and~~ orderly;

(8) The ~~facility shall have the~~ capability ~~for to~~ use ~~of~~ either in-house or consultant laboratory service for:

- (A) Blood chemistry;
- (B) Cultures and antibiotic sensitivity examinations;
- (C) Complete blood counts;
- (D) Histopathological examinations; and
- (E) Complete necropsies;

(9) ~~(A) Cages, exercise areas, pens, and stalls kept in a clean and sanitary condition, in a well-lighted area, and in good repair to:~~

~~_____ (A) Prevent injury to animals; and~~

~~_____ (B) Promote physical comfort; and~~

~~_____ (10) Notice to the public whether a veterinarian is on-site or on call after hours.~~

~~_____ (c)(1) Surgery shall must be performed with reasonable skill and safety in a manner compatible with current veterinary medical practice~~ with regard to anesthesia, asepsis, life support, and monitoring procedures as well as recovery care.

~~_____ (B2)(A) At all times, the minimum standards for surgery shall be:~~

~~_____ (i)(a) Ssurgery shall must be performed in a room designed and reserved for surgery.~~

~~_____ (b) This applies to all facilities constructed after June 23, 1993;~~

~~_____ (#B) The surgery room shall must be:~~

~~_____ (ai) Clean, ÷~~

~~_____ (b) Oorderly, ÷ and~~

~~_____ (c) Wwell lighted; and~~

~~_____ (ii) Equipped with an operating table constructed of a smooth and impervious material;~~

~~_____ (#C)(ai) Sterilization must include a steam pressure sterilizer or autoclave or gas sterilization equipment.~~

~~_____ (bii) Cold sterilization may be used for field conditions;~~

—(~~ivD~~) Instruments and equipment utilized in the surgery room ~~shall~~ must be commensurate with the type of surgical service being provided and in good repair;

—(~~vE~~) Storage in the surgery room ~~shall~~ must be limited to only items and equipment normally related to surgery and surgical procedures;

—(~~viF~~) Emergency drugs must be readily available to the surgery area;

—(~~viiG~~) ~~The operating table shall be constructed of a smooth and impervious material;~~

—(~~viii~~)(~~a~~) There ~~shall~~ must be a separate surgical preparation area.

—(~~b~~) ~~This applies to all facilities constructed after June 23, 1993;~~

(~~ix~~) ~~There~~ The following must ~~shall~~ be sterilized and available for surgery ~~sterilized~~:

(a) Instruments;

(b) Gowns;

(c) Towels;

(d) Drapes;

(e) Gloves;

(f) Caps; and

(g) Masks; and

(~~xiii~~) Regulated oxygen under positive pressure ~~shall~~ must be available;

—(~~10d~~) The following minimum standards shall apply to radiography:

—(~~A1~~) Capability and proof of use of either in-house or consultant services for obtaining diagnostic quality radiographs;

—(~~B2~~) Radiology equipment and use shall be in accordance with all federal and state laws;

—(~~E3~~) All personnel using radiology equipment must wear a monitoring device; and

—(~~D4~~) Permanent identification tags must appear on all radiographs;

~~— (11) Cages, exercise areas, pens, and stalls are to be kept in a clean and orderly condition, in a well lighted area, and in good repair to:~~

~~— (A) Prevent injury to animals; and~~

~~— (B) Promote physical comfort; and~~

~~— (12) Clinics must make known to the public whether a veterinarian is on-site or on-call after hours.~~

~~— (ee)~~ Each veterinarian ~~shall have posted or~~must displayed at his or her ~~office place~~of practice in full view of ~~his or her~~ clients and guests, his or her:

(1) Original Arkansas license to practice veterinary medicine; and

(2) Current year's license renewal certificate.

~~(ef)~~ Violation of these or other accepted standards of sanitation or professional practice ~~shall be~~is prima facie evidence of unprofessional conduct or incompetence.

~~— (e) In the event a license is revoked or suspended by the board, the board may post a notice of its order of revocation or suspension:~~

~~— (1) In a conspicuous place; or~~

~~— (2) At the business of the licensee.~~

17 CAR § 1-105. Record keeping.

(a) Each ~~veterinary medical~~ facility at which veterinary medicine is practiced ~~must~~shall comply with the following.

(b) ~~Medical records.~~

~~— (1)~~ A legible individual record ~~shall~~must be maintained for each companion animal.

(2) However, the medical records for a litter may be recorded either on the dam's record or on a litter record until the individual animals:

(A) Are permanently placed; or

(B) Reach the age of three (3) months.

(3) Records for herd or flock animals may be maintained on a group or client basis.

(c) All records ~~shall~~must be readily available and ~~must be~~ kept in paper or electronic format for a period of three (3) years following the last treatment or examination.

(d) Animal health records ~~shall be~~are the property of the ~~owner or manager of a~~ veterinary practice that ~~has~~ prepared such record and ~~shall~~must include, but are not limited to:

- (1) Written records and notes;
- (2) Computer-generated records;
- (3) Radiographs;
- (4) Sonographic images;
- (5) Video tapes;
- (6) Photographs;
- (7) Laboratory reports; ~~or and~~

(8) Other diagnostics or case management information received as the result of consulting with other licensed veterinarians or medical specialists.

(e)(1) Medical records ~~shall~~must be maintained in a manner that will permit any authorized licensed veterinarian to proceed with the care and treatment of the animal, if required, by reading the medical record of that particular patient.

(2) The record ~~shall~~must clearly explain the initial examination.

(f) Patient records ~~shall~~must include, but are not limited to, the following information:

- (1) Name ~~and/or~~ initials of the veterinarian responsible for entries;
- (2) Name, address, and telephone number of the owner and ~~or~~ client, if not the same individual;
- (3) Name of patient; and number or other identification of the animal ~~and/or~~, herd, or flock;
- (4) Species, breed, age, sex, color, and distinctive markings of patient;
- (5) Pertinent patient history and presenting complaint;
- (6) Physical examination findings to include:
 - (A) Temperature;

- (B) Weight;
- (C) Body condition;
- (D) Respiration;
- (E) Pulse;
- (F) Eyes;
- (G) Ears;
- (H) Nose and throat;
- (I) Oral cavity;
- (J) Respiratory system, including auscultation of the thorax;
- (K) Palpation of the abdomen;
- (L) Lymph nodes; and
- (M) Evaluation of musculoskeletal, neurological, genito/urinary systems;

(7) Assessment ~~of~~ diagnosis, treatments and intended treatment plan, medications dispensed or prescribed, immunizations administered, dosages, strength, frequency, and route of administration;

(8) ~~Surgical~~ For surgical procedures ~~shall include~~ a description of the procedure, name of the surgeon, type of sedative ~~or~~ anesthetic agent or agents used, dosage, strength, and route of administration;

(9) Dated progress of the case while in veterinary medical facility; ~~and if relevant, a prognosis of the animal's condition, if relevant;~~

(10) Exposed radiographs , if applicable, with ~~shall have~~ permanent facility and animal identification;

(11) Record of treatment denial or signed waiver ~~If~~ the temperament of the animal precludes any exam or test or if a client waives or declines any examination, test, or other recommended treatments, ~~such notation of denial or signed waiver shall be included in the medical record;~~

(12) All consent statements ~~, or surgical, or treatment consent forms should be included in the medical record;~~

(13) ~~If there are any d~~Discharge instructions, ~~they should be noted on the medical record if any~~; and

(14) Name of any person (other than the veterinarian's ~~own~~ employees):

(A) Furnishing professional advice; or

(B) Performing treatments, examinations, or other services.

(g) Medical records for large animal facilities ~~/ or~~ practices ~~shall must~~ be clear, legible, retrievable, and maintained on either a herd ~~(, flock),~~ or individual basis and contain:

(1) Name and initials, business ~~/ or~~ farm name, address, and phone number of the owner ~~/ or~~ agent;

(2) Relevant medical and surgical procedures, ~~(including vaccinations given and lab reports),~~ to the:

(A) Individual;

(B) Group; or

(C) Herd; and

(3) A record of all drugs administered or dispensed, including quantity and withdrawal times.

~~—(h)(1) A radiograph is the property of the veterinarian who originally ordered it.~~

~~—(2) It shall be released upon the request of another veterinarian, and such radiograph shall be returned to the veterinarian who originally ordered it to be prepared within a reasonable time.~~

17 CAR § 1-106. Prescription drugs.

(a)(1) All prescription drugs ~~shall must~~ be stored, maintained, administered, dispensed, and prescribed in compliance with federal and state laws.

(2) Veterinarians who dispense ~~pharmaceuticals-prescription drugs~~ must comply with the ~~following~~ minimum standards ~~and procedures stated in this section~~ ~~for drug procedures~~.

(b) Except for labeled manufactured drugs with proper instructions, all dispensed prescription drugs ~~dispensed shall~~must be labeled with:

- (1) Name, address, and telephone number of the facility;
- (2) Name of client;
- (3) Animal identification;
- (4) Date dispensed;
- (5) Directions for use;
- (6) Name and strength of drug;
- (7) Quantity dispensed;
- (8) Name of the prescribing veterinarian; and
- (9) The statement "For Veterinary Use Only."

(c) A lay employee may count, fill, and label a prescription drug under the direct order and in accordance with the specific instructions of the prescribing veterinarian ~~according to his or her specific instructions.~~

(d) A record of all drugs administered or dispensed ~~shall~~must be kept in the records of the individual animal if the animal is a companion animal, or in the client's record if the animal is an economic animal.

(e)(1) Prescription drugs may not be purchased, advertised, displayed, sold, or bartered by veterinarians except in the course of their professional practice.

(2) ~~The fact that the individual is a veterinarian does not provide any exception that is not also available to nonveterinarians.~~

~~———(3)~~ Veterinarians who are in the employ of drug manufacturers or distributors and veterinarians who operate their own drug distributorship or sales outlets cannot legally sell prescription drugs or issue prescriptions for ~~them~~drugs outside the scope of a professional practice.

(f)(1) ~~Practicing v~~Veterinarians and their employees ~~cannot~~may not legally sell prescription drugs to ~~walk-in~~ customers unless a valid veterinarian-client-patient relationship exists.

(2) Prescription drugs may only be sold through a retail outlet, by mail order, a route salesman, or other sales method on the written order ~~(or prescription)~~ of a

licensed veterinarian who has established a valid veterinarian-client-patient relationship with the customer and animal for which the written order or prescription is provided, and the ~~eat~~ written order ~~(or prescription)~~ is filled by a veterinarian or pharmacist ~~currently properly~~ licensed by the State of Arkansas at the time the written order or prescription is filled.

17 CAR § 1-107. Controlled substances.

(a) All controlled substances ~~shall~~ must be stored, maintained, administered, dispensed, and prescribed in compliance with federal and state laws.

(b) Where dispensing or use of controlled substances takes place, an inventory must be conducted every two (2) years and kept as a separate part of ~~your a~~ veterinarian's permanent records.

(c) The form for keeping records of controlled substances ~~shall~~ must contain the following information for each drug in addition to the name of the drug:

- (1) Date of acquisition;
- (2) Quantity purchased;
- (3) Date administered, dispensed, or prescribed;
- (4) Quantity administered, dispensed, or prescribed;
- (5) Name and address of client and patient receiving the drug ~~or drugs~~;
- (6) Species of the animal;
- (7) Name or initials of individual who dispensed or administered the drug; and
- (8) Balance on hand.

(d) Records for Schedule II substances must be kept separate from Schedule III, IV, and V substances.

(e) Inventories and records of narcotic drugs listed in Schedule I, II, III, IV, and V ~~shall~~ must be maintained separately from all other records or in such form that the information required is readily retrievable from ordinary business records or patient's records.

(f) Every veterinarian who is permitted to dispense, distribute, administer, or conduct research with respect to controlled substances in the course of professional

practice or research in Arkansas ~~shall~~must obtain a registration from the Drug Enforcement Administration ~~(DEA)~~, unless exempt by law.

(g) ~~A separate registration is required for each principal place of business or professional practice at one (1) general physical location where controlled substances are:~~

~~———(1) Maintained;~~

~~———(2) Manufactured;~~

~~———(3) Distributed; or~~

~~———(4) Dispensed.~~

~~——(h)~~(1) All veterinarians ~~shall~~must implement and maintain~~provide~~ effective controls and procedures to guard against theft and diversion of controlled substances.

(2) Controlled substances listed in Schedules I, II, III, IV, and V ~~shall~~must be stored under double lock security in a vault or locking cabinet in a room with limited access.

(~~ih~~) Each veterinarian ~~shall~~must notify the ~~Division of Pharmacy Services and Drug Control of the Department of Health~~Department of Agriculture and DEA immediately upon discovery of any suspected loss, theft, ~~and~~/or diversion of any controlled substance.

(~~ji~~) All controlled substances that are no longer usable because of deterioration or expired dating or are unwanted must be disposed of in accordance with federal regulations and DEA rules.

~~———(1) Must be delivered in person or by registered mail or other means of shipment with return receipt to the division and accompanied by all completed copies of Report of Drugs Surrendered (Form PhA:DC 1) furnished by the Department of Health; or~~

~~———(2) May be destroyed only by authorized agents of the Arkansas State Board of Pharmacy or the department on site.~~

~~——(k) The only drugs approved by the Arkansas Board of Animal Health for pre-euthanasia of animals by a certified animal euthanasia technician in a facility approved by the division shall be:~~

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- ____(1) Acepromazine; and
- ____(2) Xylazine.

17 CAR § 1-108. ~~Corporations~~Types of practice and registration of corporate veterinary practice.

(a) **Permitted types of practice.** ~~The standard professional title for a corporate veterinary practice shall be as required by the Arkansas Professional Corporation Act, Arkansas Code § 4-29-201 et seq.~~

____~~(b)(1)~~ Veterinary medicine may be practiced may be in this state by:

____~~(A1)~~ Sole A sole practitioners holding an individual veterinary license;

____~~(B2)~~ Partnerships A partnership composed solely of licensed veterinarians;

or

____~~(C3)~~ (A) A corporate veterinary practice properly registered with the Arkansas Board of Animal Health Duly registered corporations.

____~~(B)~~ The standard professional title for a corporate veterinary practice must comply with the Arkansas Professional Corporation Act, Arkansas Code § 4-29-201 et seq.

____~~(2)~~ (C) Only licensed veterinarians may be owners, partners, members, officers, or persons exercising management or control over a corporate veterinary practice.

~~(eb)~~ **(1) Registration required for corporate veterinary practices.** Any No corporate corporation veterinary practice, regardless of the entity's legal formation, that may practice or offers or provides veterinary medical services to the public must:

____~~(A)~~ Register as a to practice unless it holds a current corporate veterinary practice with certificate from the Arkansas Board of Animal Health by submitting an application in the form and manner designated by the Department of Agriculture; and

____~~(B)~~ Hold a current corporate veterinary practice certificate issued by the board.

____~~(2)~~ Registration as a corporate veterinary practice is not required for:

(A) Sole practitioners practicing in their individual capacity; or
(B) Partnerships composed exclusively of licensed veterinarians, provided the partnership does not otherwise operate through a separate legal entity.

(3) No corporate veterinary practice may be:

(A) Owned, directed, managed, or controlled, directly or indirectly, by any person who does not hold a current license to practice veterinary medicine in this state.

(B) Structured or operated in a manner that permits an individual who does not hold a current license to practice veterinary medicine in this state to exercise control over professional judgment, clinical decisions, or the practice of veterinary medicine.

(d4)(A) No corporationA corporate veterinary practice may not do engage in any act that an individual licensed~~des are~~ veterinarian is prohibited from doing, and every corporation practicing veterinary medicine shall be subject to all doing under the:

(i) Arkansas Veterinary Medical Practice Act, Arkansas Code § 17-101-101 et seq.; or

(ii) Veterinary Medicine rules, 17 CAR Pt. 1; and

(B) All corporate veterinary practices are subject to:

(1i) The same professional standards ~~Rules and regulations~~ applicable to individual or partnership practiceveterinarians; and

(2ii) Disciplinary ~~The disciplinary powers authority~~ of the board.

(5) The activities of a corporate veterinary practice must be limited exclusively to the provision of veterinary medical services.

(ec)(1) No A licensed veterinarian:

(1) may ~~May not~~ practice or offer to practice veterinary medicine as an officer or, employee, or contractor of any corporation ~~in a veterinary practice that is not properly registered with the board. does not hold a valid corporate certificate, nor may he or she furnish~~

(2) May not provide professional services to or through such corporation any entity in a such manner as to enable the corporation that allows the entity to evade the requirements of the ÷

~~(A) Arkansas Veterinary Medical Practice Act, Arkansas Code § 17-101-101 et seq.~~⁴⁷ or

~~(B) Rules of the board~~Veterinary Medicine rules, 17 CAR Pt. 1.;

~~(23) However,~~May practice veterinary medicine on animals owned by an entity when a veterinarian employed by a private or public held corporation may engage in the practice of veterinary medicine on animals owned by that corporationthe entity, provided that the entity does not offer veterinary medicine services to the public.

~~(f) The services of any veterinary corporation shall be limited to veterinary services.~~

17 CAR § 1-109. Advertising.

(a) ~~As used in this section:~~

~~(1) "Advertising" means:~~

~~(A) Newspaper, magazine, and periodical announcements and listings;~~

~~(B) Professional cards;~~

~~(C) Professional announcement cards;~~

~~(D) Office and other signs;~~

~~(E) Letterheads;~~

~~(F) Telephone and other directory listings; and~~

~~(G) Any other form of communication designed to:~~

~~(i) Inform the general public about the availability, nature, or prices of products or services; or~~

~~(ii) Attract clients; and~~

~~(2) "Solicitation" means advertising intentionally directed to specific individuals.~~

~~(b) A veterinarian shall~~may not, on behalf of himself or herself, his or her partner, his or her associate, or any other veterinarian:

(1) Seek to attract any client who has given the veterinarian notice that he or she does not want to receive communications from the veterinarian; or

(2) Use, or participate in the use of, any form of advertising or solicitation that contains a false, deceptive, or misleading statement or claim.

(eb) A ~~“false~~False, deceptive, or misleading statement or claim” includes, without limitation, a statement or claim that:

(1) Contains a guarantee that a cure will result from the performance of professional services;

(2) Contains a false, deceptive, or misleading testimonial or endorsement by a veterinarian;

(3) Refers to secret methods of treatment or special services that characterize the ways of a charlatan;

(4) Concerns illegal transactions;

(5) Is not identified as a paid advertisement or solicitation unless it is apparent from the context that it is a paid advertisement or solicitation;

(6) Contains false, deceptive, or misleading information concerning performance or case reports;

(7) Contains a false, deceptive, or misleading representation regarding the quality of professional services;

(8) States that a veterinarian is a certified specialist unless he or she is ~~Arkansas Board of Animal Health-certified~~inqualified as a diplomate of such a specialty board recognized by the American Veterinary Medical Association;

(9) Contains a material misrepresentation of fact;

(10) Omits ~~to state~~ any material fact necessary to make the statement not misleading in light of the circumstances under which it is made;

(11) Would result in the violation of any law or regulation or a contractual or other obligation of any person through whom the veterinarian seeks to communicate;

(12) Contains a representation or implication that is likely to cause an ordinary prudent layperson to misunderstand or be deceived or fails to contain reasonable warning or disclaimers necessary to make a representation or implication not deceptive; or

(13) Contains false, deceptive, or misleading information relating to professional fees.

17 CAR § 1-110. Complaints — Hearings.

(a)(1) ~~Any and all~~ complaints related to the practice of veterinary medicine and within the jurisdiction of the Arkansas Board of Animal Health must be in writing, dated, and signed by the complainant, notarized, and filed with the ~~Secretary-Treasurer of the Arkansas Board of Animal Health~~Department of Agriculture within one (1) year of the alleged violation.

(2) The department will designate the form and manner by which a complaint may be submitted.

(3) The department ~~Executive Secretary~~will, upon receiving a timely complaint, may:

(A) ~~Proceed to~~Investigate ~~said the~~ complaint; ~~and~~

(B) Take statements from any person ~~thought to~~who may have knowledge of and facts pertaining ~~thereto~~ the complaint; ~~and~~

(C) Request records pertaining to the complaint.

(b) Any ~~and every~~ complaint making out a prima facie case ~~shall~~will be presented to and reasonably disposed of by the board, giving due consideration to sufficient and necessary time to investigate and consider the complaint.

(c)(1) Disciplinary ~~action hearings~~ may be ~~taken~~conducted either on the board's own motion or based on a written complaint if a violation of the Arkansas Veterinary Medical Practice Act, Arkansas Code § 17-101-101 et seq., ~~or this part is~~ has been discovered.

(2) The procedure for disciplinary action will comply with the Arkansas Veterinary Medical Practice Act, Arkansas Code § 17-101-101 et seq., and the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(d) Failure to cooperate with or respond to or providing false information in response to an investigation of the board or any request by the board or department for records, statement, response, or inspection related to an investigation is grounds for disciplinary action under Arkansas Code § 17-101-305.

(e) When the board revokes or suspends a license, certificate, or registration, the board may post a notice of its order:

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(1) On its website; or

(2) At the business of the license, certification, or registration holder.

17 CAR § 1-111. Unprofessional conduct.

"Unprofessional conduct" as ~~provided for by~~used in Arkansas Code §§ 17-101-305 and 17-101-317 and "conduct unbecoming" as used in 17-101-308 ~~shall consist of~~means any of the following acts:

(1) To tender or receive a commission or fee for referral of a patient without disclosing to the client the fact that a commission or fee was tendered or received;

(2)(A)(i) ~~A veterinarian may not~~To procure, encourage, or otherwise aid and abet an unlicensed person to engage in the practice of veterinary medicine; or

(ii) Knowingly selling or distributing any pharmaceutical drug labeled "For use by or on the order of a licensed veterinarian" or biologicals for the purpose of ultimate resale by someone other than a licensed veterinarian.

(B) Improper use of pharmaceutical drugs or biologicals constitutes a danger to the public health;

(3)(A) To sign or otherwise validate any health certificate without ~~actually,~~ physically inspecting the animal.

(B) A health certificate must be dated as of time of examination;

(4) ~~A veterinarian shall not~~To write testimonials as to the virtue of drugs, medicines, remedies, or foods except to report the results of properly controlled experiments or clinical studies to interested veterinary organizations or associations;

(5) To violate any laws, rules, or regulations of either the State of Arkansas or the United States relating to prescription drugs or controlled substances;

(6) ~~For a veterinarian to~~To undertake the care of an animal and thereafter fail to render the care as generally accepted by the veterinary profession;

(7) To guarantee a cure;

(8)(A) To make false or deceptive statements that belittle the knowledge or injure the professional standing of another member of the profession or that unnecessarily condemns the character of his or her professional acts, ~~provided,~~

~~however, that nothing herein should be construed to prohibit any truthful, nondeceptive statements, including, but not limited to, truthful nondeceptive comparative advertising;~~

~~_____ (B) It is not a violation of this subsection to provide truthful, nondeceptive statements for the purpose of providing comparative advertising, expert or medical opinions, and information to the Arkansas Board of Animal Health or Department of Agriculture during the course of an investigation;~~

(9) The habitual or excessive use of intoxicants or drugs;

(10) ~~(A) Aiding or abetting the practice of veterinary medicine by a person not licensed by the board.~~

~~_____ (B) This shall include the practice of any veterinarian from knowingly selling or distributing any pharmaceutical drug labeled "For use by or on the order of a licensed veterinarian" or biologicals for the purpose of ultimate resale by someone other than a licensed veterinarian.~~

~~_____ (C) Improper use of these products constitutes a danger to the public health;~~

~~_____ (11)~~ Failure to meet continuing educational requirements within any renewal period;

~~(1211)~~ Being guilty of any dishonorable or unethical conduct likely to deceive, defraud, or harm the public;

~~(1312)~~ Refusing to permit the board or ~~any legal representative of the board~~ department to inspect the business premises of ~~the a~~ licensee, certificate, or registration holder during regular business hours;

~~_____ (13) Failing to cooperate with or respond to or providing false information in response to an investigation of the board or any request by the board or department for records, statement, response, or inspection related to an investigation;~~

(14) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by:

(A) Fraud;

(B) Deception; or

(C) Misrepresentation;

(15) Conduct reflecting unfavorably upon the profession of veterinary medicine; and

(16) Substance abuse or diversion of pharmaceuticals or materials from veterinary practice to human use.

17 CAR § 1-112. Livestock embryo transfer or transplant — Livestock pregnancy determination.

(a) **Definitions.** Certain terms as ~~provided by~~used in Arkansas Code § 17-101-316 ~~shall be and this section are~~ defined as follows:

(1)~~(A)~~ "Individual technician" ~~shall be referred to as a nonveterinarian embryo transfer technician and~~ means a ~~person non-veterinarian~~ who performs the biosecure process of inducing increased ovulations within a donor female for the:

____~~(A)~~ In vitro or in vivo production of embryos;

____~~(B)~~ Flushing of those embryos;

____~~(C)~~ Collecting, grading, and transferring of those embryos to recipient females; or

____~~(D)~~ Cryopreservation of those embryos for storage and later transfer to recipient females;

____(B) An individual technician who performs the functions stated in subsection (1)(A) will be referred to as a "non-veterinarian embryo transfer technician;"

(2) "Livestock embryo transfer or transplant" means services provided by a non-veterinarian embryo transfer technician certified by the Arkansas Board of Animal Health that:

(A) Involves and ~~shall be~~is limited to nonsurgical embryo transfer in livestock; and

(B) May include basic ultrasonography of:

(i) Their ovaries to evaluate the response to embryo transfer associated procedures; and

(ii) The uterus to determine pregnancy by the detection of a heartbeat within the transferred embryo at or greater than twenty-eight (28) days of gestation of such animals; and

(3) "Qualified course" means:

(A) A course on livestock embryo transfer or transplant and livestock pregnancy determination taught:

(i) By ~~someone~~ an individual with a Doctorate or Master of Science degree with an emphasis in animal reproductive physiology or a Doctor of Veterinary Medicine; or

(ii) Through an accredited or approved college of veterinary medicine; or

(B) A course that is part of a Doctorate or Master of Science degree program with an emphasis in animal reproductive physiology.

(b) **Application.** The application for certification as a non-veterinarian embryo transfer technician in the State of Arkansas ~~shall~~ must be submitted to the Department of Agriculture in writing ~~written~~ and signed by the applicant, include the information set forth ~~below~~ in this subsection, and be accompanied by a nonrefundable one thousand-dollar (\$1,000) application fee:

(1)(A) One (1) letter from a licensed veterinarian who has witnessed the applicant's ability to perform livestock embryo transfer or transplant and livestock pregnancy determination on at least three (3) occasions within six (6) consecutive months.

(B) The letter ~~shall~~ must include the dates that the veterinarian ~~spent~~ with ~~observed~~ the applicant and an endorsement certifying that the applicant is proficient in the following areas:

(i) Basic knowledge, skills, and abilities required to proficiently extract, grade, freeze, thaw, and transfer livestock embryos; and

(ii) The ability to properly use ultrasound equipment in determining pregnancy status with at least ninety percent (90%) accuracy beginning at sixty (60)

days of pregnancy and with at least ninety percent (90%) accuracy when identifying trimester;

(2) A record of successfully completing a qualified course ~~taught by a livestock reproduction specialist on~~ both livestock embryo transfer and livestock pregnancy determination;

(3) Proof that the applicant has at least fifty percent (50%) financial interest in livestock management equipment, including without limitation:

(A) Ultrasound equipment;

(B) Microscope;

(C) Embryo freezer; and

(D) Other required transfer tools; and

(4) Proof of membership in either the International Embryo Technology Society or the American Embryo Transfer Association.

(c) **Renewal.** A certification under this section expires after two (2) years from the date of issuance, and the non-veterinarian embryo transfer technician ~~shall~~ must submit the following to the ~~board~~ department for renewal:

(1) A renewal application;

(2) A renewal application fee of two hundred fifty dollars (\$250); and

(3) A record of completing a the required continuing education ~~course on bovine reproduction within the United States of America or Canada~~.

(d) **Continuing education.**

(1) Non-veterinarian embryo transfer technicians are required to ~~earn~~ complete eight (8) credit hours of continuing education before becoming eligible for prior to certification renewal.

(2) ~~These Continuing education~~ hours ~~shall~~ must be completed within the United States of America or Canada through the following:

(A) The annual conference of the International Embryo Technology Society;

(B) The annual convention of the American Embryo Transfer Association;

or

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(C) ~~Another~~ course on bovine reproduction preapproved by the ~~board~~department.

(e) **Record keeping.** For a period of three (3) years from the date of service, a~~A~~ non-veterinarian embryo transfer technician ~~shall~~must keep and maintain ~~a~~records of ~~that contains:~~

(1) All livestock embryo transfers or transplants performed by the technician;
and

(2) T~~he~~ the contact information of the licensed veterinarian prescribing or dispensing prescription drugs who has a valid veterinarian-client-patient relationship with the livestock owner when the prescription drugs are administered by the technician.

17 CAR § 1-113. Prescribing controlled substances.

(a) A controlled substance ~~will~~means any Schedule II – V drug as defined in the Prescription Drug Monitoring Program Act, Arkansas Code § 20-7-601 et seq.

(b) ~~Examination of the patient and need for prescribing a controlled substance.~~

~~———~~(1)(A) A licensed veterinarian must give consideration to ~~A~~nonpharmacologic treatment or drugs that are not classified as a controlled substance ~~will be given consideration~~ prior to treatment with controlled substances.

(B) Prior to initiating treatment with a controlled substance, the licensed veterinarian ~~will~~must:

(i) Perform a history and physical examination appropriate to the presenting complaint; and

(ii) Conduct an assessment of the patient's history as part of the initial examination.

(2) The medical record for prescribing controlled substances ~~will~~must include:

(A) Signs or presentation of the pain or condition;

(B) A presumptive diagnosis for the origin of the pain or condition;

(C) A physical examination appropriate to the presenting complaint;

(D) A treatment plan; and

(E) The medications prescribed, ~~to include~~ including the:

(i) Date;

(ii) Type;

(iii) Dosage; and

(iv) Quantity prescribed.

(3) If a controlled substance is necessary for treatment, the licensed veterinarian ~~will~~ must prescribe it in the lowest effective dose appropriate to the size and species of the animal for the least amount of time.

(4) If ~~the~~ prescribing a controlled substance is within the accepted standard of care, a licensed veterinarian may prescribe a controlled substance for the management of:

(A) Behavioral disorders;

(B) Neurological disorders;

(C) Acute pain;

(D) Chronic pain;

(E) Terminal illnesses; or

(F) Other chronic conditions.

(c)(1) ~~For~~ When prescribing an opioid, the initial dose ~~will~~ may not exceed a ten-
(10) day supply.

(2) ~~For~~ When prescribing an opioid for the management of pain after the initial ten- (10) day supply, the patient ~~will~~ must be seen and evaluated for the continued need for an opioid.

(3) ~~For any~~ When prescribing ~~of~~ an opioid beyond the initial ten (10) day supply, the licensed veterinarian ~~will~~ must develop a treatment plan for the patient, ~~which will~~ to include:

(A) Measures to be used to determine progress in treatment;

(B) Further diagnostic evaluations or modalities that might be necessary;

and

(C) The extent to which the disorder, pain, or condition is associated with physical impairment.

(4)(A) For the continued prescribing of an opioid, the patient ~~will~~must be seen and reevaluated at least every six (6) months.

(B) The justification for such prescribing will be documented in the patient record.

(d) Prior to prescribing or dispensing a controlled substance, the licensed veterinarian ~~will~~must document a discussion with the owner about the:

- (1) Known risks and benefits of treatment with a controlled substance;
- (2) Responsibility for the security of the drug; and
- (3) Proper disposal of any unused drug.

(e)(1) Continuation of treatment with controlled substances ~~will~~must be supported by documentation of the continued benefit from the prescribing.

(2) For the continued prescribing of controlled substances that are not opioids, the patient ~~will~~must be seen and reevaluated at least every twelve (12) months.

(3) If the patient's progress is unsatisfactory, the licensed veterinarian ~~will~~must:

(A) Assess the appropriateness of the continued use of the current treatment plan; and

(B) Consider the use of other therapeutic modalities.

17 CAR § 1-114. Veterinary technology — Levels of supervision.

(a) A veterinary technician or veterinary technologist who has obtained a certificate of qualification from the Arkansas Board of Animal Health may be allowed to perform the following acts under the direction, supervision, and responsibility of a licensed veterinarian who:

- (1) Has established the veterinarian-client-patient relationship; and
- (2) ~~Will comply~~Complies with 17 CAR § 1-105.

(b)(1) This section does not limit or prevent any veterinarian from delegating to a qualified person any act, task, or function that is otherwise permitted by law and does not include diagnosis, prescribing medication, or surgery;

(2) A veterinarian who utilizes indirect supervision of a veterinary technician or veterinary technologist must comply with the requirements of Arkansas Code § 17-101-306(d)(3).

(~~bc~~) Immediate supervision:

- (1) Surgical assistance to a licensed veterinarian; and
- (2) Dental extractions not requiring sectioning of a tooth or the resection of bone.

(~~ed~~) Direct supervision:

- (1) Any task or procedure that requires an animal to be under anesthesia;
- (2) Induction, maintenance, and monitoring of anesthesia;
- (3) Suturing of skin incisions made by a licensed veterinarian;
- (4) Dental procedures limited to the following:
 - (A) Removal of calculus, soft deposits, plaque, and stains; and
 - (B) Smoothing, filing, and polishing teeth;
- (5) Blood or blood component collection, preparation, and administration for blood transfusion; and
- (6) Perform ~~ingance of~~ any veterinary technology duties at a livestock auction.

(~~de~~) Indirect supervision:

- (1) Obtain history and perform a physical examination of an animal patient;
- (2) Collection of blood for diagnostic laboratory tests, except when in conflict ~~of with~~ a state or federal law, ~~rule, or regulation~~;
- (3) Collection and preparation of tissue, cellular, or microbiological samples by skin scrapings, impressions, or other nonsurgical methods, except when in conflict ~~of with~~ a state or federal law, ~~rule, or regulation~~;
- (4) Collection of urine by free catch, expression, cystocentesis, or catheterization (unobstructed) and inserting an indwelling urinary catheter;
- (5) Collection of fluid by:

- (A) Abdominocentesis;
- (B) Arthrocentesis; or
- (C) Thoracentesis;
- (6) Performing laboratory procedures;
- (7) Intravenous catheterization;
- (8) Administration of parenteral fluid therapy;
- (9) Radiograph, ultrasound, ~~EKG~~Electrocardiogram, or other diagnostic imaging or monitoring;
- (10) Ocular tonometry, Schirmer tear test, or fluorescein staining;
- (11) Administration and application of:
 - (A) Treatments, drugs, medications, and immunological agents by parenteral (subcutaneous, intramuscular, intraperitoneal, intraarticular, and intravenous) and nonparenteral routes, except when in conflict ~~of~~with a state or federal law, ~~rule, or regulation~~; and
 - (B) Splints, bandages, and wound dressings;
- (12) Measure and prepare medication for dispensing to clients on the order of a licensed veterinarian;
- (13) Pregnancy checking of food animals with or without equipment, rectal palpation, artificial insemination, correcting of uterine prolapse, and uncomplicated fetal extractions excluding fetotomies and cesarean sections;
- (14) Routine, nonsurgical food animal management practices, including:
 - (A) Castration;
 - (B) Dehorning;
 - (C) Tail docking; and
 - (D) Ear notching; ~~and~~
- (15) Wound management and care; and
- (16) Providing services based on an emergency call for an animal patient at a location other than the location of the supervising veterinarian.

17 CAR § 1-115. Military automatic licensure.

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(a) ~~As~~ The terms used in this section have the meaning as defined in the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021, Arkansas Code § 17-4-101 et seq.÷

~~———— (1) “Automatic licensure” means the granting of occupational licensure without an individual’s having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by this part; and~~

~~———— (2) “Returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.~~

(b) The Arkansas Board of Animal Health ~~must~~ will grant automatic licensure to ~~an individual who~~ uniformed service member, uniformed service veteran, or the spouse of a uniformed service member or veteran who meets the requirements of Arkansas Code § 17-4-104 and holds in good standing an occupational license that is ~~a~~ substantially equivalent ~~occupational license in good standing to any license or certificate provided in Arkansas Veterinary Medical Practice Act, Arkansas Code § 17-101-101 et seq., in~~ another state, territory, or district of the United States ~~and is:~~

~~———— (1) An active duty military service member stationed in Arkansas;~~

~~———— (2) A returning military veteran applying for an occupational license within one (1) year of his or her discharge from active duty; or~~

~~———— (3) The spouse of a person under subdivisions (b)(1) or (2) of this section.~~

(c) The board ~~must~~ grants to the Department of Agriculture the authority to issue ~~such~~ automatic licensure upon receipt of all items listed below:

(1) A completed and signed application for license or certificate;

(2) Evidence that the applicant is a holder in good standing of a substantially equivalent occupational license in another state, territory, or district of the United States; and

(23) Evidence that the applicant is a qualified applicant under subsection (b) of this section.

17 CAR § 1-116. Prelicensure criminal background check and waiver request.

(a) Prelicensure criminal background check.

(1) ~~Pursuant to~~Under Arkansas Code § 17-3-103, an individual may petition the Arkansas Board of Animal Health for a prelicensure determination of whether the individual's criminal record will disqualify the individual from an occupational license and whether a waiver may be obtained.

(2) The individual must obtain a prelicensure criminal background check petition form from the ~~Arkansas Board of Animal Health~~Department of Agriculture.

(3)~~(A)~~ The board will respond with a decision, in writing, to a completed petition within a reasonable amount of time.

~~_____~~ ~~(4B)~~ The board's response will state the reason or reasons for the decision.

~~_____~~ ~~(5C)~~ All decisions of the board in response to the petition will be determined by the information provided by the individual based on:

_____ (i) The information provided in the petition;

_____ (ii) The information obtained by the department; and

_____ (iii) The factors set forth in Arkansas Code §§ 17-3-102(b)(2) and, except for convictions listed in Arkansas Code § 17-3-102(e), 17-3-102(c).

~~_____~~ ~~(6D)~~ Any decision made by the board in response to a prelicensure criminal background check petition is not subject to appeal.

~~(74)~~ The board will retain a copy of the petition and response, which will be reviewed during the formal application process.

(b) Waiver request.

(1)~~(A)~~ ~~If a~~An individual that has been convicted of an offense listed in Arkansas Code § 17-3-102(a), ~~except those permanently disqualifying offenses found in Arkansas Code § 17-3-102(e), the board may~~ petition the board for waiver disqualification of a potential applicant or revocation of to hold a license or certificate or revocation of a license or certificate based on the conviction ~~if a request for waiver is made by an:~~

~~_____ (B) The petition for waiver must be submitted in writing by an:~~

~~_____ (Ai) Affected applicant for a an occupational license or certificate and~~
~~included with the completed application and fee; or~~

~~_____ (Bii) Individual holding an occupational license or certificate and~~
~~submitted within sixty (60) days after convictions subject to revocation.~~

(2) The board ~~- will~~ may grant a waiver upon consideration of the following,
without limitation:

(A) Base a decision to grant a waiver upon consideration of the factors set
forth in Arkansas Code §§ 17-3-102(b)(2) and, except for convictions listed in Arkansas
Code § 17-3-102(e), 17-3-102(c)~~The age at which the offense was committed;~~

~~_____ (B) The circumstances surrounding the offense;~~

~~_____ (C) The length of time since the offense was committed;~~

~~_____ (D) Subsequent work history since the offense was committed;~~

~~_____ (E) Employment references since the offense was committed;~~

~~_____ (F) Character references since the offense was committed;~~

~~_____ (G) Relevance of the offense to the occupational license; and~~

~~_____ (H) Other evidence demonstrating that licensure or certification of the~~
applicant does not pose a threat to the health or safety of the public.

~~_____ (3) A request for waiver, if made by an applicant, must:~~

~~_____ (A) Be in writing; and~~

~~_____ (B) Accompany the completed application and fee.~~

~~_____ (4) The board will:~~
~~_____ ;~~

~~_____ (AB) Respond with a decision, in writing; and~~

~~_____ (B) State stating~~ the reason or reasons for the decision.

(53) Any individual whose petition for waiver submitted under this subsection
is denied may appeal the determination in accordance with~~An appeal of a determination~~
~~under this section will be subject to~~ the Arkansas Administrative Procedure Act,
Arkansas Code § 25-15-201 et seq.

17 CAR § 1-117. ~~Reciprocity~~ License by endorsement and temporary permits.

(a) ~~Reciprocity for veterinarians~~ License by endorsement.

(1) The Arkansas Board of Animal Health will grant a license or certificate provided in the Arkansas Veterinary Medical Practice Act, Arkansas Code § 17-101-101 et seq., to A veterinarian applying for reciprocal licensure must an applicant who holds a substantially similar occupational license in another state, territory, or district of the United States and meets the following requirements of Arkansas Code §§ 17-101-303(a) and 17-101-306(b)(3) and the following:

(A)(i) ~~The applicant must hold a substantially similar license to practice veterinary medicine in another jurisdiction of the United States.~~

~~—————~~ (ii) A license to practice veterinary medicine from another jurisdiction of the United States is substantially similar to an Arkansas license to practice veterinary medicine if the other jurisdiction's licensure qualifications require a:

(a) Diploma from an accredited or approved college of veterinary medicine; or

(b) Certificate from either the:

(1) Educational Commission for Foreign Veterinary Graduates; or

(2) Program for the Assessment of Veterinary Education Equivalence.

~~—————~~ (ii) A license as a veterinary technician or veterinary technologist from another jurisdiction of the United States is substantially similar to an Arkansas certification as a veterinary technician or veterinary technologist if the other jurisdiction's licensure qualifications require a college-level program accredited by the American Veterinary Medical Association.

~~—————~~ (iii) ~~B~~ The applicant's license in another jurisdiction of the United States must:

~~—————~~ (a) ~~i~~ Be in good standing;

____(bii) Not be subject to any pending or unresolved disciplinary action in another jurisdiction; and

____(iii) Not be ~~held~~ in a suspended or probationary status; ~~and~~

____(eC) The applicant must ~~Not~~ have had a substantially similar license in another jurisdiction of the United States ~~been~~ revoked ~~for an act of bad faith or a violation of a law, rule, or ethics~~; and

(BD) The applicant must have passed:

(i) For license to practice veterinary medicine:

____(a) The National Board Examination;

____(ib) The Clinical Competency Test;

____(iic) The North American Veterinary Licensing Examination; or

____(ivd) A future equivalent.

____(ii) For certification as a veterinary technician or veterinary technologist:

____(a) The National Board Examination; or

____(b) The Veterinary Technician National Examination.

(2)(A) ~~A veterinarian~~ The applicant must submit to the Department of Agriculture:

____(iA) A completed application as described in Arkansas Code §§ 17-101-301 ~~or 17-101-306~~;

____(iB) The required fee or fees; ~~and~~

____(iic) The ~~following documentation:~~ names of all jurisdictions of the United States in which the applicant is currently or was previously licensed and a primary source license verification from each identified jurisdiction;

____(D) The score on the applicable licensing examination as listed in subsection (a)(1)(D) through:

____(i) The American Association of Veterinary State Boards; or

____(ii) Its future equivalent; and

____(E) Any records or information required by the Board or Department to verify any of the requirements set forth herein.

~~_____ (3) If the Department determines that the applicant does not meet the requirements for licensure as described in subdivision (a)(1) of this section, the applicant may still apply for licensure by examination. _____ (B) As evidence that the applicant's license from another jurisdiction of the United States is substantially similar to an Arkansas license to practice veterinary medicine, the applicant must submit the following:~~

~~_____ (i) Evidence of a current and active license in that jurisdiction; and~~

~~_____ (ii) Evidence that the jurisdiction's licensure requirements match those listed in subdivision (a)(1)(A)(ii) of this section.~~

~~_____ (C) As evidence that the applicant meets the requirements in subdivision (a)(1)(A)(iii) of this section, the applicant must submit the following:~~

~~_____ (i) The names of all jurisdictions of the United States in which the applicant is currently or has been previously licensed; and~~

~~_____ (ii) A primary source license verification from each of those jurisdictions.~~

~~_____ (D) As evidence that the applicant meets the requirement in subdivision (a)(1)(B) of this section, the applicant must transfer his or her score on the National Board Examination, Clinical Competency Test, North American Veterinary Licensing Examination, or a future equivalent to the Arkansas Board of Animal Health through:~~

~~_____ (i) The American Association of Veterinary State Boards; or~~

~~_____ (ii) Its future equivalent.~~

(b) Temporary permits for veterinarians. The department will

~~_____ (1) A issue a temporary permit will be issued to an applicant for licensure to practice veterinarian-veterinary medicine by examination immediately upon receipt of the:~~

~~(A) Application Completed application as required by Arkansas Code § 17-101-301; and~~

~~(B) Required fee or fees ; and~~

~~_____ (C) Documentation required under subdivision (a)(2)(B) of this section.~~

~~—————(2) If the Arkansas Board of Animal Health determines that the applicant meets the requirements for reciprocal licensure as described in subdivision (a)(1) of this section, a license will be issued upon the receipt of all required documentation listed in subdivisions (a)(2)(B) — (D) of this section.~~

~~—————(3) If the Arkansas Board of Animal Health determines that the applicant does not meet the requirements for reciprocal licensure as described in subdivision (a)(1) of this section, the applicant may still apply for licensure by examination.~~

~~————(c) **Reciprocity for veterinary technicians and veterinary technologists.** A veterinary technician or veterinary technologist applying for reciprocal certification will follow the process outlined in Arkansas Code § 17-101-306.~~

17 CAR § 1-118. Veterinary telehealth and telemedicine.

(a) Only a veterinarian licensed to practice veterinary medicine in the State of Arkansas may provide veterinary telemedicine services to an animal patient located in this state. **Definitions.** As used in this section:

~~—————(1) “Telehealth” means use of technology to deliver health information, education, or care remotely;~~

~~—————(2)(A) “Telemedicine” means use of technology to exchange medical information electronically from one (1) site to another to improve a patient’s clinical health status, including evaluating, diagnosing, and treating a patient without the need for an in-person visit.~~

~~—————(B) Telemedicine is a subcategory of telehealth;~~

~~—————(3) “Triage” means emergency animal care, including animal poison control services, for immediate, potentially life-threatening animal health situations (e.g., poison exposure mitigation, animal CPR instructions, other critical lifesaving treatment or advice); and~~

~~—————(4) “VCPR” means veterinarian-client-patient relationship as defined by Arkansas Code § 17-101-102(11).~~

(b) ~~**Requirements for all services provided by veterinarians using telemedicine.**~~

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~~_____ (1) Except as provided in subsection (b)(2), a veterinarian must establish a veterinarian-client-patient relationship prior to providing veterinary~~ Any person that ~~delivers~~ telemedicine services involving diagnosis, treatment, or prescribing medication to a patient located within the State of Arkansas must:

~~_____ (A) Be licensed to practice veterinary medicine in the State of Arkansas;~~
and

~~_____ (B) Have an established VCPR.~~

~~_____ (2)(A) In an emergency or urgent situation, a veterinarian may provide veterinary telemedicine services without a previously established veterinarian-client-patient relationship, provided that the veterinarian establishes a veterinarian-client-patient relationship within:~~

~~_____ (i) Seven (7) calendar days following the provision of veterinary telemedicine services for a small animal; or~~

~~_____ (ii) Twenty-one (21) calendar days following the provision of veterinary telemedicine services for a large animal.~~

~~_____ (B) A veterinarian-client-patient relationship~~VCPR must be established by:

(i) An in-person examination of the animal patient; or

(ii) Medically appropriate and timely visits to the premises where the animal patient is kept.

~~_____ (B) An established VCPR can extend to other veterinarians licensed by the Arkansas Board of Animal Health who practice in the same physical location as the attending veterinarian if they have access to, and have reviewed, the patient's medical records.~~

~~_____ (C) An in person examination is not required when providing teletriage services and the patient is referred to in person emergency services according to established protocols pursuant to subdivision (b)(5) of this section and as generally accepted by the veterinary profession.~~

~~_____ (c) Prior to providing veterinary telemedicine services, the veterinarian must:~~

~~_____ (1)(A) Determine, based on professional judgment, whether veterinary telemedicine is appropriate for the presenting complaint.~~

(B) If the veterinarian determines that in-person care is required, the veterinarian must:

(i) Arrange for an in-person examination; or

(ii) Refer the client to another licensed veterinarian or veterinary medicine emergency facility.

(2) Obtain a detailed history and description of the animal's condition sufficient to support clinical decision-making.

(3) Provide the client, in advance of or at the time of service:

(A) The veterinarian's name, Arkansas veterinary medicine license number, and contact information; and

(B) A clear explanation of fees and client financial responsibilities.

(4) Maintain

~~_____ (3) Telehealth services must be delivered in a transparent manner, including providing access to information identifying the veterinarian in advance of the encounter, with name, contact information, and Arkansas license number, as well as the client's financial responsibilities.~~

~~_____ (4) The veterinarian must obtain from the client a detailed explanation of the patient's pertinent history and presenting complaint to determine if using telemedicine is an appropriate method for delivering medical advice or treatment to the patient.~~

~~_____ (5) Veterinarians delivering services through telehealth must have an established protocols for making referrals for to an in-person veterinary medicine emergency or urgent care services.~~

~~_____ (6d)(1) If the decision is made to provide~~When ~~treatment is provided~~ through veterinary telemedicine, the veterinarian ~~agrees to accept~~s responsibility for the care of the animal patient and must obtain informed client consent~~from the client~~.

~~_____ (7) If the veterinarian determines that the patient needs to be seen in person for the presenting complaint, they must:~~

~~_____ (A) Arrange to see the patient in person; or~~

~~_____ (B) Refer the client to another licensed veterinarian.~~

~~——(82) If treatment was provided through telemedicine and~~ When follow-up care is indicated, the veterinarian must ~~agree to~~ provide or arrange ~~for such~~ appropriate follow-up ~~care services~~.

~~——(9e) A veterinarian providing treatment may prescribe medications through veterinary telemedicine may prescribe a drug to the patient only~~ if the veterinarian:

(A) Has an established ~~veterinarian-client-patient relationship~~ ~~VCPR~~; and

(B) Is ~~a prescriber~~ acting within ~~their scope of practice~~ ~~applicable state and federal prescribing laws~~.

~~——(10f) All veterinary T~~ Telemedicine services must be documented in the animal patient's medical record ~~and comply in compliance~~ with 17 CAR § 1-105 ~~and applicable record keeping requirements~~.

17 CAR § 1-119. Veterinary technician specialist.

(a) **Requirements for initial certification.** An applicant for certification as a veterinary technician specialist in this state must ~~make submit a~~ written application to the ~~Arkansas Board of Animal Health~~ Department of Agriculture ~~showing and provide proof~~ that he or she:

(1) Holds an active certification as a veterinary technician or veterinary technologist in this state; and

(2) ~~Has e~~ Completed the formal process of education, training, experience, and testing through a specialty academy approved by the Committee on Veterinary Technician Specialties of the National Association of Veterinary Technicians in America ~~and provide proof of completion~~.

(b) Collaborative practice agreement.

(1) A veterinary technician specialist intending to practice under a collaborative practice agreement ~~shall must~~ submit a copy of the agreement to the ~~board department~~ prior to or on the effective date of the agreement.

(2) A veterinary technician specialist ~~shall must~~ notify the ~~board department~~ in writing within seven (7) days following the termination of a collaborative practice agreement.

17 CAR § 1-120. Equine teeth floating.

(a) A letter of recommendation on behalf of an equine teeth floating practitioner in compliance with Arkansas Code § 17-101-315 may be from a non-paying client or a veterinarian employer of the practitioner.

(b) An equine teeth floating practitioner is not authorized to practice equine dentistry or otherwise engage in the practice of veterinary medicine without obtaining the proper licensure under Arkansas Code § 17-101-301.

17 CAR § 1-121. Poultry Specialty License.

Under the authority of Arkansas Code § 17-101-102, the Arkansas Board of Animal Health creates a specialty area in poultry practice.

(a) Veterinarians seeking licensure under the provisions of this section will be tested only in poultry medicine.

(b) A veterinarian who holds only a Poultry Specialty license:

(1) May only practice poultry medicine and is not permitted to practice any other form of veterinary medicine; and

(2) Must comply with the requirements of the Arkansas Veterinary Medical Practice Act, Arkansas Code § 17-101-101 et seq., and the Veterinary Medicine rules, 17 CAR Pt. 1.