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**Authority**

The provisions of this Chapter 31 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); The Veterinary Law (63 P. S. §§ 506-1—506-11) (Repealed); and the Veterinary Medicine Practice Act (63 P. S. §§ 485.1—485.35), unless otherwise noted.

**Source**

The provisions of this Chapter 31 adopted February 1, 1965, unless otherwise noted.

**Law Reviews**

*1994 Regulatory Review: Final Regulations of 1994*, 4 Widener J. Public L. 917 (1995).

**Cross References**

This chapter cited in 7 Pa. Code § 21.51 (relating to lifetime dog license issuance); 49 Pa. Code § 41.26 (relating to professional corporations); and 49 Pa. Code § 47.21 (relating to professional corporations).

**GENERAL PROVISIONS****§ 31.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Veterinary Medicine Practice Act (63 P. S. §§ 485.1—485.33).

*Advertising*—Newspaper and periodical announcements and listings, professional cards, office and other signs, letterheads, telephone and other directory listings, and other forms of communication designed to inform the public about the availability, nature or prices of products or services.

*Animal abuse*—To do, order or aid another to do any act likely to cause unnecessary pain, injury, debility, disease or lameness, or unnecessary fright, stress, panic or hysteria in an animal.

*Approved school*—A school accredited by the American Veterinary Medical Association, including provisionally, probationally and fully accredited programs.

*Board*—The State Board of Veterinary Medicine.

*Certified veterinary technician*—A veterinary technician certified by the Board.

*Client*—A person who engages the professional services of a veterinarian for the care and treatment or the prevention, cure or alleviation of disease or injury, of an animal.

*Consultation*—A deliberation between two or more licensed veterinarians or a licensed veterinarian and other licensed professional concerning the diagnosis of an animal's condition, the care to be provided and the proper management of the case.

*Direct veterinary supervision*—A veterinarian has given either oral or written instructions to the certified veterinary technician or noncertified employee, is on the premises and is easily and quickly available to assist the certified veterinary technician or the noncertified employee.

*Endorsement or testimonial*—A statement of recommendation made through a form of mass communication or correspondence by a veterinarian to the general public which is commercially rather than educationally motivated and is

intended to influence attitudes regarding the purchase of a veterinary drug, device, product or procedure.

*Immediate veterinary supervision*—A veterinarian is in visual and audible range to assist the noncertified employee.

*Indirect veterinary supervision*—A veterinarian is not on the premises but is acquainted with the keeping and care of the animal by virtue of an examination of the animal or medically appropriate and timely visits to the premises where the animal is kept, and has given written or oral instructions to the certified veterinary technician for treatment of the animal patient.

*Merchandising*—Buying and selling of professional veterinary products without a veterinarian/client relationship.

*Neglect*—To abandon an animal or deprive, either personally or through one's employees or agents, an animal over which one has a duty of care, whether belonging to himself or otherwise, of necessary sustenance, drink, shelter or veterinary care appropriate to the animal's condition or access to sanitary shelter and support for an animal's basic physical and emotional needs.

*Noncertified employee*—An employee of a veterinarian who does not hold certification as a veterinary technician and whom the veterinarian deems competent to administer medication or render auxiliary or supporting assistance under direct veterinary supervision or immediate veterinary supervision.

*Professional veterinary product*—One which requires professional veterinary knowledge in the administration of or in the giving of instructions for safe and proper use of the product, including prescription drugs, biologicals, pharmaceuticals and prescription diets.

*Solicitation*—Advertising intentionally directed to specific individuals.

*VTS—Veterinary technician specialist*—A certified veterinary technician who holds current certification from a specialty organization recognized by the National Association of Veterinary Technicians in America (NAVTA).

*Veterinarian*—A licensed doctor of veterinary medicine as defined in section 3 of the act (63 P. S. § 485.3).

#### Authority

The provisions of this § 31.1 amended under sections 3(10)(viii), 5(2), (11) and (12) of the Veterinary Medicine Practice Act (63 P. S. §§ 485.3(10)(viii), 485.5(2), 485.11 and (12) and 485.21(12)).

#### Source

The provisions of this § 31.1 adopted February 1, 1965; amended January 20, 1989, effective January 21, 1989, 19 Pa.B. 237; amended March 18, 1994, effective March 19, 1994, 24 Pa.B. 1481; amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5959; amended December 17, 2004, effective December 18, 2004, 34 Pa.B. 6650; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3365; amended April 17, 2009, effective April 18, 2009, 39 Pa.B. 1985. Immediately preceding text appears at serial pages (328722) to (328723).

### § 31.2. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to the general rules of administrative practice and procedure) is applicable to the activities of and proceedings before the Board.

**Source**

The provisions of this § 31.2 adopted September 19, 1975, effective September 20, 1975, 5 Pa.B. 2455.

**§ 31.3. Examinations.**

(a) The examination required as a prerequisite to original licensure as a veterinarian is the North American Veterinary Licensing Examination (NAVLE). The examination will be given at least annually by the National Board Examination Committee.

(b) Applications to take the licensing examinations, together with instructions for applicants, including deadlines for filing and paying fees, may be obtained from the Administrative Office of the Board by contacting the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania, 17105-2649, [veterina@pados.dos.state.pa.us](mailto:veterina@pados.dos.state.pa.us).

(c) Examination applications and the fee required shall be submitted directly to the National Board Examination Committee.

**Authority**

The provisions of this § 31.3 amended under section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a); and sections 5(7), 9 and 11 of the Veterinary Medicine Practice Act (63 P.S. §§ 485.5(7), 485.9 and 485.11).

**Source**

The provisions of this § 31.3 adopted June 14, 1996, effective June 15, 1996, 26 Pa.B. 2785; amended May 26, 2000, effective immediately, and apply to examinations administered after April 12, 2000, 30 Pa.B. 2583; amended April 12, 2002, effective April 13, 2002, 32 Pa.B. 1861. Immediately preceding text appears at serial page (267142).

**LICENSURE****§ 31.11. Application for licensure.**

(a) *Application forms.* Application forms for original or reciprocal licensure may be obtained from the Administrative Office of the Board by contacting the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, [veterina@pados.dos.state.pa.us](mailto:veterina@pados.dos.state.pa.us), or by accessing the Board's web page at [www.dos.state.pa.us/bpoa/vetbd/mainpage.htm](http://www.dos.state.pa.us/bpoa/vetbd/mainpage.htm). Application forms shall be returned to the Board at least 60 days prior to the first day of the NAVLE testing period.

(b) *Original licensure.* As a prerequisite to original licensure as a veterinarian, an applicant shall submit the following documentation to the Board:

- (1) Evidence of graduation from an approved school or college of veterinary medicine. The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the American Veterinary Medical Association, Educational Commission for Foreign Veterinary Graduates or another program which may subsequently be approved

by the American Veterinary Medical Association as proof of graduation from an approved school or college of veterinary medicine.

(2) North American Veterinary Licensing Examination (NAVLE) results as furnished through a National examination grade reporting service. The Board will accept an applicant's grades from the National Board Examination (NBE) and Clinical Competency Test (CCT) examinations if taken within the last 5 years as furnished through a National examination grade reporting service in lieu of the NAVLE, if the applicant passed these examinations with a score equivalent to or higher than the passing score then prevailing in this Commonwealth.

(3) A letter of good standing from the licensure board of each state where the applicant has held a license to practice veterinary medicine, reporting the outcome of disciplinary actions taken against the applicant, if any, in that state.

(4) A statement from the applicant that the applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country unless the following apply:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction so that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations.

(iii) The applicant otherwise satisfies the qualifications contained in the act.

(c) *Reciprocal licensure.* An applicant for licensure by reciprocity who has held a valid license from another state and has been actively engaged in clinical practice in that state for 5 years immediately preceding application for licensure in this Commonwealth, may be granted a license to practice veterinary medicine in this Commonwealth after having paid the fee required by § 31.41 (relating to schedule of fees), and submitted the following documentation to the Board:

(1) An application form under subsection (a).

(2) A verification of clinical practice, completed by the applicant, describing in detail the applicant's clinical practice during the immediately preceding 5 years.

(3) A letter from the licensure board of the state wherein the applicant has been actively engaged in clinical practice during the immediately preceding 5 years, certifying 5 years of continued licensure in that state.

(4) Two certificates of recommendation from licensed veterinarians regarding the applicant's character and competence and attesting to the fact that the applicant has been in active clinical practice during the immediately preceding 5 years.

(5) A letter of good standing from each board office in which the applicant has held a license to practice veterinary medicine, reporting the outcome of disciplinary actions taken against the applicant, if any, in that state.

**Authority**

The provisions of this § 31.11 amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and sections 5(7), 9 and 11 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.5(7), 485.9 and 485.11).

**Source**

The provisions of this § 31.11 adopted October 29, 1969; amended January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended January 20, 1989, effective January 21, 1989, 19 Pa.B. 237; amended June 14, 1996, effective June 15, 1996, 26 Pa.B. 2785; amended May 26, 2000, effective immediately, and apply to examinations administered after April 12, 2000, 30 Pa.B. 2583; amended April 12, 2002, effective April 13, 2002, 32 Pa.B. 1861. Immediately preceding text appears at serial pages (267142) to (267144).

**§ 31.12. Temporary permits.**

(a) *Original licensure.* An applicant for original licensure who desires a temporary permit under section 10 of the act (63 P. S. § 485.10) may be granted a temporary permit to practice veterinary medicine upon graduation from an approved school or college of veterinary medicine, completion of an application form prescribed by the Board and payment of the fee required by § 31.41 (relating to schedule of fees). The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved school or college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the American Veterinary Medical Association, Educational Commission for Foreign Veterinary Graduates or another program which may subsequently be approved by the American Veterinary Medical Association, as proof of graduation from an approved school or college of veterinary medicine.

(b) *Reciprocal licensure.* An applicant for reciprocal licensure who desires a temporary permit under section 10 of the act may be granted a temporary permit to practice veterinary medicine in this Commonwealth if the applicant completes an application form prescribed by the Board, pays the fee required by § 31.41, and otherwise meets the requirements of subsections (a) and (c) and section 10 of the act.

(c) *Temporary permit holder limitations.* A temporary permit holder shall be associated with a licensed doctor of veterinary medicine, shall limit his work to the practice of the licensed doctor of veterinary medicine and may not participate in any practice or operation of a branch office, clinic or allied establishment. The associating veterinarian shall be responsible for all veterinary activities of the temporary permit holder and shall be accessible to the temporary permit holder either by telephone or personal contact. When contact by telephone or personal contact is not possible as, for example, in the case of vacations or other travel, the associating veterinarian shall delegate the supervisory responsibilities to

another licensed veterinarian. The associating veterinarian will continue to assume responsibility for the veterinary activities of the temporary permit holder in his absence. A temporary permit holder shall report to the next scheduled examination of the Board following the issuance of the temporary permit. The temporary permit shall expire on the day following the announcement of the grades of the first examination given after the temporary permit is issued.

#### Authority

The provisions of this § 31.12 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); section 13(a) and (b) of the Veterinary Medicine Practice Act (63 P. S. § 485.13(a) and (b)); and sections 201, 223 and 401 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-201, 1401-223 and 1401-401); amended under sections 9 and 13 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.9 and 485.13); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

#### Source

The provisions of this § 31.12 adopted February 1, 1965; amended January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended May 16, 1980, effective May 17, 1980, 10 Pa.B. 1975; amended September 26, 1980, effective September 27, 1985, 10 Pa.B. 3790; amended April 23, 1982, effective April 24, 1982, 12 Pa.B. 1335; amended January 20, 1989, effective January 21, 1989, 19 Pa.B. 237; amended November 23, 1990, effective November 24, 1990, 20 Pa.B. 5836; amended June 14, 1996, effective June 15, 1996, 26 Pa.B. 2785. Immediately preceding text appears at serial pages (215388) to (215389).

### § 31.13. Licensure renewal.

(a) Licenses expire on November 30 of each even-numbered year, regardless of the date of issuance. Licenses are renewable for a 2-year period beginning December 1 of each even-numbered year. The fee for biennial renewal is as set forth in § 31.41 (relating to schedule of fees). Late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-101—1401-501) will be added to the renewal fees of licensees who do not submit their renewal applications by December 1 of the year of expiration of their licenses. Upon renewing their licenses, licensees will receive a blue 5 × 7 wall certificate and wallet-size license card which show the next expiration date of the license. These documents are the only evidence of valid, current licensure.

(b) A licensee who is also licensed to practice veterinary medicine in another state, territory or country shall report this information on the biennial registration form. Disciplinary action taken in other states, territories or countries shall be reported to the Board on the biennial registration application or within 90 days of final disposition, whichever is sooner.

(c) Licensed veterinarians who fail to renew their license shall cease from the practice of veterinary medicine in this Commonwealth on the last day of November of the renewal year. Failure to do so will result in disciplinary action by the Board under section 9(a) of the act (63 P. S. § 485.9(a)).

(d) A holder of an expired license to practice veterinary medicine may reactivate and renew the license within 5 years from the date of its expiration, upon application to and approval of the Board and upon payment of the current biennial renewal fee as set forth in § 31.41 and the payment of the fees that would have been paid if the license had been maintained in good standing. The application for renewal shall also be accompanied by certificates of attendance at continuing education courses as required by § 31.15 (relating to continuing education) for the current and preceding biennial renewal periods in which the license was expired, and an Affidavit of Non-Practice, verifying the period of time in which the licensee abstained from the practice of veterinary medicine in this Commonwealth.

(e) A licensee will not be assessed a late renewal fee for the preceding biennial periods in which the licensee abstained from the practice of veterinary medicine in this Commonwealth.

#### Source

The provisions of this § 31.13 adopted December 1, 1968; amended October 27, 1978, effective October 28, 1978, 8 Pa.B. 2909; amended January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended January 20, 1989, effective January 21, 1989, 19 Pa.B. 237; corrected January 27, effective January 21, 1989, 19 Pa.B. 335; amended June 14, 1996, effective June 15, 1996, 26 Pa.B. 2785. Immediately preceding text appears at serial pages (206145) to (206146).

#### Cross References

This section cited in 49 Pa. Code § 31.15 (relating to continuing education); and 49 Pa. Code § 43b.21 (relating to schedule of civil penalties—veterinarians and veterinary technicians—statement of policy).

### § 31.14. [Reserved].

#### Source

The provisions of this § 31.14 adopted October 27, 1978, effective October 28, 1978, 8 Pa.B. 2909; reserved January 12, 1979, effective January 13, 1979, 9 Pa.B. 154.

### § 31.15. Continuing education.

As a condition of licensure renewal under § 31.13 (relating to licensure renewal), a veterinarian shall complete 30 clock hours of continuing education courses approved by the Board during the 24 months preceding the renewal date. Continuing education credit will not be given for a course in office management or practice building. A maximum of 25% of the hours may be earned by taking individual study or correspondence courses for which third-party verification of satisfactory completion is provided. The courses shall meet the requirements of § 31.16 (relating to continuing education provider approval).

#### Authority

The provisions of this § 31.15 amended under sections 5(2), 11 and 18 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.5(2), 485.11 and 485.18).

#### Source

The provisions of this § 31.15 adopted June 14, 1996, effective June 15, 1996, 26 Pa.B. 2785; amended December 21, 2001, effective December 22, 2001, 31 Pa.B. 6942; amended January 16, 2004, effective January 17, 2004, 34 Pa.B. 388. Immediately preceding text appears at serial page (286536).

**Cross References**

This section cited in 49 Pa. Code § 31.13 (relating to licensure renewal); and 49 Pa. Code § 31.16 (relating to continuing education provider approval).

**§ 31.16. Continuing education provider approval.**

(a) Subject to § 31.15 (relating to continuing education), the Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers:

- (1) The American Veterinary Medical Association (AVMA).
- (2) Approved schools.
- (3) Allied organizations of the AVMA.
- (4) AVMA-approved major regional veterinary organizations.
- (5) Specialty boards of the AVMA.
- (6) The Pennsylvania Veterinary Medical Association and its constituent associations.
- (7) Other states' veterinary medical associations.
- (8) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB).

(b) Continuing education courses which are offered by providers not covered under subsection (a) shall receive prior approval of the Board. An application for approval of continuing education programs may be obtained from the Administrative Office of the Board by writing or telephoning the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389. A request for approval shall be filed with the Board at least 60 days prior to the date of the proposed program, and shall be accompanied by the fee required by § 31.41.

(c) Organizations approved under subsections (a) and (b) shall provide certificates of attendance to the veterinarian which includes the name of the provider, the name of the licensee, the title of the course, the date of the course, the number of credit hours and the signature of the person authenticating attendance. Organizations approved under subsection (b) shall also provide the Pennsylvania approval number.

(d) Instructors of continuing education programs may include:

- (1) Members of the faculties of approved schools of veterinary medicine.
- (2) Licensed doctors of veterinary medicine in this Commonwealth or in another state who are not faculty members of the schools covered under paragraph (1) if, by virtue of their professional activities and achievements in a particular field, the doctors are determined by the Board to be qualified to speak on subjects of pertinent value to the profession.
- (3) Other lecturers or instructors who are not licensed to practice veterinary medicine, if the Board determines that they are qualified to speak upon a subject which will be of value to the profession.

(e) A resume of the qualifications of instructors of continuing education programs under subsection (d)(2) and (3) shall be included with the application for approval of continuing education programs. This subsection does not apply to providers enumerated under subsection (a).

**Authority**

The provisions of this § 31.16 amended under sections 5(2), 11 and 18 of the Veterinary Practice Act (63 P. S. §§ 485.5(2), 485.11 and 485.18).

**Source**

The provisions of this § 31.16 adopted June 14, 1996, effective June 15, 1996, 26 Pa.B. 2785; amended January 16, 2004, effective January 17, 2004, 34 Pa.B. 388. Immediately preceding text appears at serial pages (286537) to (286538).

**Cross References**

This section cited in 49 Pa. Code § 31.15 (relating to continuing education).

**PROFESSIONAL CONDUCT****§ 31.21. Rules of Professional Conduct for Veterinarians.****Preamble**

The Board is empowered under section 5(2) of the act (63 P. S. § 485.5(2)) to adopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skill and practice in the profession of veterinary medicine. In accordance with this authority, the Board has determined that the following rules are necessary in the public interest to protect the public against unprofessional conduct on the part of veterinarians. The Board therefore adopts this professional conduct code for veterinarians practicing veterinary medicine in this Commonwealth. Some of the rules of conduct are imperatives, cast in the terms, “shall” or “may not.” Veterinarians who fail to adhere to these rules will be subject to professional discipline. Other rules, generally cast in the terms “may” or “should,” are intended as aspirational goals and define areas under which the veterinarian has professional discretion. No disciplinary action will be taken when a veterinarian acts within the bounds of discretion. References throughout this professional conduct code to imperative conduct on the part of veterinarians also apply to applicants for licensure and temporary permit holders where these persons render services under qualified supervision.

**Principle 1. Competency.**

(a) Veterinarians should strive continually to improve their veterinary knowledge and skill, making available to clients and their colleagues the benefit of their professional attainments. A veterinarian should provide opportunities for professional colleagues who request to observe the veterinarian’s practice to develop or improve a professional colleague’s veterinary medical skills.

(b) Veterinarians should seek, through consultation, the assistance of other veterinarians or other licensed professionals when it appears that the quality of veterinary service may be enhanced through consultation.

(c) A veterinarian shall recommend referral to a specialist or otherwise more qualified veterinarian in any case if the care and treatment of the animal is, in the veterinarian’s sound judgment, beyond the veterinarian’s capabilities or equipment. In that case, a veterinarian may accept or continue care and treatment of an animal after the veterinarian has done the following:

- (1) Suggested referral.
- (2) Explained the rationale for referral.

- (3) Explained the possible complications from the veterinarian's lack of expertise or equipment.
- (4) Obtained written consent from the client.
- (d) Veterinarians shall participate in continuing education programs as provided under section 18 of the act (63 P. S. § 485.18).
- (e) Veterinarians shall safeguard the public and the veterinary profession against veterinarians deficient in professional competence, professional conduct or ethical conduct as described in this chapter.
  - (1) When a veterinarian knows or has reason to believe that a professional colleague's actions demonstrate deviation from or failure to conform to the standards of acceptable and prevailing veterinary medical practice or professional incompetence, a veterinarian should bring the behavior to the attention of the colleague.
  - (2) A veterinarian shall bring the behavior of another veterinarian to the attention of the Board by sending a written report to the Bureau of Professional and Occupational Affairs, Professional Compliance Office, P. O. Box 2649, Harrisburg, PA 17105-2649 if one or more of the following applies:
    - (i) The veterinarian cannot informally resolve an issue of the deviation from or failure to conform to the standards of acceptable and prevailing veterinary medical practice or professional incompetence with the other veterinarian.
    - (ii) The veterinarian learns of repeated deviation from or failure to conform to the standards of acceptable and prevailing veterinary medical practice, professional incompetence or misconduct.
    - (iii) The matter involves animal abuse or neglect.

**Principle 2. Professional responsibility.**

- (a) The principle objectives of the veterinary profession are to render service to society, to conserve livestock resources and to prevent and relieve suffering of animals. Veterinarians should conduct themselves in relation to the public, their colleagues and the allied professions so as to merit their full confidence and respect.
- (b) Veterinarians have a moral and ethical responsibility to provide service when, because of accidents or other emergencies involving animals, it is necessary to save an animal's life or to relieve its suffering. Veterinarians should join with colleagues in their locality to assure that emergency services for animals are available to the public consistent with the needs of the locality.

**Principle 3. Unprofessional or unethical conduct.**

A veterinarian who engages in unprofessional or unethical conduct may be subject to disciplinary action under section 21(1), (11), (12) or (20) of the act (63 P. S. § 485.21(1), (11), (12) or (20)). Unprofessional or unethical conduct includes:

- (1) Placing the veterinarian's professional knowledge, attainments or services at the disposal of a lay body, organization or group for the purpose of encouraging unqualified groups or individuals to perform surgery upon animals or to otherwise practice veterinary medicine on animals that they do not own.

(2) Performing or participating in a surgical procedure when the veterinarian knows that surgery has been requested with intent to deceive a third party.

(3) Performing surgical procedures on a species for the purpose of concealing genetic defects in animals to be shown, raced, bred or sold. If the health or welfare of an animal requires correction of a genetic defect, the surgical procedures will be permitted. In these instances, the veterinarian shall clearly inform the owner of this fact and note the reason for the surgery on the veterinary medical record of the animal.

(4) Engaging in merchandising.

(5) Representing conflicting interests, except with written consent of parties known to the veterinarian given after a full disclosure of the facts. Representing conflicting interests includes being employed by a buyer to inspect an animal for sale and accepting a fee from the seller and providing veterinary medical advice regarding a common matter to multiple persons interested in the matter.

(6) Issuing any certificate attesting to the physical condition or soundness of an animal without first having personally examined the animal within a reasonable period of time and, by actual inspection and appropriate tests, determined that the animal meets the requirements for issuance of the certificate. A veterinarian may permit an employee to collect samples from animals for tests under the veterinarian's direct supervision.

(7) Failing to personally sign any official health document issued by the veterinarian unless the use of a signature stamp is authorized by law.

(8) Issuing a presigned or prestamped official health document.

(9) Allowing inappropriate use of the veterinarian's signature stamp.

(10) Engaging in conduct which a reasonable person would believe is intended to coerce, pressure or intimidate another person to file, not file or withdraw a complaint made to the Board or any law enforcement official regarding matters related to a veterinarian's practice.

(11) Offering compensation beyond continued or corrective treatment of an affected patient or the replacement value of a patient, which a reasonable person would believe was intended to induce another to file, not file or withdraw a complaint made to the Board or any law enforcement official regarding matters related to a veterinarian's practice.

(12) Abusing, harassing or intimidating a client, former client, colleague, associate veterinarian or employee in the course of professional practice.

(13) Making any false, misleading or deceptive statement or claim as defined in Principle 5(a) (relating to advertising).

(14) Delegating a veterinary medical service to a certified veterinary technician, veterinary technician specialist or individual not licensed to practice veterinary medicine that is beyond the scope of practice for that individual as defined by law or regulation or who the veterinarian knows or should know is not qualified by education, training, experience, license or certification, to perform. The veterinarian delegating a veterinary medical service shall perform a reasonable investigation of the delegatee's ability to competently perform the service before delegating the service and shall provide supervision of the ser-

vice consistent with the acceptable and prevailing standards of veterinary medical practice. A veterinarian who delegates a veterinary medical service to an individual not licensed to practice veterinary medicine shall be responsible for the acts and omissions of the delegatee.

(15) Abusing or neglecting any animal, as defined in § 31.1 (relating to definitions), whether or not the animal is a patient.

(16) Failing to report a matter to the Board as required by Principle 1(e).

**Principle 4. Fees.**

(a) Financial arrangements for the rendering of veterinary services should be in accord with professional standards that safeguard the best interests of the client and the animal. Fees for professional services shall be clearly explained to the client in advance of billing.

(b) Veterinarians may not pay or receive commissions, rebates or other forms of remuneration for referral of clients for professional services, without informing the client of the arrangement.

(c) Veterinarians may not solicit or accept a commission, rebate or referral fee in connection with the referral of a client to purveyors of merchandise or services, including purveyors of dog food, cremation or burial services, caskets, urns, insurance, breeding stock and livestock supplies, unless the payments are fully disclosed to the client.

(d) Veterinarians may not participate in an action which would have the effect of coercing, pressuring or achieving agreement among veterinarians to conform to fixed fees or a fee schedule.

(e) Veterinarians may not solicit clients or announce fees and services in a manner that is misleading, fraudulent or deceptive.

**Principle 5. Advertising.**

(a) Advertising by veterinarians is permissible when it does not include false, deceptive or misleading statements or claims. A false, deceptive or misleading statement or claim is one which does one or more of the following:

(1) Contains an unrealistic prediction of future success or a guarantee that satisfaction or a cure will result from the performance of professional services.

(2) Refers to secret drugs or secret methods of treatment for special services and which could be characterized as deceptive.

(3) States or implies that a veterinarian is a specialist, unless the veterinarian is a diplomate of an American Veterinary Medical Association—recognized specialty organization.

(4) Contains a material misrepresentation of fact.

(5) Contains a representation or implication that is likely to cause a reasonable person to misunderstand or be deceived, or fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive.

(b) Testimonials and endorsements by veterinarians pertaining to veterinary products or veterinary equipment are permissible if all of the following guidelines are met:

(1) If an endorsement represents that the endorser uses the endorsed product, the endorser shall be a bona fide user of the product.

(2) The endorser shall be able to adequately substantiate that the endorser's experience with the product is representative of what consumers will generally achieve with the advertised product in actual conditions of use. Adequate substantiation implies publication of a report in a journal in which articles are open to peer review or in a publication recognized by reputation as a source of reliable scientific information.

(3) The endorser's qualifications shall be consistent with the expertise that the endorser is represented as possessing with respect to the endorsement.

(4) The endorsement shall be supported by an actual exercise of the endorser's expertise in evaluating product features or characteristics which shall include an examination or testing of the product as extensive as someone with the same degree of expertise would need to evaluate the product features or characteristics to support the conclusions presented.

(c) Advertising by veterinarians for emergency veterinary services shall provide information as to whether a veterinarian is on the premises, or on call, and shall specify the hours during which emergency services are available.

(1) For the purposes of this section, "on the premises" means that a veterinarian is physically present at the veterinary establishment and is immediately available to render emergency services. "On call" means that a veterinarian is available to return calls requesting emergency services within a reasonable time and is available to render emergency services within a reasonable time.

(2) Veterinarians shall disclose specific limitations (that is, exotics/avian/large animal/small animal) when advertising emergency services.

**Principle 6. Professional relationships.**

(a) Veterinarians should seek for themselves and their profession the respect of their colleagues. Veterinarians may not belittle or injure the professional standing of another member of the profession or condemn the character of that person's professional acts in a manner which is false or misleading.

(b) Veterinarians may seek, through consultation, the assistance of other licensed professionals, including chiropractors, dentists, dental hygienists and physical therapists, when it appears that chiropractic, dental, dental hygiene or physical therapy procedures will enhance the quality of veterinary care. Chiropractic, dental, dental hygiene and physical therapy procedures shall only be performed upon animals by chiropractors, dentists, dental hygienists and physical therapists in conjunction with the practice of veterinary medicine and under the direct supervision of a veterinarian, subject to a limitation provided by law or regulation.

(c) When a veterinarian is called into consultation by an attending veterinarian, the consultation should be conducted in a spirit of professional cooperation to assure the client's confidence in and respect for veterinary medicine. Findings and discussions with the client shall be handled in a manner that avoids criticism of the attending veterinarian by the consultant.

(d) Veterinarians who act as consultants may not revisit the animal or communicate in person with the client without the knowledge of the attending veterinarian.

(e) In dealing with referrals, veterinarians acting as consultants may not take charge of a case or problem without the consent of the client and notification of the referring veterinarian.

**Principle 7. Veterinarian/client relationships.**

(a) Veterinarians may choose whom they will serve. Once they have undertaken the care of an animal, however, they may not neglect the animal.

(b) In their relations with clients, veterinarians should consider first the welfare of the animal for the purpose of relieving suffering and disability while causing a minimum of pain or fright. Benefit to the animal should transcend personal advantage or monetary gain in decisions concerning therapy.

(c) Veterinarians and their staffs shall protect the personal privacy of clients, unless the veterinarians are required by law to reveal the confidences or it becomes necessary to reveal the confidences to protect the health and welfare of an individual, the animal or others whose health and welfare may be endangered.

(d) Veterinarians shall be fully responsible for their actions with respect to an animal from the time they accept the case until the animal is released from their care.

(e) In the choice of drugs, biologics or other treatments, veterinarians should use their professional judgment in the interests of the animal, based upon their knowledge of the condition, the probable effects of the treatment and the available scientific evidence which may affect these decisions.

(f) If a client desires to consult with another veterinarian about the same case, the first veterinarian shall readily withdraw from the case, indicating the circumstances on the veterinary medical record of the animal, and shall forward copies of the animal's veterinary medical records to other veterinarians who request them.

(g) If a client requests referral to another veterinarian or veterinary hospital, the attending veterinarian shall honor the request and facilitate the necessary arrangements, which shall include forwarding copies of the veterinary medical records of the animal to the other veterinarian or veterinary hospital.

**Principle 8. Drugs.**

(a)(1) The term "drug" means:

(i) Substances recognized in the official United States Pharmacopoeia, official National Formulary, or Federal Food and Drug Administration Approved Animal Drug Products, or any supplement to them.

(ii) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals.

(iii) Substances (other than food) intended to affect the structure or any function of the human body or other animal body.

(iv) Substances intended for use as a component of any substance specified in subparagraph (i), (ii) or (iii), but not including devices as that term is defined in section 2 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § 780-102).

(2) The term "prescription drug" means any drug required by Federal law, including Federal regulation, to be dispensed only by a prescription.

(b) A veterinarian shall only prescribe prescription drugs to animals that are under the veterinarian's care. "Under the veterinarian's care" means that the veterinarian or one of the veterinarian's licensed associates has examined the animal or has made medically appropriate and timely visits to the premises where the animal is kept.

(c) Prescription drugs dispensed by a veterinarian, other than drugs for food animals, shall be dispensed in child resistant packaging or in the manufacturer's original packaging, except when the client specifically requests other packaging.

(d) Prescription drugs dispensed by a veterinarian shall be labeled with, at a minimum, the following information:

- (1) The name, address and telephone number of the prescribing veterinarian and the name and telephone number of the dispenser, if different.
- (2) The brand or generic name of the drug.
- (3) The potency and the quantity of the drug.
- (4) The number of refills allowed, if any.
- (5) Adequate directions for use, which shall include quantity of dose, frequency of administration or application, duration of administration or application, and route or method of administration or application.
- (6) Any cautionary statement specified by the veterinarian or required by law.
- (7) The name of the patient, if applicable.
- (8) The date the drug was dispensed.
- (9) The expiration date of the drug.

(e) Veterinarians shall dispense or administer only drugs, including prescription drugs, that are within the expiration date specified by the manufacturer, and shall dispense or administer only drugs that will not expire within the prescribed treatment period.

(f) Veterinarians shall maintain records related to drugs in accordance with § 31.22 (relating to recordkeeping rationale).

#### **Authority**

The provisions of this § 31.21 amended under sections 5(2) and 21(12) of the Veterinary Medicine Practice Act (63 P. S. §§ 485.5(2) and 485.21(12)).

#### **Source**

The provisions of this § 31.21 adopted February 1, 1965; amended January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended March 18, 1994, effective March 19, 1994, 24 Pa.B. 1481; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5870; amended May 12, 2000, effective May 13, 2000, 30 Pa.B. 2357; amended December 5, 2003, effective December 6, 2003, 33 Pa.B. 5920; amended April 17, 2009, effective April 18, 2009, 39 Pa.B. 1985. Immediately preceding text appears at serial pages (308296) to (308298), (309617) to (309618) and (342135).

#### **Cross References**

This section cited in 49 Pa. Code § 31.38 (relating to code of ethics for certified veterinary technicians); and 49 Pa. Code § 43b.21 (relating to schedule of civil penalties—veterinarians and veterinary technicians—statement of policy).

### **§ 31.22. Recordkeeping.**

Veterinary medical records serve as a basis for planning patient care and as a means of communicating among members of the veterinary practice. The records

furnish documentary evidence of the patient's illness, hospital care and treatment and serve as a basis for review, study and evaluation of the care and treatment rendered by the veterinarian. A veterinary medical record shall be kept in a problem-oriented or similar format that allows any veterinarian, by reading the record, to proceed with the care and treatment of the patient and allow the Board or other agency to determine the advice and treatment recommended and performed. This section does not apply to laboratory animal practice.

(1) *Record required.* A veterinarian shall maintain a separate veterinary medical record for each patient, herd or group, as appropriate, which accurately, legibly and completely reflects the evaluation and treatment of the patient or patients. The veterinary medical record must identify the treating individual after each chart entry.

(2) *Identity of patient.* The veterinary medical record must include, at a minimum, the following information to identify the patient, herd or group:

(i) Client identification.

(ii) Appropriate patient identification, which may include species, breed, age, sex, weight, name or identity number or numbers, color and identifying markings, and whether neutered, spayed or intact.

(3) *Minimum content of record.* Production animal veterinarians shall comply with all Federal recordkeeping requirements, including requirements in 9 CFR (relating to animals and animal products). Veterinary medical records for other animals must include:

(i) Vaccination history.

(ii) Previous medical history, presenting symptoms and complaint.

(iii) Date of each examination.

(iv) Diagnosis.

(v) Results and findings of pathological or clinical laboratory examination.

(vi) Findings of radiological examination.

(vii) Medical or surgical treatment.

(viii) Other diagnostic, corrective or therapeutic procedures.

(ix) Documentation of drugs administered, prescribed or dispensed, including dosage.

(x) Documentation of surgical and dental procedures, including type and dosage of anesthesia, and dental charting.

(4) *Communication with client.* The veterinary medical record of any patient, except a production animal, must document communication with the client, including the client's consent to or rejection of recommended diagnostic tests, treatments and drugs.

(5) *Retention of records.* Records shall be maintained for a minimum of 3 years from the date that the patient was last treated by the veterinarian.

(6) *Ownership and use of records.* The records of a veterinary practice are the sole property of that facility, and when a veterinarian leaves salaried employment therein, the departing veterinarian may not copy, remove or make subsequent use of the records, without the consent of the owner of the veterinary practice.

(7) *Radiographs.* A radiograph is the property of the veterinary practice that originally ordered it to be prepared. Radiographs shall be properly identified by hospital name, date, name of client, name of patient and positional marker. A radiograph shall be released upon the written request of another veterinarian who has the written authorization of the client. The radiograph shall be returned to the veterinary practice that originally ordered it to be prepared within a reasonable time.

(8) *Release of information to clients.* A veterinarian shall release a summary or a copy of the veterinary medical records of a patient to the client within 3 business days of receipt of the client's written request. A veterinarian may charge a reasonable fee for duplicating veterinary medical records and for preparation of veterinary medical record file summaries for release to clients. A veterinarian may not withhold the release of veterinary medical records or summaries to clients for nonpayment of a professional fee. The release of veterinary medical records or summaries to clients under these circumstances does not constitute a waiver by the veterinarian of the fee claimed.

(9) *Veterinary medical records for vaccination clinics.* A veterinarian providing veterinary medical services to the public for a public health vaccination clinic or an animal health vaccination clinic shall prepare a veterinary medical record that includes, at a minimum, an identification of the client and patient, the vaccine lot number, and the date and dosage administered. A veterinarian who provides veterinary medical services to a vaccination clinic shall provide a means for clients to obtain advice pertaining to postvaccine reactions for the 24-hour period immediately following the time of vaccination.

(10) *Veterinary records of retiring veterinarian or a veterinary practice that is closing.* A veterinarian shall notify clients, in writing, at least 30 days prior to the date of a planned retirement or closing of a veterinary practice. The written notice must include instructions on how to obtain copies of veterinary medical records from the veterinarian or other custodian of the records and the name, address and telephone number of the person purchasing the practice, if applicable. Veterinary medical records must remain available to clients for 3 years after the date the veterinarian retires or the practice is closed. If prior notice could not be provided, a successor veterinarian shall notify clients within 60 days of the date the successor takes over the practice.

#### Authority

The provisions of this § 31.22 amended under section 27.1 of the Veterinary Medicine Act (63 P. S. § 485.27a).

#### Source

The provisions of this § 31.22 adopted May 20, 1994, effective May 21, 1994, 24 Pa.B. 2611; amended July 13, 2007, effective July 14, 2007, 37 Pa.B. 3240. Immediately preceding text appears at serial pages (309619) to (309620).

#### Cross References

This section cited in 49 Pa. Code § 31.21 (relating to rules of professional conduct for veterinarians).

### 31-16.2

**VETERINARY TECHNICIANS AND NONCERTIFIED EMPLOYEES****§ 31.31. Scope of practice.**

(a) *Certified veterinary technicians.* A certified veterinary technician may perform the duties enumerated in this subsection under direct veterinary supervision or indirect veterinary supervision as indicated. While some of the enumerated duties may be applicable primarily to small animal practices, the intended scope of this subsection is both large and small animal practices. This subsection does not prohibit the performance by a certified veterinary technician of a service which is not listed in this subsection if the service is within the certified veterinary technician's skills, forms a usual component of the veterinarian's scope of practice, and is requested by the supervising veterinarian. The veterinarian bears ultimate responsibility for assuring that the certified veterinary technician to whom a duty is assigned is competent to perform it.



(1) A certified veterinary technician may do the following only under direct veterinary supervision:

- (i) Administer anesthesia—including induction, intubation, maintenance and recovery and intravenous sedation.
- (ii) Perform dental prophylaxis.
- (iii) Establish an open airway.
- (iv) Administer resuscitative oxygen procedures.
- (v) Administer external cardiac resuscitation.
- (vi) Administer resuscitative drugs, in the event of cardiac arrest.

(2) Except as provided in paragraph (3), a certified veterinary technician may do the following under indirect veterinary supervision:

- (i) Perform diagnostic imaging.
- (ii) Perform intravenous catheterization.
- (iii) Administer immunizations which are not required by law to be administered in the presence of a licensed veterinarian.
- (iv) Administer and apply medications and treatments by routes, including intramuscular, intravenous and subcutaneous.
- (v) Apply bandages.
- (vi) Perform cardiac monitoring.
- (vii) Perform appropriate procedures to control bleeding.
- (viii) Apply splints or immobilizing bandages.
  
- (ix) Perform ear flushing.
- (x) Implant an electronic identification device.

(3) If an animal is under anesthesia, a certified veterinary technician may perform the services listed in paragraph (2) only under direct veterinary supervision.

(4) Emergency treatment by certified veterinary technicians is permitted without veterinary supervision when an animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain the animal's life. The certified veterinary technician shall immediately take steps to secure the direct supervision of a veterinarian. Emergency treatment may only consist of those duties enumerated under paragraphs (1) and (2).

(b) *Noncertified employees.* Noncertified employees may perform the duties enumerated in this subsection under direct veterinary supervision or immediate veterinary supervision, as indicated. While some of the enumerated duties may be applicable primarily to small animal practices, the intended scope of this subsection is both large and small animal practices. This subsection does not prohibit a noncertified employee from administering medication or rendering auxiliary or other supporting assistance which is not listed in this subsection if the service is within the noncertified employee's skills and is requested by the supervising veterinarian. The veterinarian bears ultimate responsibility for assuring that the noncertified employee to whom a duty is assigned is competent to perform it.

- (1) A noncertified employee may do the following under direct veterinary supervision:
- (i) Perform ear flushing.
  - (ii) Perform dental prophylaxis.
  - (iii) Perform diagnostic imaging.
  - (iv) Perform intravenous catheterization.
  - (v) Administer immunizations which are not required by law to be administered in the presence of a licensed veterinarian.
  - (vi) Administer and apply medications and treatments by routes, including intramuscular, subcutaneous and previously catheterized vein.
  - (vii) Apply bandages.
  - (viii) Perform cardiac monitoring.
  - (ix) Perform appropriate procedures to control bleeding.
  - (x) Maintain anesthesia and monitor recovery from anesthesia.
  - (xi) Implant an electronic identification device.
- (2) A noncertified employee may do the following only under immediate veterinary supervision:
- (i) Administer anesthesia—including induction, intubation and intravenous sedation.
  - (ii) Establish an open airway.
  - (iii) Administer resuscitative oxygen procedures.
  - (iv) Administer external cardiac resuscitation.
  - (v) Administer resuscitative drugs, in the event of cardiac arrest.
- (3) Emergency treatment by noncertified employees is permitted without veterinary supervision when an animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain the animal's life. The noncertified employee shall immediately take steps to secure the direct supervision of a veterinarian. Emergency treatment may only consist of those duties enumerated under paragraphs (1) and (2)(i)—(iv).
- (c) *Prohibited acts.* Neither certified veterinary technicians nor noncertified employees may do the following:
- (1) Perform surgery.
  - (2) Diagnose.
  - (3) Prognose.
  - (4) Prescribe, including treatments, medications or appliances.
  - (5) Attest to health status.

#### Authority

The provisions of this § 31.31 amended under sections 3(10)(viii) and 5(2) of the Veterinary Medicine Practice Act (63 P. S. §§ 485.3(10)(viii) and 485.5(2)).

**Source**

The provisions of this § 31.31 adopted January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5959; amended December 17, 2004, effective December 18, 2004, 34 Pa.B. 6650. Immediately preceding text appears at serial pages (301415) to (301416) and (287867) to (287868).

**Cross References**

This section cited in 49 Pa. Code § 31.39 (relating to grounds for disciplinary proceedings).

**§ 31.32. Certification.**

(a) As a prerequisite to original certification as a veterinary technician, an applicant shall submit the following documentation to the Board:

(1) A completed and signed application for veterinary technician certification.

(2) Evidence of satisfactory performance on the proficiency examination as determined by the Board.

(3) Evidence of satisfactory completion of an approved program for the training and education of veterinary technicians.

(4) A letter of good standing from the licensure board of each state where the applicant has held a license as a veterinary technician, if any, reporting the outcome of disciplinary actions taken against the applicant in that state.

(5) A statement from the applicant that the applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country within the last 10 years. An applicant convicted of such a felony more than 10 years ago shall also submit the following:

(i) Proof that at least 10 years have elapsed from the date of conviction.

(ii) Satisfactory documentary evidence that the applicant has made significant progress in personal rehabilitation since the conviction so that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations.

(iii) Satisfactory documentary evidence that the applicant otherwise satisfies the qualifications contained in the Board's regulations.

(b) The fee for application for certification is as specified in § 31.41 (relating to schedule of fees).

**Authority**

The provisions of this § 31.32 issued under sections 506 and 812.1 of The Administrative Code of 1929 (71 P. S. §§ 186 and 279.3a); sections 5 and 11 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.5 and 485.11); amended under sections 3(10)(viii), 5(2) and 13 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.3(10)(viii), 485.5(2) and 485.13).

**Source**

The provisions of this § 31.32 adopted January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended August 13, 1982, effective August 14, 1982, 12 Pa.B. 2688; amended January 20, 1989, effective January 21, 1989, 19 Pa.B. 237; amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5959; amended April 12, 2002, effective April 13, 2002, 32 Pa.B. 1861; amended December 17, 2004, effective December 18, 2004, 34 Pa.B. 6650. Immediately preceding text appears at serial pages (287868) to (287869).

**Cross References**

This section cited in 49 Pa. Code § 31.33 (relating to applications); and 49 Pa. Code § 31.39 (relating to grounds for disciplinary proceedings).

**§ 31.33. Applications.**

(a) An applicant for certification by examination shall complete and file an application with the Board as specified in § 31.32 (relating to certification) and remit to the Board the fee specified in § 31.41 (relating to schedule of fees). An applicant for certification by examination shall also complete and file an application for the Veterinary Technician National Examination and the required fee directly with the professional testing organization. Both applications may be obtained from the professional testing organization.

(b) An applicant for certification as a veterinary technician by endorsement shall complete and file with the Board an application for certification by endorsement on forms prescribed by the Board. The application form may be obtained from the Administrative Office of the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649 or by accessing the Board's web page at [www.dos.state.pa.us/bpoa/vetbd/mainpage.htm](http://www.dos.state.pa.us/bpoa/vetbd/mainpage.htm).

**Authority**

The provisions of this § 31.33 issued under sections 506 and 812.1 of The Administrative Code of 1929 (71 P. S. §§ 186 and 279.3a); sections 5 and 11 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.5 and 485.11); amended under sections 3(10)(viii), 5(2) and 13 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.3(10)(viii), 485.5(2) and 485.13).

**Source**

The provisions of this § 31.33 adopted January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended August 13, 1982, effective August 14, 1982, 12 Pa.B. 2688; amended January 20, 1989, effective January 21, 1989, 19 Pa.B. 237; amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5959; amended April 12, 2002, effective April 13, 2002, 32 Pa.B. 1861; amended December 17, 2004, effective December 18, 2004, 34 Pa.B. 6650. Immediately preceding text appears at serial pages (287869) to (287870).

**Cross References**

This section cited in 49 Pa. Code § 31.35 (relating to examinations); and 49 Pa. Code § 31.39 (relating to grounds for disciplinary proceedings).

**§ 31.34. Qualification for examination.**

An applicant for examination shall be a graduate of an approved school.

**Authority**

The provisions of this § 31.34 amended under sections 5(7) and 11 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.5(7) and 485.11).

**Source**

The provisions of this § 31.34 adopted January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5959; amended April 12, 2002, effective April 13, 2002, 32 Pa.B. 1861. Immediately preceding text appears at serial page (206155).

**Cross References**

This section cited in 49 Pa. Code § 31.39 (relating to grounds for disciplinary proceedings).

**§ 31.35. Examinations.**

(a) The examination required for certification as an veterinary technician is the Veterinary Technician National Examination (VTNE).

(b) An applicant failing to pass an examination for which the applicant has previously qualified shall be reexamined at the applicant's request by submitting a new application and by paying the required fee.

(c) The Board may waive the VTNE if an applicant satisfies the following requirements:

- (1) Has met all of the requirements provided for in the act.
- (2) Has filed the required application as provided in § 31.33 (relating to applications).
- (3) Has been issued a certificate as an animal health technician or a veterinary technician in another state whose requirements are at least equal to those of the Commonwealth; a copy of this certificate and proof of current good standing shall be submitted.

**Authority**

The provisions of this § 31.35 amended under sections 3(10)(viii), 5(2) and (7) and 11 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.3(10)(viii), 485.5(2) and (7) and 485.11).

**Source**

The provisions of this § 31.35 adopted January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5959; amended April 12, 2002, effective April 13, 2002, 32 Pa.B. 1861; amended December 17, 2004, effective December 18, 2004, 34 Pa.B. 6650. Immediately preceding text appears at serial pages (287870) and (302289).

**Cross References**

This section cited in 49 Pa. Code § 31.39 (relating to grounds for disciplinary proceedings).

**§ 31.36. Renewal of certification, inactive status and reactivation of certification.**

(a) *Renewal of certification.* Renewal of certification shall be biennially. A renewal application shall be returned by the renewal deadline and shall be accompanied by an affidavit of attendance at continuing education programs for 16

hours every 2 years, and by a fee as specified in § 31.41 (relating to schedule of fees). A certified veterinary technician who fails to biennially renew certification, but who continues to practice as a certified veterinary technician in this Commonwealth shall be subject to disciplinary action by the Board, and will be required to pay a late fee of \$5 for each month or part of a month beyond the date specified for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225), in addition to the prescribed biennial renewal fee.

(b) *Inactive status.* Certified veterinary technicians who are not practicing in this Commonwealth may request that their certification be placed on inactive status, during which time renewal fees will not be assessed.

(c) *Reactivation of certification.* Certified veterinary technicians who desire to reactivate certification may do so by complying with the continuing education requirements in effect at the time of reactivation, paying the current renewal fee and submitting a notarized affidavit to the Board setting forth the period of time in which the certificateholder did not practice in this Commonwealth. Certified veterinary technicians who seek to reactivate certification will not be assessed a late renewal fee for the preceding biennial renewal periods in which the certificateholder did not engage in practice in this Commonwealth.

#### Authority

The provisions of this § 31.36 issued under sections 506 and 812.1 of The Administrative Code of 1929 (71 P. S. §§ 186 and 279.3a); sections 5 and 11 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.5 and 485.11); amended under sections 13 and 18 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.13 and 485.18).

#### Source

The provisions of this § 31.36 adopted January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended August 13, 1982, effective August 14, 1982, 12 Pa.B. 2688; amended January 20, 1989, effective January 21, 1989, 19 Pa.B. 237; amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5959; amended January 16, 2004, effective January 17, 2004, 34 Pa.B. 388. Immediately preceding text appears at serial pages (287871) to (287872).

#### Cross References

This section cited in 49 Pa. Code § 31.39 (relating to grounds for disciplinary proceedings); and 49 Pa. Code § 43b.21 (relating to schedule of civil penalties—veterinarians and veterinary technicians—statement of policy).

### § 31.37. [Reserved].

#### Source

The provisions of this § 31.37 adopted January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; reserved December 22, 1995, effective December 23, 1995, 25 Pa.B. 5959. Immediately preceding text appears at serial page (154113).

**§ 31.38. Code of ethics for certified veterinary technicians.**

(a) The certificate of a certified veterinary technician will only be valid for use when the holder is in the employ of or under the supervision of a veterinarian licensed in this Commonwealth.

(b) The holder of a certificate may not accept a direct fee for services rendered as a certified veterinary technician from other than the certificateholders' employer.

(c) A certified veterinary technician may not compromise the confidentiality of the doctor-client relationship.

(d) A certified veterinary technician who deals or communicates directly with a client shall explain to the client that the certified veterinary technician is not a veterinarian.

(e) A certified veterinary technician shall be responsible to the client and to the veterinarian in the following respects:

(1) To undertake only what the veterinarian authorizes or directs.

(2) To perform the veterinary technician's work only in the manner directed by the veterinarian and to employ the veterinary technician's best care and skill in performing all work for the veterinarian. The veterinary technician may not undertake any work which the veterinary technician is not capable of performing satisfactorily.

(f) A certified veterinary technician may not undertake an assignment that the certificateholder is not capable of performing.

(g) A certified veterinary technician may not make a false, deceptive or misleading statement or claim. A false, deceptive or misleading statement or claim includes the statements and claims defined in Principle 5(a) of § 31.21 (relating to Rules of Professional Conduct for Veterinarians) and any representation that the certified veterinary technician is a specialist, or a VTS, unless the certified veterinary technician holds current certification from a specialty organization recognized by the National Association of Veterinary Technicians in America.

**Authority**

The provisions of this § 31.38 amended under sections 3(10)(viii), 5(2) and (11) of the Veterinary Medicine Practice Act (63 P. S. §§ 485.3(10)(viii), 485.5(2) and 485.11).

**Source**

The provisions of this § 31.38 adopted January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5959; amended December 17, 2004, effective December 18, 2004, 34 Pa.B. 6650; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3365. Immediately preceding text appears at serial page (308309).

**Cross References**

This section cited in 49 Pa. Code § 31.39 (relating to grounds for disciplinary proceedings).

**§ 31.39. Grounds for disciplinary proceedings.**

(a) The Board may suspend or revoke certification of a veterinary technician or otherwise discipline a certified veterinary technician or refuse to certify an applicant, or, upon certification, restrict the practice of an applicant who is found guilty by the Board or by a court of one or more of the following:

- (1) Willful or repeated violations of the act or of §§ 31.31—31.36 and 31.38.
  - (2) Fraud or deceit in procuring or attempting to procure certification or presenting to the Board dishonest or fraudulent evidence of qualifications, or fraud or deception in the process of examination for the purpose of securing certification.
  - (3) Fraud, deception, misrepresentation or dishonest or illegal practices in or connected with the person's employment.
  - (4) Revocation, suspension or other discipline by another state of the certification of the person as an animal health technician or a veterinary technician on grounds similar to those which in this Commonwealth allow disciplinary proceedings, in which case the revocation, suspension or other discipline shall be conclusive evidence.
  - (5) Conviction of or plea of guilty or nolo contendere to a violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780.101—780.144), in which case a certified copy of the court record shall be conclusive evidence.
  - (6) Conviction of a felony, a misdemeanor related to the profession or a crime of moral turpitude in the courts of this Commonwealth or of a state, territory or country which, if committed in this Commonwealth, would be deemed a felony, misdemeanor related to the profession or crime of moral turpitude and suspension, revocation or other discipline is in the best interest of the public health and the general safety and welfare of the public. A record of conviction in a court of competent jurisdiction shall be sufficient evidence for disciplinary action to be taken as may be deemed proper by the Board.
  - (7) Permitting or allowing another to use his certification.
  - (8) Addiction to the habitual use of intoxicating liquors, narcotics or stimulants to an extent that incapacitates the certified veterinary technician from the performance of professional obligations or duties.
- (b) Certified veterinary technicians and noncertified employees who deviate from the permitted scope of practice as set forth in § 31.31 (relating to scope of practice) will be subject to prosecution and the levying of a civil penalty by the Board under section 28(c) of the act (63 P. S. § 485.28(c)). Veterinarians who permit, order or direct certified veterinary technicians or noncertified employees to perform duties which are not authorized by § 31.31 will be subject to disciplinary action by the Board under section 21 of the act (63 P. S. § 485.21).
- (c) Disciplinary action by the Board will be taken only after a formal hearing has been held in accordance with the act.

#### Authority

The provisions of this § 31.39 amended under sections 3(10)(viii), 5(2) and (7) and 11 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.3(10)(viii), 485.5(2) and (7) and 485.11).

**Source**

The provisions of this § 31.39 adopted January 12, 1979, effective January 13, 1979, 9 Pa.B. 154; amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5959; amended April 12, 2002, effective April 13, 2002, 32 Pa.B. 1861; amended December 17, 2004, effective December 18, 2004, 34 Pa.B. 6650. Immediately preceding text appears at serial pages (302290) to (302292).

**§ 31.40. Continuing education provider approval.**

(a) The Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers as long as the programs are specifically designed to increase the skills, knowledge and competency of certified veterinary technicians:

- (1) The American Veterinary Medical Association (AVMA).
- (2) Approved schools.
- (3) Allied organizations of the AVMA.
- (4) Major regional veterinary organizations approved by the AVMA.
- (5) The Pennsylvania Veterinary Medical Association and its constituent associations.
- (6) Other states' veterinary medical associations.
- (7) The Veterinary Technicians and Assistants Association of Pennsylvania (VTAAP).
- (8) Specialty boards of the AVMA.
- (9) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB) to offer courses for certified veterinary technicians.

(b) Continuing education courses which are offered by providers not covered under subsection (a) shall receive prior approval of the Board. An application for approval of continuing education programs may be obtained from the Administrative Office of the Board, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389. A request for approval shall be filed with the Board at least 60 days prior to the date of the proposed program, and shall be accompanied by the fee required by § 31.41.

(c) Organizations approved under subsections (a) and (b) shall provide certification of attendance to the certified veterinary technician which includes the name of the sponsor, the name of the licensee, the title of the course, the date of the course, the number of credit hours and the signature of the person authenticating attendance. Organizations approved under subsection (b) shall also provide the Pennsylvania approval number.

- (d) Instructors of continuing education programs may include:
- (1) Members of the faculties of approved schools.
  - (2) Licensed doctors of veterinary medicine in this Commonwealth or in another state who are not faculty members of those schools covered under paragraph (1) if, by virtue of their professional activities and achievements in

a particular field, the doctors are recognized by the Board as qualified to speak on subjects of pertinent value to veterinary technicians.

(3) Other lecturers or instructors who are not licensed to practice veterinary medicine, if the Board determines that they are qualified to speak upon a subject which will be of value to the profession.

(e) A resume of the qualifications of instructors of continuing education programs under subsection (d)(3) shall be included with the application for approval of continuing education programs. This subsection does not apply to providers enumerated under subsection (a).

**Authority**

The provisions of this § 31.40 amended under sections 3(10)(viii), 5(2), 11 and 18 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.3(10)(viii), 485.5(2), 485.11 and 485.18).

**Source**

The provisions of this § 31.40 adopted December 22, 1995, effective December 23, 1995, 25 Pa.B. 5959; amended January 16, 2004, effective January 17, 2004, 34 Pa.B. 388; amended December 17, 2004, effective December 18, 2004, 34 Pa.B. 6650. Immediately preceding text appears at serial pages (302292) to (302293).

**FEES**

**§ 31.41. Schedule of fees.**

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

*Veterinarians:*

Application to original, reactivated, reissued or reciprocal license . . . . .	\$ 35
Application for continuing education program approval . . . . .	\$ 35
Verification of licensure . . . . .	\$ 15
Certification of scores or hours . . . . .	\$ 25
Temporary permit . . . . .	\$ 35
Biennial renewal . . . . .	\$300
Late renewal fee per month or part of month . . . . .	\$ 5

*Veterinary technicians:*

Application for certification . . . . .	\$ 35
Application for continuing education program approval . . . . .	\$ 35
Verification of certification . . . . .	\$ 15
Certification of scores or hours . . . . .	\$ 25
Biennial renewal . . . . .	\$ 75
Late renewal fee per month or part of month . . . . .	\$ 5

**Authority**

The provisions of this § 31.41 issued under section 13 of the Veterinary Medicine Practice Act (63 P. S. § 485.13); amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and sections 5(7), 9 and 11 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.5(7), 485.9 and 485.11).

**Source**

The provisions of this § 31.41 adopted January 20, 1989, effective January 21, 1989, 19 Pa.B. 237; amended November 23, 1990, effective November 24, 1990, 20 Pa.B. 5837; amended April 10, 1992, effective April 11, 1992, 22 Pa.B. 1756; amended April 30, 1993, effective May 1, 1993, 23 Pa.B. 2117; amended May 12, 1995, effective May 13, 1995, 25 Pa.B. 1858; amended December 8, 1995, effective December 9, 1995, 25 Pa.B. 5586; amended March 12, 1999, effective March 13, 1999, 29 Pa.B. 1392; amended May 26, 2000, effective immediately, and apply to examinations administered after April 12, 2000, 30 Pa.B. 2583; amended June 16, 2000, effective June 17, 2000, 30 Pa.B. 3044; corrected September 29, 2000, effective May 1, 1999, 30 Pa.B. 5017; amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 5954; amended April 12, 2002, effective April 13, 2002, 32 Pa.B. 1861; amended August 18, 2006, effective August 19, 2006, 36 Pa.B. 4608. Immediately preceding text appears at serial pages (308312) to (308313).

**Cross References**

This section cited in 49 Pa. Code § 31.11 (relating to application for licensure); 49 Pa. Code § 31.12 (relating to temporary permits); 49 Pa. Code § 31.13 (relating to licensure renewal); 49 Pa. Code § 31.16 (relating to continuing education provider approval); 49 Pa. Code § 31.32 (relating to certification); 49 Pa. Code § 31.33 (relating to applications); 49 Pa. Code § 31.36 (relating to renewal of certification; inactive status and reactivation of certification); and 49 Pa. Code § 31.40 (relating to continuing education provider approval).

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