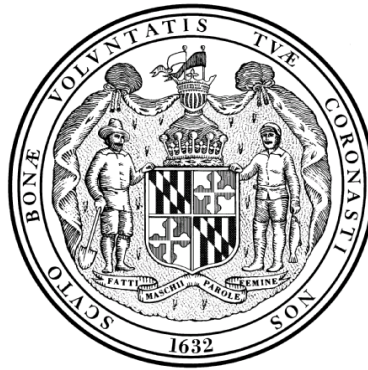


MARYLAND DEPARTMENT OF AGRICULTURE

**ANNOTATED CODE OF MARYLAND
AGRICULTURE ARTICLE, TITLE 2 SUBTITLES 3 AND 17**

**CODE OF MARYLAND REGULATIONS
15.01.11 AND 15.14**

**BOARD OF VETERINARY MEDICAL
EXAMINERS**



Effective September, 2019

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BOARD OF VETERINARY MEDICAL EXAMINERS
AGRICULTURE ARTICLE

TITLE 2. DEPARTMENT OF AGRICULTURE

Subtitle 3. State Board of Veterinary Medical Examiners

§ 2–301. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Board.* — “Board” means the State Board of Veterinary Medical Examiners.

(b-1) *Compounded nonsterile preparations.* — “Compounded nonsterile preparations” has the meaning stated in § 12–101 of the Health Occupations Article.

(b-2) *Compounded sterile preparations.* — “Compounded sterile preparations” has the meaning stated in § 12–101 of the Health Occupations Article.

(b-3) *Convicted.* — “Convicted” includes:

- (1) A finding of guilt by a court or a jury; and
- (2) The acceptance by a court of a defendant’s plea of guilty, nolo contendere, or Alford plea.

(c) *Direct supervision.* — “Direct supervision” means that a veterinarian licensed and registered in the State is in the immediate vicinity where veterinary medicine is being performed and is actively engaged in the supervision of the practice of veterinary medicine.

(d) *License.* — “License” means a license to practice veterinary medicine in the State.

(e) *Member.* — “Member” means a member of the State Board of Veterinary Medical Examiners.

(f) *Practice of veterinary medicine.* — “Practice of veterinary medicine” includes, the practice by any person who:

- (1) Diagnoses, advises, prescribes, or administers a drug, medicine, biological product, appliance, application, or treatment of any nature, for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal;
- (2) Performs a surgical operation, including cosmetic surgery, upon any animal;
- (3) Performs dentistry on any animal;
- (4) Performs any manual procedure upon an animal for the diagnosis or treatment of sterility or infertility of the animal;

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(5) Represents himself as engaged in the practice of veterinary medicine;

(6) Offers, undertakes, or holds himself out as being able to diagnose, treat, operate, vaccinate, or prescribe for any animal disease, pain, injury, deformity, or physical condition; or

(7) Uses any words, letters, or titles in connection or under circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine. This use is prima facie evidence of the intention to represent himself as engaged in the practice of veterinary medicine.

(g) *Practice of veterinary medicine – Exclusions.* — The term “practice of veterinary medicine” does not include or apply to:

(1) Any person practicing veterinary medicine in the performance of civil or military official duties in the service of the United States or of the State;

(2) Experimentation and scientific research of biological chemists or technicians engaged in the study and development of methods and techniques, directly or indirectly related or applicable to the problems of the practice of veterinary medicine;

(3) A person who advises with respect to or performs acts which the Board, by rule or regulation, has prescribed as accepted management practices in connection with livestock production;

(4) A physician licensed to practice medicine in the State or to his assistant while engaged in educational research;

(5) A person administering to the ills and injuries of his own animals if they otherwise comply with all laws, rules and regulations relative to the use of medicines and biologics;

(6) A farrier or a person actively engaged in the art or profession of horseshoeing as long as his actions are limited to the art of horseshoeing or trimming and maintaining horse hooves;

(7) Any nurse, attendant, technician, intern, or other employee of a licensed and registered veterinarian when administering medication or rendering auxiliary or supporting assistance under the responsible direct supervision of a licensed and registered veterinarian;

(8) A person who floats (files) equine teeth or removes caps;

(9) A person who scales or cleans animal teeth;

(10) A registered veterinary technician when performing a procedure under the responsible direct supervision of a veterinary practitioner as provided by regulations adopted by the Board;

(11) A person practicing acupuncture in accordance with the principles of oriental medical theories if the person:

(i) Is licensed under Title 1A of the Health Occupations Article;

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(ii) Is certified as an animal acupuncturist by the Board of Acupuncture;

(iii) Practices only acupuncture, acupressure, and moxibustion;

(iv) Cooperates and consults with a veterinary practitioner by:

1. Beginning acupuncture treatment on an animal only if the animal has been seen by a veterinary practitioner within the previous 14 days;

2. Adhering to the terms and conditions of treatment decided by the veterinary practitioner, including the degree of communication and collaboration between the veterinary practitioner and the person practicing acupuncture;

3. Reporting to the veterinary practitioner at the end of treatment or at monthly intervals, at the discretion of the veterinary practitioner; and

4. Not working on an animal for which the person has not been appropriately trained, in accordance with regulations adopted by the Board of Acupuncture; and

(v) Has successfully completed a specialty training program in animal acupuncture that:

1. Is approved by the Board of Acupuncture;

2. Is offered by a school holding nationally recognized accreditation;

3. Consists of at least 135 hours; and

4. Enables the person to:

A. Design effective treatments of animals based on traditional acupuncture theories and principles, including appropriate knowledge of functional animal anatomy and physiology;

B. Handle and restrain animals to the extent appropriate in the practice of acupuncture;

C. Demonstrate sufficient knowledge of animal diseases and zoonoses that would require the immediate attention of a veterinary practitioner; and

D. Communicate effectively with a veterinary practitioner;

(12) A veterinarian licensed in another jurisdiction while consulting with a veterinary practitioner in this State; or

(13) A student of veterinary medicine practicing veterinary medicine who has successfully completed 3 years of veterinary education at an institution approved by the Board and who works under the responsible direct supervision, as defined by the Board, of a veterinary practitioner.

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(h) *Veterinarian*. — “Veterinarian” means any person who is a graduate of a college of veterinary medicine.

(i) *Veterinary practitioner*. — “Veterinary practitioner” means a licensed and registered veterinarian engaged in the practice of veterinary medicine.

(j) *Veterinary technician*. — “Veterinary technician” means a person who is registered with the Board as a veterinary technician.

§ 2–302. State Board of Veterinary Medical Examiners.

(a) *Established in Department*. — There is a State Board of Veterinary Medical Examiners in the Department.

(b) *Composition*. — The Board has seven members, five of whom:

- (1) Are licensed and registered veterinarians of the State;
- (2) Are residents of the State;
- (3) Have engaged in active practice for five years at some time;
- (4) Are in good standing; and
- (5) Are appointed and qualified.

Of these five veterinarian members, at least two must have their practices predominantly for large animals. Two members of the Board shall not be veterinarians.

(c) *Appointment of members*. — The Governor shall appoint the members of the Board with the advice and consent of the Senate. Each appointment shall be made from a list of at least three names for each vacancy submitted to the Governor, or to the Governor-elect, by the Secretary.

(d) *Tenure*. — Each member serves a term of five years or until his successor is elected and qualified. A member is not eligible to serve for more than two full successive terms except as otherwise provided in this section. If any member ceases legally and physically to reside in the State, his office is vacant.

(e) *Removal*. — The Governor shall remove any of the members for misconduct in office, incompetence, immorality, willful neglect of duty, or any cause which is a ground for revocation of a license to practice veterinary medicine in the State. The member may be removed only after reasonable notice and an opportunity for hearing is provided.

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§ 2–302.1. Veterinary review committee.

(a) *“Veterinary review committee” defined.* — In this section, “veterinary review committee” means a committee or board that:

- (1) Is within one of the categories described in subsection (b) of this section; and
- (2) Performs any of the functions listed in subsection (c) of this section.

(b) *Categories.* — For purposes of this section, a veterinary review committee is:

- (1) A regulatory board or agency that is established by State or federal law to license, certify, or discipline any veterinary practitioner;
- (2) A committee of the Maryland Veterinary Medical Association or any of its component societies; or
- (3) Any person who contracts with a veterinary practitioner to perform any of those functions listed in subsection (c) of this section that are limited to the review of services provided by the veterinary practitioner.

(c) *Powers and duties.* — For purposes of this section, a veterinary review committee has the following powers and duties:

- (1) To evaluate and seek to improve the quality of veterinary care that is provided by veterinary practitioners;
- (2) To evaluate the need for and the level of performance of veterinary care that is provided by veterinary practitioners; or
- (3) To evaluate and provide assistance to any veterinary practitioner who is in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(d) *Proceedings, etc., not discoverable — In general.* — Except as otherwise provided in the section, the proceedings, records, and files of a veterinary review committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being reviewed and evaluated by the veterinary review committee.

(e) *Proceedings, etc., not discoverable — Exception.* — Subsection (d) of this section does not apply to:

- (1) A civil action brought by a party who claims to be aggrieved by a decision of the veterinary review committee; or
- (2) Any record or document that:
 - (i) Is considered by a veterinary review committee; and
 - (ii) Otherwise would be subject to discovery and introduction into evidence in a civil trial.

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(f) *Limitation of civil liability.* — A person who acts in good faith and within the scope of jurisdiction of a veterinary review committee is not civilly liable for:

- (1) Any action as a member of the veterinary review committee; or
- (2) Giving information to, participating in, or contributing to the function of the veterinary review committee.

§ 2–303. Establishment of Fund; fees; disposition of funds collected.

(a) *Establishment.* — There is a State Board of Veterinary Medical Examiners Fund.

(b) *Board to set fees.* — (1) The Board shall set reasonable fees necessary to carry out its responsibilities under this subtitle.

(2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the Board as provided in subsection (e) of this section.

(c) *Publication of fees.* — The Board shall publish in its rules and regulations the fees that it sets.

(d) *Payment and distribution of fees.* — (1) The Board shall pay all fees collected under the provisions of this title to the Comptroller of the State.

(2) The Comptroller shall distribute the fees received from the Board to the Board of Veterinary Medical Examiners Fund.

(e) *Purpose and nature of Fund.* — (1) The Board of Veterinary Medical Examiners Fund shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this title.

(2) (i) The Board of Veterinary Medical Examiners Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(ii) Any unspent portions of the Board of Veterinary Medical Examiners Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Board of Veterinary Medical Examiners Fund to be used for the purposes specified in this title.

(f) *Administration of Fund.* — (1) The Chairman of the Board or the designee of the Chairman shall administer the Board of Veterinary Medical Examiners Fund.

(2) Money in the Board of Veterinary Medical Examiners Fund may be expended only for any lawful purpose authorized by the provisions of this title.

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(g) *Audit.* — The Legislative Auditor shall audit the accounts and transactions of the Board of Veterinary Medical Examiners Fund as provided in § 2-1220 of the State Government Article.

§ 2–304. Powers and duties of Board generally.

(a) *Rules and regulations; additional employees; subpoenas.* — The Board may:

- (1) Adopt rules and regulations to effectuate this subtitle;
- (2) Engage additional employees for professional, clerical, and special work as necessary and as provided in the State budget;
- (3) Subpoena any witness to take his testimony;
- (4) Require production of books, papers, records, and other documentary evidence, and examine them in relation to any matter which the Board may investigate or hear; and
- (5) Establish reasonable standards for the practice of veterinary medicine, including conduct and ethics.

(b) *Right of entry.* — Members or their designated inspectors may enter veterinary facilities at any reasonable hour to enforce the Board rules and regulations.

(c) *Maintenance of office; telephone number.* — The Board shall maintain an office within the State and a telephone number listed for use by the general public.

(d) *Inspection of veterinary hospitals.* — The Board shall inspect every veterinary hospital facility in the State at least once every 2 years.

(e) *Authorization to practice; requirements.* — (1) The Board may authorize the practice of a health occupation on an animal by a health care practitioner licensed, certified, or otherwise authorized under the Health Occupations Article.

(2) If the Board authorizes the practice of a health occupation on an animal under paragraph (1) of this subsection, the Board may:

- (i) Impose requirements for education, training, and supervision by a veterinary practitioner; and
- (ii) Require the registration of each health care practitioner authorized to practice a health occupation on an animal in accordance with this subsection.

§ 2-304.1. Veterinary hospital license.

(a) *"Veterinary hospital" defined.* — As used in this subtitle, “veterinary hospital” means any building or portion of a building which is regularly used for the treatment of animals by a veterinary practitioner.

(b) *License required; fee; issued to owner.* — Every veterinary hospital shall be licensed by the Board. The Board shall set the annual license fee in accordance with § 2-303(b) of this subtitle. The license shall be applied for and issued to the owner of the hospital.

(c) *Suspension or revocation.* — The Board may reject an application, or suspend or revoke the license for failure to maintain the facility properly. The rejection, suspension, or revocation shall be in accordance with the procedures set out in § 2-311 of this subtitle.

§ 2-305. License to administer drugs by animal control facility.

(a) *"Animal control facility" defined.* — In this section, “animal control facility” means a humane society, as defined in § 10-601 of the Criminal Law Article, or a county or municipal designated animal shelter.

(b) *License.* — The Board, on terms and conditions satisfactory to the Board, may issue a license to an animal control facility to allow the animal control facility to administer drugs needed to sedate, euthanize, or sedate and euthanize animals.

(c) *Application; fee.* — (1) (i) The owner of an animal control facility shall apply for the license.

(ii) The Board shall issue a license in the name of the owner of an animal control facility.

(2) The application shall designate one individual at the facility responsible for the drugs.

(3) The annual license fee is \$100.

(d) *Rejection; suspension or revocation of license.* — In accordance with procedures set out in § 2-311 of this subtitle, the Board may:

(1) Reject an application for a license; or

(2) Suspend or revoke a license for failure to comply with the Board’s regulations.

(e) *Employee training.* — An animal control facility licensed under this section shall comply with the Board’s requirements relating to employee training.

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(f) *Enforcement of regulations.* — A member of the Board, or the Board's designated inspector, may enter an animal control facility licensed under this section at any reasonable hour to enforce the Board's regulations.

(g) *Regulations.* — In consultation with the Maryland Department of Health, the Board shall adopt regulations necessary to carry out this section.

§ 2–306. Regulation of veterinary education.

(a) *Authority to prescribe standards; continuing education requirement.* —

(1) The Board has the exclusive power to establish and alter the standards of preliminary and professional education and training requirements of applicants for the examination for a license.

(2) The Board may establish an annual continuing education requirement of at least 12 hours as a condition to any license renewal.

(b) *Approval of colleges and institutions.* — The Board may investigate and determine the acceptability of and approve or disapprove any college or institution for the education and training of students desiring to practice veterinary medicine. It may cancel or revoke approval if the college or institution no longer is deemed satisfactory. However, the approval of the American Veterinary Medical Association of a college or institution is sufficient to qualify the college or institution. Any veterinarian desiring to be licensed to practice veterinary medicine shall have completed the course of study prescribed by an approved college or institution.

§ 2–307. Examinations; issuance of license.

(a) *Examination generally; report.* — The Board shall prescribe the subject, character, manner, time, and place for every written examination, and the procedure for filing applications for the examination. It shall conduct the written examination so that the identity of the applicant is not known to the Board until the examination is graded. The Board shall make a written report of every examination and preserve it in the Board office for three years.

(b) *Examination fee.* — An applicant for the examination shall pay a fee set by the Board to the Board secretary at the time he files his application.

(c) *Issuance of license.* — The Board shall issue a license to, and annually register, any person who:

(1) Passes the examination;

(2) Is of good moral character; and

(3) Has a diploma from an approved college or institution conferring upon him the degree of Doctor of Veterinary Medicine.

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§ 2-307.1. Mental or physical examination.

(a) *In general.* — In reviewing an application for licensure of a veterinarian or in investigating any matter brought against a veterinary practitioner, the Board may direct the applicant, veterinarian, or veterinary practitioner to submit to a mental or physical examination when the Board has reasonable evidence indicating the inability of that individual to practice veterinary medicine competently.

(b) *Consent; waiver of privilege.* — In return for the privilege given by the State in issuing a license or registration, the applicant, veterinarian, or veterinary practitioner is deemed to have:

(1) Consented to submit to an examination under this section if directed by the Board in writing; and

(2) Waived any claim of privilege as to the examination report or testimony regarding the report.

(c) *Report or testimony confidential.* — The report or testimony of an examining physician or other person designated by the Board is confidential except as to contested case proceedings as defined by the Administrative Procedure Act.

(d) *Failure or refusal to submit to examination.* — The unreasonable failure or refusal of an applicant, a veterinarian, or a veterinary practitioner to submit to an examination is prima facie evidence of the applicant's, veterinarian's, or veterinary practitioner's inability to practice veterinary medicine competently unless the Board finds that the failure or refusal was beyond the control of the applicant, veterinarian, or veterinary practitioner.

(e) *Board to pay reasonable cost.* — The Board shall pay the reasonable cost of any examination made under this section.

§ 2-308. Registration of licensee.

(a) *Registration required.* — In order to enforce this subtitle and aid in the prosecution of any violation, every licensee who practices veterinary medicine in the State shall register annually with the Board.

(b) *Fee.* — Every licensee annually shall pay the Board a registration fee set by the Board for the privilege of continuing his license.

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§ 2-309. Registration of veterinary technicians.

(a) *In general.* — A person may register with the Board as a veterinary technician.

(b) *Veterinary Technician Committee; composition; expenses.* —

(1) There is a Veterinary Technician Committee under the Board's jurisdiction. The Committee consists of 7 members who are appointed by the Board, subject to the approval of the Secretary. The Board shall determine the qualifications and term of each member.

(2) Each member of the Committee may not receive compensation but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(c) *Duties of Committee.* — The Committee, subject to the Board's approval shall:

(1) Evaluate, examine, and determine the qualifications for applicants for registration as a veterinary technician;

(2) Recommend to the Board the subject, scope, form, date, time, and location for each examination;

(3) Establish continuing education requirements for veterinary technicians;

(4) Define the duties and responsibilities of registered veterinary technicians;

(5) Recommend to the Board reasonable rules and regulations to carry out the provisions of this section; and

(6) Generally assist the Board in registering and regulating veterinary technicians.

(d) *Application for registration; fee.* — To apply for registration, an applicant shall:

(1) Submit an application to the Board on the form the Board requires; and

(2) Pay to the Board an application fee set by the Board.

(e) *Registration of applicants.* — The Board shall register any applicant who:

(1) Meets the requirements of this section;

(2) Meets the Board's educational requirements;

(3) Passes a Board approved examination;

(4) Is of good moral character; and

(5) Is at least 18 years old.

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(f) *Term of registration.* — A registration is issued for a term of 3 years and expires on June 30 of the third year after the date issued unless the registration is renewed as provided in this section.

(g) *Renewal of registration.* — The Board shall renew the registration of any applicant for an additional 3-year term if the applicant:

- (1) Submits a renewal application on the form that the Board requires;
- (2) Pays to the Board a renewal fee set by the Board;
- (3) Complies with the Board's continuing education requirements; and
- (4) Otherwise is entitled to be registered.

(h) *Sanctions.* — In accordance with the hearing provisions of § 2-311 of this subtitle, the Board may refuse to register an applicant, suspend or revoke the registration, or reprimand and censure, or place on probation any veterinary technician, if the veterinary technician:

- (1) Practices veterinary medicine except as permitted under this subtitle;
- (2) Fraudulently or deceptively obtains a registration;
- (3) Is professionally, physically, or mentally incompetent;
- (4) Is convicted of a felony or a crime involving moral turpitude;
- (5) Is convicted of a violation of any federal or State law relating to narcotic drugs;
- (6) Is grossly negligent or deliberately cruel to an animal;
- (7) Violates any provisions of this subtitle; or
- (8) Is determined by the Board to be incompetent as a veterinary technician.

§ 2-310. Standards of conduct and ethics; grounds for refusal, suspension or revocation of license.

The Board may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee after a hearing, if the veterinarian or veterinary practitioner:

- (1) Is unable to practice veterinary medicine competently due to a physical or mental disability;
- (2) Is convicted of a violation of any federal or State law relating to prescription drugs, a controlled dangerous substance under Title 5, Subtitle 4 of the Criminal Law Article, or a controlled substance as defined by 21 U.S.C. § 812;
- (3) Is convicted of a felony, or of a crime involving moral turpitude;

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(4) Is convicted of violating any provision of this subtitle, any unlawful or fraudulent practice, or any fraudulent, misleading, or deceptive representation or advertising concerning his professional qualifications or the quality of materials or drugs used by him in his professional work or in the treatment of animals;

(5) Has a final judgment entered against him in a civil malpractice case involving gross personal negligence;

(6) Obtains the license by fraud or misrepresentation, either in the application, or in passing the examination;

(7) Is guilty of employing or permitting to practice veterinary medicine any person who does not hold a license to practice veterinary medicine in the State;

(8) Fails to comply with Board rules or regulations after receiving a license;

(9) Is grossly negligent or deliberately cruel to an animal;

(10) Is determined by four members to be professionally incompetent as a veterinary practitioner;

(11) Is disciplined by a licensing authority of another state, including the suspension or revocation of a license to practice veterinary medicine, for an act that would be grounds for disciplinary action under this section; or

(12) Fails to comply with animal cruelty or animal fighting reporting requirements under § 2-313.1 of this subtitle.

§ 2-310.1. Penalties in lieu of or in addition to suspension or revocation.

(a) *Penalty in lieu of or in addition to suspension.* — In lieu of or in addition to suspension of the license, the Board may impose a penalty of not more than \$5,000 for a first offense.

(b) *Penalty in addition to revocation.* — In addition to revocation of the license, the Board may impose a penalty of not more than \$5,000 for a first offense.

(c) *Penalty in addition to revocation* — In addition to suspension or revocation of the license, the Board may impose a penalty of not more than \$10,000 for a second or subsequent offense.

(d) *Disposition of penalties collected.* — Penalties collected by the Board under this section shall be paid into the General Fund of the State.

(e) *Rules and regulations.* — The Board shall establish such rules and regulations as are necessary to carry out the provisions of this section.

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§ 2-311. Procedure for suspension or revocation of license.

(a) *Notice.* — Before any license is suspended or revoked, the Board shall give the licensee at least ten days written notice of the time and place of the hearing. Notice shall be given by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, addressed to the post-office address shown on the annual registration or in other information the Board possesses.

(b) *Copy of charges; hearing; confrontation of witnesses.* — A copy of the charges shall be furnished the licensee and he shall be afforded an opportunity to be heard personally and to be represented by counsel before the Board. The licensee shall have the opportunity to confront witnesses against him.

(c) *Witnesses.* — Every witness at the hearing shall testify under oath. The chairman or any member may administer the oath. The Board may compel the attendance of witnesses by subpoena.

(d) *Report of decision of Board.* — The Board shall report its action in writing, stating the reasons for the action. A copy shall be delivered or mailed to the person against whom the complaint is made.

(e) *Appeal to circuit court.* — The licensee may appeal to the circuit court of the county where the licensee has an office. The court shall hear and determine all matters connected with the action of the Board from which appeal is taken in accordance with the Administrative Procedure Act.

(f) *Appeal to Court of Special Appeals.* — The licensee and the Board may appeal from the decision of the circuit court to the Court of Special Appeals, subject to the time and manner provided for the taking of an appeal to this Court.

§ 2-312. Issuance of license after revocation.

At any time within two years from the date of revocation of any license, the Board, by the affirmative vote of four members, may issue without examination a new license to any person whose license was revoked. After the expiration of two years, the person may obtain a license only by compliance with the same requirements which are imposed by this subtitle on other license applicants.

§ 2-313. Prohibited acts.

(a) *In general.* — A person may not:

(1) This subsection does not apply to an act or omission in giving emergency veterinary aid, care, or assistance for which a person may not be held civilly liable under § 5-614 of the Courts Article;

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(2) A person may not:

(i) Practice veterinary medicine unless the person is licensed, registered, and authorized to engage in the practice under the provisions of this subtitle;

(ii) Practice veterinary medicine under a name other than the one on the person's license and registration, or induce any person to so practice in violation of this subtitle;

(iii) Practice veterinary medicine unless the person's license and registration are displayed in the person's regularly established office and place of practice;

(iv) Own, maintain, conduct, operate, or manage a veterinary office, veterinary dental office, veterinary hospital, or a dog, cat, or animal hospital, unless:

1. The person is a licensed veterinarian; or

2. The office or hospital is under the direct supervision and control of a licensed and registered veterinarian and a licensed or registered veterinarian is employed in the office or hospital;

(v) Advertise any veterinary office, veterinary dental office, veterinary hospital, or a dog, cat, or animal hospital except in accordance with the rules and regulations of the Board;

(vi) Except as provided in subsections (b) and (c) of this section, practice veterinary medicine and sell or dispense any medication, which is not in the original manufacturer's container;

(vii) Advertise as a Board registered veterinary technician unless registered with the Board as required by this subtitle; or

(viii) Practice as a veterinary technician unless employed by a veterinary practitioner.

(b) *Sell or dispense medication not in original manufacturer's container.* — A person may practice veterinary medicine and sell or dispense medication that is not in the original manufacturer's container if:

(1) The medication is for use by a nonfarm animal as defined in regulations adopted by the Board; and

(2) The person affixes to the container in which the medication is sold or dispensed, a label clearly showing the brand, generic or chemical name and strength, if indicated, of the medication, the type of nonfarm animal for which the medication is designated, and the owner's last name.

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(c) *Compounded sterile or nonsterile preparations.* — A licensed veterinarian may dispense compounded nonsterile preparations or compounded sterile preparations if:

(1) The compounded nonsterile preparations or compounded sterile preparations are to be used for a nonfarm animal as defined by regulations adopted by the Board that are consistent with State and federal law;

(2) The nonfarm animal is a patient of the licensed veterinarian;

(3) The quantity of the compounded nonsterile preparations or compounded sterile preparations dispensed does not exceed a 7-day supply;

(4) The licensed veterinarian determines that timely access to a compounding pharmacy is not available and that the compounded nonsterile preparations or compounded sterile preparations are not otherwise commercially available;

(5) The compounded nonsterile preparations or compounded sterile preparations are provided to the licensed veterinarian by a pharmacist in accordance with § 12-510 of the Health Occupations Article; and

(6) The compounded nonsterile preparations or compounded sterile preparations are dispensed in a container with a label clearly showing:

(i) The brand, generic or chemical name and strength, if indicated, of the compounded nonsterile preparations or compounded sterile preparations, the type of nonfarm animal for which the compounded nonsterile preparations or compounded sterile preparations are designated, and the owner's last name; and

(ii) The dispensing date and the expiration date of the compounded nonsterile preparations or compounded sterile preparations.

§ 2-313.1. Reporting animal cruelty or fighting.

(a) *In general.* — A veterinary practitioner who has reason to believe that an animal that has been treated by the veterinary practitioner has been subjected to cruelty or fighting in violation of § 10-604, § 10-606, § 10-607, or § 10-608 of the Criminal Law Article shall report the suspected animal cruelty or animal fighting to the appropriate law enforcement agency or county animal control agency in a timely manner.

(b) *Contents of report.* — A veterinary practitioner who makes a report under subsection (a) of this section shall include in the report:

(1) The name, age, and location of the animal;

(2) The name and home address of the owner or custodian of the animal;

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(3) The nature and extent of the suspected animal cruelty or animal fighting, including any evidence or information available to the veterinary practitioner concerning possible previous instances of animal cruelty or animal fighting; and

(4) Any other information that would help determine:

(i) The cause of the suspected animal cruelty or animal fighting;

and

(ii) The identity of any individual responsible for the suspected animal cruelty or animal fighting.

(c) *Immunity.* — A veterinary practitioner who reports in good faith suspected animal cruelty or animal fighting or participates in an investigation of suspected animal cruelty or animal fighting is immune from:

(1) Civil liability that results from the report or participation in the investigation; or

(2) Criminal prosecution for the report or participation in the investigation.

(d) *Regulations.* — The Board shall adopt regulations establishing:

(1) Confidentiality procedures for protecting the identity of the veterinary practitioner making a report under this section;

(2) Confidentiality procedures for protecting the substance of a report made under this section and any records associated with the report; and

(3) Conditions under which the substance of a report may be disclosed.

§ 2-314. Liability for civil damages of veterinarian rendering aid in emergency.

A person licensed by the State of Maryland to provide veterinary care, a student of veterinary medicine who works under the responsible direct supervision of a veterinary practitioner as defined by § 2-301(c) of this subtitle, or a veterinary technician registered by the State under § 2-309 of this subtitle shall have the immunity from liability described under § 5-614 of the Courts and Judicial Proceedings Article.

§ 2-315. Injunctive relief.

(a) *Action for injunction.* — The Board may bring an action for an injunction against a person who violates any provision of this subtitle.

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(b) *Action additional to disciplinary actions.* — An action for an injunction under this section is in addition to, and not instead of, disciplinary actions taken under § 2-310 of this subtitle or the imposition of civil penalties under § 2-310.1 of this subtitle.

§ 2-316. Termination of subtitle provisions and regulations.

The provisions of this subtitle creating the State Board of Veterinary Medical Examiners and relating to the regulation of veterinarians and any regulations promulgated under this subtitle are of no effect and may not be enforced after July 1, 2021.

Subtitle 17. Animal Shelters.

§ 2-1701. “Animal shelter” defined.

In this subtitle, “animal shelter” means:

- (1) A county or municipal animal control facility;
- (2) An organization that contracts with a county or municipality for animal control; or
- (3) An organization that shelters animals and has received a grant from the Spay/Neuter Fund under Subtitle 16 of this title during the previous year.

§ 2-1702. Legislative findings and intent.

(a) *Findings.* — The General Assembly finds that animal shelters perform an integral community service.

(b) *Intent.* — It is the intent of the General Assembly to enhance animal shelter services by promoting humane animal sheltering policies and strengthening community safety.

§ 2-1703. Written veterinary care protocol required.

(a) *In general.* — On or before January 1, 2017, an animal shelter shall establish a written veterinary care protocol for dogs and cats that is consistent with guidelines set forth in the most recent Association of Shelter Veterinarians' Guidelines for Standards of Care in Animal Shelters with respect to:

- (1) Basic care;
- (2) Sanitation;

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- (3) Population management;
- (4) Disease control and prevention;
- (5) Behavioral health and mental well-being; and
- (6) Euthanasia.

(b) *Contents.* — The written veterinary care protocol shall include:

- (1) Standards that are necessary to protect sheltered dogs' and cats' health, safety, and well-being; and
- (2) A plan for:
 - (i) Quality of life enrichment;
 - (ii) Veterinary care;
 - (iii) Prevention and control of contagious and other diseases; and
 - (iv) Any other health and environmental factors that materially affect sheltered dogs' and cats' health, safety, and well-being.

(c) *Exceptions.* — An animal shelter may disregard its written veterinary care protocol for a dog or cat that is deemed to be too vicious or dangerous to permit safe handling.

(d) *Updating.* — An animal shelter shall update its written veterinary care protocol as necessary to reasonably accommodate any subsequent updates to the Association of Shelter Veterinarians' Guidelines for Standards of Care in Animal Shelters.

(e) *Available on request.* — On request, an animal shelter shall make its written veterinary care protocol available to the public and the Department.

§ 2-1704. Posting and following written protocol for reclaiming animals; annual summary of intake and disposition data.

(a) *In general.* — On or before January 1, 2017, an animal shelter shall establish and make available to the public on the animal shelter's Web site or in a conspicuous location within the animal shelter's facility:

- (1) A written protocol for reclaiming animals from the animal shelter that includes:
 - (i) The minimum holding period for stray animals;
 - (ii) The hours of operation during which an animal may be reclaimed by the animal's owner or caregiver;
 - (iii) The fees associated with reclaiming an animal; and
 - (iv) Any identification or documentation that must be provided to the animal shelter before an animal may be reclaimed; and

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(2) An annual summary of intake and disposition data reported to the Department in accordance with § 2-1602 of this title.

(b) *Shelter to follow protocol.* — An animal shelter shall follow its written protocol for reclaiming animals.

§ 2-1705. Standards of care.

(a) *Adoption of standards by Department.* — On or before January 1, 2018, the Department shall adopt minimum standards of care for dogs and cats in animal shelters that are consistent with:

(1) The most recent Association of Shelter Veterinarians' Guidelines for Standards of Care in Animal Shelters; and

(2) The most recent guidelines for standards of care in animal shelters prepared by the Professional Animal Workers of Maryland.

(b) *Shelter to follow standards.* — An animal shelter shall follow the minimum standards of care adopted by the Department.

§ 2-1706. Regulations.

On or before January 1, 2018, the Department shall adopt regulations to enforce this subtitle.

§ 2-1707. Civil Penalties.

(a) *Civil Penalty.* — A person who violates this subtitle is subject to a civil penalty not exceeding \$500.

(b) *Criminal penalties inapplicable.* — The criminal penalties under Title 12, Subtitle 1 of this article do not apply to this subtitle.

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 01 OFFICE OF THE SECRETARY
Chapter 11 Animal Shelters — Minimum Standards of Care

Authority: Agriculture Article §2-1701 at seq., Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to set forth minimum standards of care for the following animal shelters that keep dogs and cats:

- A. A shelter that is owned by a county or municipality;
- B. A shelter that a county or municipality contracts with for animal control services; or
- C. A shelter that has received a grant from the Maryland Spay and Neuter Grants Program during the previous year.

.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) “Animal” means a dog or a cat that is kept temporarily or permanently at an animal shelter.
 - (2) “Animal enrichment” means providing an animal with social contact, mental stimulation, physical activity and other activities that allow the animal to demonstrate species typical behavior and enhanced well-being.
 - (3) “Animal shelter” or “shelter” means a physical structure that provides temporary or permanent housing for animals and is owned by a local government, or by an organization that counties or municipalities contract with for animal control services, or by an organization that shelters animals and received a grant from the Maryland Spay and Neuter Grants Program during the previous year.
 - (4) “Department” means Maryland Department of Agriculture.
 - (5) “Drop box” means an unattended receptacle where live animals can be placed by the public for later shelter intake.
 - (6) “Fully clean” means to disinfect an area or an item with chemical agents that kill harmful micro-organisms.
 - (7) “Primary animal enclosure” means any structure used consistently to restrict an animal to a limited amount of space, such as a room, pen, crate, cage, kennel, or compartment.
 - (8) “Responsible individual” means the shelter’s responsible individual as defined by COMAR 15.14.04.06.

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(9) “Run” or “dog run” means a dedicated area, either indoors or outdoors, that is enclosed by a fence or gate, where dogs may move about untethered and unleashed.

(10) “Spot clean” means to clean only a stain or spot and generally involves using mild cleaning agents, such as soaps and detergents.

(11) “Transport carrier” means a portable enclosure designed to temporarily contain an animal that is being transported from one location to another.

(12) “Veterinarian” means a veterinarian who is licensed, registered and in good standing with the Maryland State Board of Veterinary Medical Examiners.

.03 Animal Shelter Buildings.

The responsible individual shall ensure that the shelter is a safe, structurally sound, and sanitary building that meets the following standards:

A. A shelter may not have any structural defects that could cause injury to animals or staff members handling animals;

B. Surfaces in animal areas, such as floors, junctions, walls, doors, shall be made of nonporous material that can easily be disinfected;

C. Ceilings shall be kept in good condition without leaks;

D. All areas where animals are present shall have adequate ventilation and be kept between 60—80 degrees F;

E. By July 1, 2019, all rooms where animals are housed shall have a fire alarm system that will alert authorities of fire or heavy smoke;

F. A shelter shall have written policies and protocols in place to maintain adequate capacity to prevent and eliminate overcrowding; and

G. Upon request, a shelter shall allow the Department to inspect the premises for compliance with this chapter.

.04 Primary Animal Enclosures.

A. The responsible individual shall ensure that any primary animal enclosure is structurally sound and maintained in a safe, working condition at all times; and that it enables animals to remain dry, clean, and shielded from extreme temperatures and weather conditions.

B. A primary animal enclosure shall meet the following standards:

(1) A primary animal enclosure shall provide sufficient space to allow each animal, regardless of size, to:

(a) Hold their tails erect and their heads high when in a normal standing position;

(b) Turn freely and easily stand, sit, stretch, and move their head, without touching the top of the enclosure;

(c) Lie in a resting position with limbs extended; and

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(d) Move about and assume a comfortable posture for feeding, drinking, urinating, or defecating;

(2) Food, water bowls, and any other items in the primary animal enclosure may not impede the animal's ability to stretch out;

(3) A primary enclosure shall allow any animal to sit, sleep, and eat away from areas of its enclosure where it may defecate or urinate;

(4) Latches or other closing devices on a primary animal enclosure shall be secure enough to keep the animal in the enclosure, keep other animals out of the enclosure, and prevent injury, while allowing personnel to easily open the enclosure from the outside and, where applicable, from inside the enclosure;

(5) A primary enclosure, temporary enclosure, and transport carriers that compromise the safety of animals or that have been identified as needing repair are prohibited from being used for permanent or temporary animal housing;

(6) Transport carriers may not be used as a primary enclosure;

(7) All animals housed in outdoor areas, or allowed exercise time in outdoor areas, shall be provided with appropriate shelter from the elements; and

(8) Drop boxes are prohibited except under the following conditions:

(a) Each drop box shall have automatic locking doors that allow only one animal drop-off to be made at each box;

(b) Bedding and shelter from the weather shall be provided in each drop box, and bedding shall be fully cleaned before and after every use;

(c) Fresh food and water shall be provided in each drop box every night, and food bowls and water bowls must be fully cleaned before and after every use;

(d) Security cameras shall be installed and periodically monitored by staff;

(e) The shelter shall have written protocols in place to ensure that dropped off animals that appear to need medical treatment are examined by a veterinarian immediately; and

(f) An animal may not remain in a drop box for more than 12 hours.

.05 Sanitation Practices.

The responsible individual shall ensure that the shelter building, primary animal enclosures, and all other areas where animals are kept are sanitary and regularly cleaned to reduce disease transmission among animals, protect public human health, increase animal comfort, and meet the following standards:

A. All primary animal enclosures, food bowls, and water bowls shall be fully cleaned before a new animal is placed in enclosures;

B. All animal bedding shall be fully cleaned before being used by a new animal and subsequently fully cleaned, as often as necessary;

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C. All cages, food bowls, and water bowls shall be spot-cleaned daily and fully cleaned as necessary;

D. All floors, junctions, walls, doors, and drains shall be immediately sanitized and fully cleaned after coming into contact with feces, urine, vomit, or an animal known or suspected of having an infectious disease;

E. Only cleaners that are safe for animals shall be used to clean primary enclosures, transport carriers, exercise areas, or any area of the shelter where animals are present or likely to be present;

F. All chemicals shall be removed from the enclosure prior to placing an animal in the enclosure;

G. No animal or animal's drinking water or water bowl shall be left in an enclosure while cleaning chemicals are being used;

H. The shelter building and runs shall be kept reasonably free of flies, fleas, mosquitoes, rats, mice, and other vectors or nuisance species;

I. All trash cans in areas of a shelter where animals are located shall have lids; and

J. Relevant shelter staff shall be trained in the shelters' sanitation protocols, and a written record of that training shall be kept on-site and available for inspection.

.06 Medical Standards.

The responsible individual shall ensure that all animals are monitored, assessed, examined, and treated for medical conditions in a timely manner as follows:

A. A veterinarian shall supervise the medical care and medical treatment of all animals in an animal shelter;

B. Any surgeries shall be performed in accordance with the Maryland Veterinary Practice Act and in a facility currently licensed and registered by the State Board of Veterinary Medical Examiners;

C. Animal shelter staff shall observe animals daily for signs of illness or injury, and obtain treatment, as appropriate;

D. Clean water shall be provided to all animals at all times unless otherwise directed by a veterinarian;

E. All animals with parasites shall be treated immediately unless otherwise directed by a veterinarian;

F. Any animal appearing to be experiencing pain, suffering distress, rapidly deteriorating health, life-threatening problems, or suspected zoonotic disease shall be assessed by a veterinarian as soon as possible or euthanized to prevent further distress or suffering;

G. Any animal with a suspected zoonotic disease that does not appear to be experiencing pain, distress, or deteriorating health, but that poses a threat to

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human health and safety, shall be isolated by the shelter to limit exposure to other animals and people, and shall be assessed by a veterinarian immediately or as soon as possible;

H. Any animal that is observed to be experiencing mental suffering, distress, or behavioral deterioration shall be assessed and appropriately treated by a veterinarian in a timely manner or humanely euthanized by the shelter;

I. Animals that can be handled safely shall be provided with animal enrichment activities, whenever possible; and

J. Animal food that is more than 6 months past the “sell by” date shall not be provided to an animal.

.07 Equipment.

A. The responsible individual shall ensure that anyone working with animals, including a volunteer, has the equipment necessary to handle all situations in a safe and humane manner, including the following:

(1) Adequate ear protection, gloves, and other safety equipment to all staff members who handle animals or clean cages; and

(2) Equipment that allows staff to restrain animals as humanely as possible while ensuring the safety of both the animal and the handler.

B. Scanners and Microchip Readers. All animals shall be scanned within 24 hours of arrival at the shelter for microchips unless it is unsafe to do so. Scans shall also be performed prior to surgery, adoption, release to an owner, release to a rescue, and euthanasia.

.08 Record Keeping.

A. The responsible individual shall ensure that records are kept for each animal entering the shelter. Information shall include:

(1) The animal’s species and unique identification number;

(2) The estimated age of the animal;

(3) Date of entry into the shelter;

(4) Date and explanation of all treatments and medical procedures; and

(5) Final disposition (date and type).

B. All shelters shall have active adoption programs with written protocols available for inspection, as defined in Agriculture Article, §2-1704, Annotated Code of Maryland.

.09 Civil Penalty.

A. The Department may impose a civil penalty on a shelter that violates the requirements of this chapter or Agriculture Article, §2-1704, Annotated Code of Maryland, which requires shelters to adopt a written protocol for reclaiming animals, up to \$500 for each violation.

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B. Before imposing any civil penalty under this chapter, the Department shall consider the following:

- (1) The nature and gravity of each violation;
- (2) The willfulness of the violation and the extent to which the existence of the violation was known to the shelter but uncorrected by the shelter; and
- (3) A history of prior violations, if any.

C. The Department shall issue a written notice of violation to the shelter owner upon finding that a violation has occurred or is ongoing. The written notice of violation shall include:

- (1) A statement of the regulation violated by the shelter;
- (2) A description of the evidence of a violation;
- (3) A statement informing the shelter of the right to an informal meeting with the Department;
- (4) The amount of the proposed civil penalty;
- (5) A statement of the remedial action necessary to bring the shelter into compliance; and
- (6) A reasonable amount of time, as determined by the Department, to correct a violation.

D. A shelter may petition the Department for a contested case hearing on a violation and penalty within 30 calendar days of the issuance of the notice of violation by the Department.

E. Unless a shelter requests a contested case hearing, the shelter shall promptly pay the penalty. Payment of a penalty is not a substitute for compliance. If the shelter continues to violate this chapter, the Department may impose additional civil penalties.

Administrative History

Effective date: April 23, 2018 (45:8 Md. R. 422)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
EXAMINERS

Chapter 01 Standards of Practice and Code of Ethics for the
Practice of Veterinary Medicine in the State

Authority: Agriculture Article, §§2-103, 2-304, and 2-310, Annotated Code of Maryland

.01 Purpose and Authority.

The purpose of this chapter is to set forth standards of professional conduct and ethics for veterinarians and prescribe standards of practice of veterinary medicine in the State. The chapter also implements the laws of Maryland governing the practice of veterinary medicine in the State as set forth in the Agriculture Article, Annotated Code of Maryland, and is issued by the Board pursuant to that authority and approved by the Secretary in accordance with his authority in Title 2 of the Agriculture Article, Annotated Code of Maryland.

.02 Application.

This chapter shall apply to all veterinarians licensed and registered in the State.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the State Board of Veterinary Medical Examiners.

(2) "Controlled dangerous substance" means any drug, substance, or immediate precursor as listed in Criminal Law Article, §5-101, Annotated Code of Maryland.

(3) "Department" means the Maryland Department of Agriculture.

(4) "Dispensing" means direct distribution of products by veterinarians to their clients for use in or on their animals.

(5) "Federal legend drug" or "veterinary prescription drug" means a drug labeled with the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian".

(6) "High-volume, low-cost spay/neuter facility" means a licensed facility:

(a) Which is regularly used for the treatment of animals by a veterinary practitioner;

(b) Where the sterilization of dogs and cats is the primary function performed by a veterinarian licensed and registered by the Board; and

(c) Where the owner complies with the licensing and sanitation standards in COMAR 15.14.03 and 15.14.07.

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(7) "Hospitalization" means the confinement of a patient in a veterinary hospital or mobile veterinary clinic for purposes of performing:

- (a) Diagnostics;
- (b) Therapy;
- (c) Monitoring; or
- (d) Nursing care.

(8) "Prescribing" means transmitting an order that authorizes a licensed pharmacist or the equivalent to prepare and dispense specified pharmaceuticals to be used in or on animals in the manner directed by a veterinarian.

(9) "Secretary" means the Secretary of Agriculture or the Secretary's designee.

(10) "Specialist" means an individual who has obtained certification from a specialty organization recognized by the American Veterinary Medical Association.

(11) "Surgery" means that both of the following exist:

- (a) A veterinarian treats a disease, injury, or deformity by manual or operative methods; and
- (b) A veterinarian or registered veterinary technician administers an anesthetic, injectable sedative, or injectable tranquilizing agent to an animal.

(12) "Veterinarian" means an individual who is licensed and registered as a veterinarian to practice in the State.

(13) "Veterinary hospital" means a building or portion of a building which is regularly used for the treatment of animals by a veterinary practitioner.

(14) "Veterinarian-client-patient relationship" means that all of the following conditions exist:

(a) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions;

(b) The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal because the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal through either:

- (i) A physical examination; or
- (ii) Medically appropriate and timely visits to the location where the animal is kept; and

(c) The veterinarian is readily available or has arranged for emergency coverage or follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen.

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.04 Professional Conduct.

A. The principal objectives of the veterinary profession are to render service to society, to conserve our livestock resources, and to relieve suffering of animals. A veterinarian shall act in relation to the public, the veterinarian's colleagues, and their patients, and the allied professions so as to merit their full confidence and respect. Examples of conduct which are prohibited by this standard include, but are not limited to, the following:

(1) Using a college degree to which the veterinarian is not entitled or any degree or title granted by an institution declared unworthy by contemporary institutions of its class;

(2) Accepting a fee from the seller of an animal by a veterinarian employed by a buyer to inspect an animal for soundness which is prima facie evidence of fraud;

(3) Guaranteeing a cure;

(4) Performing or participating in surgery if it is known the surgery was requested with intent to deceive a third party;

(5) Promoting, selling, prescribing, or using any product, the ingredient formula of which has not been revealed to the veterinarian;

(6) Performing a surgical procedure to conceal or to correct genetic defects in animals to be shown, bred, or sold;

(7) Making payments to any person for referring, attempting to refer, or promising to refer animals to that veterinarian;

(8) Accepting payments from any person for referring, attempting to refer, or promising to promote the sale of services, drugs, devices, appliances, or goods to a client so as to exploit the client for financial gain; and

(9) Prescribing or dispensing veterinary prescription drugs outside of a veterinarian-client-patient relationship.

B. A veterinarian may not act in an unprofessional or immoral manner in the practice of veterinary medicine.

.05 Choice and Selection of Patients.

A. Non-emergency Presentation. A veterinarian may choose whom he will serve. Once a veterinarian has undertaken care of a patient, and a veterinarian-client-patient relationship has been established, the veterinarian may not neglect the patient.

B. Emergency Presentation. In an emergency, a veterinarian should render service to the best of the veterinarian's ability, but this does not require a veterinarian to accept financial responsibility for the care and treatment of any animal. The following procedures may be performed during an emergency without such actions constituting the establishment of a veterinarian-client-patient relationship:

(1) Initial evaluation;

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- (2) Diagnostics to assist in the initial evaluation; or
- (3) Initial treatments to stabilize a patient.

.06 Advertising.

A. A veterinarian or an owner of a licensed veterinary hospital, limited use veterinary hospital, or animal control facility may not prepare, cause to be prepared, use, or participate in the use of, any advertisement or other public communication containing information about the services of particular veterinarians or veterinary hospitals which:

- (1) Contains a misstatement of fact;
- (2) Is likely to mislead or deceive because in context it makes:
 - (a) Only a partial disclosure of relevant facts, including limited hours;

or

- (b) Only a partial disclosure of charges reasonably associated with the advertised service;

- (3) Is intended or is likely to create false or unjustified expectations of favorable results, including a guarantee or warranty;

- (4) Contains any other statement that is intended or likely to cause a reasonable person to misunderstand or be deceived;

- (5) Constitutes, is part of, or is a device for carrying out, an otherwise unlawful act;

- (6) Contains subjective claims of superiority of skills, services, or products;

- (7) Offers a secret drug or treatment; or

- (8) Endorses a product or procedure, unless the veterinarian or licensee is a regular user of the product or procedure and the product or procedure is recognized as reputable by the American Veterinary Medical Association or by a respected scientific journal.

B. A veterinarian, or an owner of a licensed veterinary hospital, limited use hospital, or animal control facility may not use the word special or specialty in an advertisement unless the veterinarian performing the procedure or treatment:

- (1) Meets the definition of a specialist, as set forth in Regulation 03B(9); and

- (2) Is named in the advertisement.

C. A veterinarian, or an owner of a licensed veterinary hospital, limited use veterinary hospital, or animal control facility, who advertises the availability of a veterinarian to serve a 24-hour emergency veterinary hospital, shall state clearly in the advertisement whether a veterinarian is personally present at the hospital facility on a 24-hour basis, or is merely on call.

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D. Veterinarians shall be personally responsible for compliance with the above requirements and shall be prepared to substantiate their compliance to the State Board of Veterinary Medical Examiners.

E. The name of a veterinary hospital or limited use veterinary hospital may not contain the word specialty, specialist, or a named specialist, unless:

(1) A majority of the veterinarians employed by the facility have obtained and maintained certification from a specialty organization recognized by the American Veterinary Medical Association; and

(2) The advertisement lists the names of those veterinarians by specialty and certification.

F. Before advertising as a high-volume, low-cost spay/neuter facility, a veterinarian or an owner of a licensed veterinary hospital shall provide documentation to the Board of having completed training that promotes and provides advanced spay and neuter education to veterinarians and their staff. Such training may be obtained through an organization approved by the Board, such as the Humane Alliance.

.07 Professional Judgment and Practice.

A. A veterinarian, when caring for and treating a patient, shall conform to those minimal standards of care and treatment which are customary among veterinarians in this State.

B. If a veterinarian professes to the public or colleagues to be a specialist in a particular area of veterinary medicine, the veterinarian, when caring for and treating a patient, shall conform to the minimum standards of care and treatment which are customary among these specialists.

C. A veterinarian may not provide professional services while:

(1) Using any narcotic or controlled dangerous substance, as defined in Criminal Law Article, Annotated Code of Maryland; or

(2) Under the influence of alcohol or any drug that impairs that veterinarian's judgment or motor skills.

.08 Professional Knowledge and Training.

A veterinarian should strive continually to improve veterinary knowledge and skill, making available to his colleagues the benefit of his professional attainments, and seeking, through consultation, assistance of others when it appears that the quality of a veterinary service may be enhanced by consultation.

.09 Maintenance of Professional Standards and Reporting Requirements.

It shall be considered a violation of this regulation for any veterinarian to commit any of the following acts of omission or commission:

A. To fail to report promptly when required by law or regulations, any dangerous, infectious, or contagious disease known to the veterinarian;

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B. To fail to report promptly the results of any tests when required to do so by law or regulation or to apply or report them fraudulently;

C. To willfully make any misrepresentation in the inspection of foodstuffs;

D. To issue or use fraudulently any health certificate, inspection certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine, including signing these forms in their blank state and dispensing them as such to the client;

E. To conduct a practice in violation of the regulations prescribed by the Board for proper sanitary and hygienic methods in the care and treatment of animals.

.10 Record Keeping.

A. For animals that a veterinarian treats, the veterinarian shall prepare a legibly written record that accurately and thoroughly reflects the treatment provided. At a minimum, the veterinarian's record shall include the following information, as applicable:

(1) If available, the name, address, and phone number of the animal's owner;

(2) If available, the name and identity of the animal;

(3) If available, the age, sex, and breed of the animal;

(4) The dates (beginning and ending) of custody of the animal;

(5) A short history of the animal's condition as it pertains to the animal's medical status;

(6) The animal's physical condition at the beginning of custody and the initial diagnosis, if any;

(7) The animal's condition, as evidenced through a physical examination, not more than 12 hours before administration of one of the following:

(a) Anesthetic;

(b) Injectable sedative; or

(c) Injectable tranquilizing agent.

(8) The treatment provided the animal and if medication is given, the following shall be provided:

(a) Amount in milligrams or the volume and concentration of substance used;

(b) Frequency; and

(c) Route of administration;

(9) The progress and disposition of the case; and

(10) The surgery log and anesthetic log, if any.

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B. The veterinarian shall record the information referenced in §A of this regulation in a timely manner, that is, as soon as practicable after the veterinarian has seen the animal.

C. If the veterinarian discovers that the record is incomplete or in error, the veterinarian shall amend the record, being sure to date and initial the amendment.

D. A veterinarian shall label each radiograph and any other diagnostic image or picture with the hospital, clinic, or veterinarian's name, the patient's name, the owner's name, and the date the image or picture was taken. Diagnostics include, but are not limited to, the following:

- (1) Ultrasound;
- (2) Magnetic resonance imaging (MRI);
- (3) Computed tomography (CT) scans; and
- (4) Any other device that is used to generate an image of a patient.

E. Patient records shall be kept by a veterinarian for 3 years after a patient's last visit.

F. Patient Records.

(1) Patients' records are the property of the veterinary practice for whom the records were made.

(2) If requested by a patient's owner, the veterinarian shall release a copy of an animal's written record to the owner or a subsequent treating veterinarian. The veterinarian may require the owner to pay the reasonable cost of providing the records requested.

(3) If requested by a patient's owner, the veterinarian shall release temporarily to a subsequent treating veterinarian the original nonwritten record of the animal, such as, but not limited to, radiographs, photographs, electrocardiograms, and slides. The subsequent treating veterinarian shall return these original nonwritten records within 30 days of their receipt or such other time as agreed to by the parties.

(4) Upon request and if known, a veterinarian shall inform a boarding facility, including a veterinary hospital offering boarding services, which is boarding a veterinarian's patient, whether the animal's vaccinations are current.

G. The requirements of this regulation apply to companion pet animals only.

.10-1 Client Consent for Companion Animals and Hospitalized Animals.

A. For a non-emergency presentation, a veterinarian shall inform the client, in a manner that is understandable by a reasonable person, of the diagnostic and treatment plan. The veterinarian shall provide a written estimate of the charges

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for veterinary services, and obtain the client's signature indicating acknowledgement and approval, before a veterinarian performs the following for a companion animal:

- (1) Surgery; or
- (2) Hospitalization.

B. For an emergency presentation, a veterinarian shall make a reasonable effort to comply with the requirements set forth in §A of this regulation.

C. Euthanasia. Consent for euthanasia shall be documented in the medical record by the veterinarian. Consent may consist of the following:

- (1) A form signed and dated by the client or an individual authorized by the client; or
- (2) If authorization for euthanasia is given orally, the veterinarian shall note this in the medical record, with a witness to the conversation.

D. A veterinarian shall maintain a written copy of the client consent and estimate of charges in the patient's record and shall provide a copy to the client.

.11 Annual Registration.

A. A licensee who practices veterinary medicine in the State shall:

- (1) Register annually with the Board;
- (2) Pay the Board a registration fee, as provided in COMAR 15.14.12.02;
- (3) State on the registration form the licensee's:

- (a) Primary practice address, if any;
- (b) Business telephone number, if any;

(c) Home (street) address and mailing address if the mailing address is different from the licensee's home address; and

(4) Notify the Board in writing of any change in the licensee's name or address (home, mailing, and practice) within 30 days after the change.

B. A veterinarian who fails to renew a veterinary license within 12 months following its expiration date shall seek reinstatement of the license before resuming the practice of veterinary medicine in the State.

C. A veterinarian may seek reinstatement of the veterinary license if the last registration certificate expired no more than 5 years before the date application is made for reinstatement.

D. If more than 5 years have lapsed since the date of expiration of the last registration certificate, the veterinarian shall apply for a new license with the Board, as provided in COMAR 15.14.09.

E. Reinstatement with the Board requires submission of the following to the Board's office:

- (1) Personal History Form;

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- (2) Current resume;
- (3) Licensure verification from all state veterinary boards with which the veterinarian is licensed or has ever been licensed;
- (4) Proof of the appropriate type and number of hours of continuing education, as provided in COMAR 15.14.10.04, for the period during which the license had lapsed;
- (5) Payment of the reinstatement fee, as provided in COMAR 15.14.12.02; and
- (6) Provided the veterinarian is approved for reinstatement by the Board, payment of the registration fee, as provided in COMAR 15.14.12.02.

.12 Controlled Dangerous Substances.

A. To prescribe or dispense controlled dangerous substances, a veterinarian shall have a current:

- (1) Federal controlled substance registration certificate; and
- (2) Maryland controlled dangerous substance registration.

B. A veterinarian shall ensure that all controlled dangerous substances are maintained, administered, prescribed, dispensed, and destroyed in compliance with all State and federal laws.

C. Schedule II drugs.

(1) Emergency Dispensing. A Schedule II drug may be dispensed upon oral prescription by a veterinarian if the following conditions are met:

- (a) Immediate administration of the drug is necessary for proper treatment;
- (b) Alternative treatment is not available; and
- (c) It is not possible for the veterinarian to provide a written prescription for the drug at that time.

(2) If an oral prescription is issued under §C(1) of this regulation, the veterinarian shall:

- (a) Specify the:
 - (i) Name of the drug;
 - (ii) Dose strength;
 - (iii) Quantity;
 - (iv) Instructions; and
 - (v) Warnings; and
- (b) Prescribe only enough to treat the animal during the emergency period;

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(c) State on the prescription "Authorization for Emergency Dispensing";

(d) Within 72 hours, write, sign, and send the prescription to the location that dispensed the drug; and

(e) Make a note of the issuance of an oral prescription in the animal's record.

(3) Except as provided in §C(4) of this regulation, a veterinarian shall maintain all Schedule II drugs under lock at all times, with access by veterinarians only.

(4) A registered veterinary technician may have access to a working stock of Schedule II drugs kept under separate lock.

D. Schedule III—V drugs. A veterinarian shall maintain all Schedule III—V drugs under lock when not in use.

E. Records.

(1) For all controlled dangerous substances, a veterinarian shall maintain complete and accurate records on the premises indicated by name on the federal controlled substance registration certificate or Maryland controlled dangerous substance registration. A veterinarian may delegate to an authorized employee the daily task of completing these records.

(2) A veterinarian or authorized employee shall include the following information in the dispensing record:

(a) Date of dispensation;

(b) Drug name, strength, and the amount dispensed, administered, or wasted;

(c) Client and animal identification; and

(d) Identification of the veterinarian authorizing the administration or dispensing of a drug.

F. Inventory. A veterinarian shall:

(1) Take inventory on the same date once every 2 years;

(2) Sign, date, and record the time inventory is taken;

(3) Maintain records of all Schedule II prescriptions for a period of 5 years, and maintain records of all Schedule III—V prescriptions for a period of 2 years.

G. Disposal. A veterinarian shall destroy all Schedule II—V drugs in accordance with United States Drug Enforcement Agency rules and regulations.

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.12-1 Prescriptions.

A. A veterinarian may issue a prescription only under the following conditions:

- (1) A veterinarian-client-patient relationship exists; and
- (2) The veterinarian is willing to dispense the drug for the patient.

B. A licensed veterinarian authorizing a pharmacist to dispense a veterinary prescription drug shall include the following in the prescription:

- (1) The name, address, telephone number, and license number of the veterinarian;
- (2) The name and address of the client;
- (3) Identification of the animal, through either name or number;
- (4) The species of the animal;
- (5) The name, quantity, and strength of the drug;
- (6) Directions for use;
- (7) Cautionary statements including, if applicable, expiration date and withdrawal time for slaughter or milk withholding, or both;
- (8) Date of issue;
- (9) Number of refills; and
- (10) The signature of the veterinarian.

C. When issuing a prescription or dispensing a drug to a client, a veterinarian shall inform the client of the most common known side effects of the drug.

D. A veterinarian or employee approved by a veterinarian may transmit prescriptions that are not controlled dangerous substances from the prescriber to a pharmacy chosen by a client, and note such action in the record of the animal belonging to the client. Acceptable methods of transmission include but are not limited to:

- (1) Facsimile; or
- (2) Encrypted computer transmission.

E. A veterinarian may renew a prescription issued by another veterinarian from the same hospital for a client of that hospital if the veterinarian issuing the prescription renewal is in agreement with the need to continue treatment.

F. A veterinarian may supply a veterinarian at a different veterinary hospital with a prescription drug to alleviate a shortage or supply a need, but may not fill a prescription for a client that has been written by a veterinarian who is not an employe of that hospital.

G. A veterinarian shall have examined a patient at least once during the preceding 12-month period before renewing any prescription medication for a

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chronic condition. If an examination has not occurred, a prescription may not be renewed.

.12-2 Dispensing of Federal Legend Drugs or Veterinary Prescription Drugs.

A. A veterinarian may dispense a prescription drug only if a veterinarian-client-patient relationship exists.

B. A veterinarian shall ensure that all federal legend drugs and veterinary prescription drugs are maintained, administered, prescribed, dispensed, and destroyed in compliance with all State and federal laws.

C. A veterinarian shall dispense prescription drugs only to the clients of the veterinarian or to clients of other veterinarians at the same hospital if there is an agreement with the need to continue treatment.

D. A veterinarian or authorized employee may not dispense a quantity of drug that is greater than that needed for the treatment of an animal, herd, or flock.

E. Nonprofessional staff may dispense prescription drugs only after specific instructions have been provided by a staff veterinarian.

F. A veterinarian or authorized employee shall include the following information on the labels of dispensed drugs:

- (1) Hospital name, address, and telephone number;
- (2) Name of prescribing veterinarian;
- (3) Name of client and animal;
- (4) Name, quantity, and strength of the drug;
- (5) Directions for usage;
- (6) Route of administration;
- (7) Length of treatment;
- (8) Appropriate cautionary statements including, if applicable, slaughter withdrawal or milk withholding times, or both;
- (9) Date of dispensation; and
- (10) Expiration date.

G. Returned Prescriptions.

(1) A veterinarian or authorized individual may not place a prescription returned by a client back into inventory unless:

- (a) The prescription container is unopened;
- (b) The prescription has not expired; and
- (c) It can be readily determined that the drug was properly stored, labeled, and sealed to preserve strength, quality, purity, and identity during the time between sale of the drug and return to the veterinarian.

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(2) A client may return any drug that does not meet the requirements of §G(1) to the veterinarian or veterinary hospital for proper disposal.

.12-3 Expired Medications.

- A. A veterinarian may not administer expired medications to an animal.
- B. A veterinarian may not remove expiration dates from medications.
- C. Until a veterinarian has disposed of an expired medication, the veterinarian shall package and keep it separate and apart from unexpired medications.

.13 Enforcement.

This chapter shall be enforced by the Board of Veterinary Medical Examiners. The Board may suspend or revoke the license and registration of any veterinarian or censure or place on probation any veterinarian for a violation of any provision of this chapter. Disciplinary actions instituted on the basis of this chapter shall be conducted in accordance with the hearing requirements established by the statutes relating to the practice of veterinary medicine in the State and the regulations promulgated under them. Hearings shall be conducted in accordance with procedures adopted by the Board and the Maryland Department of Agriculture and prescribed by the Administrative Procedures Act.

.14 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid for any reason by a court of competent jurisdiction, the holding may not affect other provisions or applications of the regulation and, to this extent, the provisions of this regulation are severable.

.15 Complying with Certain Requests of the Board.

A veterinarian shall comply with the following requests of the Board:

- A. If summoned to appear before the Board, to appear on the date and at the time indicated in the summons; and
- B. Within 15 days after receiving a Request for Production of Documents from the Board, to deliver to the Board all books, papers, records, and other documentary evidence which the Board has requested; and
- C. If the veterinarian owns a veterinary hospital, to allow the Board's inspectors to inspect the facility during normal business hours.

.16 Notice of Lack of 24-hour Supervision.

A veterinarian who has assumed the care and custody of an animal, but does not provide 24-hour supervision by a paid employee physically in the hospital, where the animals are kept, shall provide the following written notification to the owner of the animal: "We Do Not Provide 24-Hour Supervision". This notice shall be provided either by:

- A. Posting in a conspicuous location within the hospital that is readily visible by the public, such as at or near a receptionist's desk; or

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B. Hand delivery to the owner on a piece of paper when the animal is presented for treatment or boarding.

.17 Direct Supervision Guidelines.

A. In this regulation, the following terms have the meanings indicated:

(1) "Registered veterinary technician" means an individual currently registered with the Board as a veterinary technician;

(2) "Responsible direct supervision" means competent, immediate, and active supervision;

(3) "Technician" means a nurse, attendant, technician, intern, or other employee of a licensed and registered veterinarian who is not a registered veterinary technician.

B. A veterinarian giving responsible direct supervision to the work of a technician or registered veterinary technician shall be:

(1) In the immediate vicinity of where the work is being performed; and

(2) Actively engaged in supervising this work throughout the entire period it is being performed, including:

(a) Providing clear and specific directions on what work is to be done,

(b) Being cognizant of how the assigned work is being performed, and

(c) Being immediately available to provide advice when the assigned work is being performed.

C. A veterinarian may not permit a technician to perform the following procedures on an animal while the animal is under that veterinarian's care:

(1) Anesthesia induction by inhalation or intravenous injection;

(2) Anesthesia induction by intramuscular injection;

(3) Application of casts and splints;

(4) Dental extractions; and

(5) Suturing of existing surgical skin incisions.

D. A veterinarian may permit a registered veterinary technician to perform the procedures referenced in §C of this regulation if, when these procedures are being performed:

(1) The individual is under the responsible direct supervision of the veterinarian; and

(2) For the procedure referenced in §C(1) of this regulation only, the veterinarian also is able to maintain direct visual contact of the technician's performance of this procedure.

E. A veterinarian may permit a technician to render auxiliary or supporting assistance or administer medication if, when rendering the assistance or

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administering medication, the employee is under the responsible direct supervision of the veterinarian.

F. In the case of an anesthetized animal, a veterinarian may permit a technician to monitor the animal's condition and provide other supporting assistance, including the animal's maintenance, once the animal is stabilized.

.18 Animal Boarding by a Veterinarian.

A veterinarian who operates an animal boarding business in connection with a veterinary hospital is responsible for:

- A. Caring for boarded animals;
- B. Training staff on the care of boarded animals;
- C. Instructing staff to report to the veterinarian on duty if a boarded animal is sick or injured; and
- D. Arranging for the veterinary care of any sick or injured boarded animal.

Administrative History

Effective date: May 1, 1974

Regulation .01 amended effective November 2, 1987 (14:22 Md. R. 2340)

Regulation .03 amended effective August 4, 2003 (30:15 Md. R. 992)

Regulation .03B amended effective October 15, 2012 (39:20 Md. R. 1308); February 3, 2014 (41:2 Md. R. 92); March 16, 2015 (42:5 Md. R. 487)

Regulation .04 amended effective January 26, 1987 (14:2 Md. R. 130); August 4, 2003 (30:15 Md. R. 992); September 12, 2005 (32:18 Md. R. 1521); January 1, 2007 (33:26 Md. R. 1997)

Regulation .05 amended effective October 15, 2012 (39:20 Md. R. 1308)

Regulation .06 amended effective October 6, 1978 (5:20 Md. R. 1501); December 12, 2002 (29:24 Md. R. 1919); March 16, 2015 (42:5 Md. R. 487)

Regulation .06A amended as an emergency provision effective August 15, 2006 (33:18 Md. R. 1503); amended permanently effective December 7, 2006 (33:24 Md. R. 1906)

Regulation .06F amended effective October 29, 1975 (2:24 Md. R. 1483)

Regulation .07 amended effective May 7, 1984 (11:9 Md. R. 796); January 26, 1987 (14:2 Md. R. 130); December 25, 1989 (16:25 Md. R. 2714); September 8, 1997 (24:18 Md. R. 1296)

Regulation .09 amended effective January 26, 1987 (14:2 Md. R. 130)

Regulation .10 amended effective January 30, 1984 (11:2 Md. R. 114); April 6, 1998 (25:7 Md. R. 529); September 12, 2005 (32:18 Md. R. 1521); January 1, 2007 (33:26 Md. R. 1997)

Regulation .10A amended effective June 29, 2009 (36:13 Md. R. 900); October 15, 2012 (39:20 Md. R. 1308)

Regulation .10D amended effective June 8, 1992 (19:11 Md. R. 1016)

Regulation .10D amended as an emergency provision effective May 26, 2010 (37:13 Md. R. 850); adopted permanently effective October 18, 2010 (37:21 Md. R. 1437)

Regulation .10F amended effective June 14, 1999 (26:12 Md. R. 926)

Regulation .10-1 adopted effective February 3, 2014 (41:2 Md. R. 92)

Regulation .11 amended effective October 7, 1985 (12:20 Md. R. 1930); March 29, 1993 (20:6 Md. R. 584); March 16, 2015 (42:5 Md. R. 487)

Regulation .11A amended as an emergency provision effective March 14, 1996 (23:7 Md. R. 549); amended permanently effective July 15, 1996 (23:14 Md. R. 1011)

Regulation .11A amended effective March 24, 1997 (24:6 Md. R. 488); June 14, 1999 (26:12 Md. R. 926)

Regulation .11A amended as an emergency provision effective May 24, 2004 (31:12 Md. R. 908); amended permanently effective September 13, 2004 (31:18 Md. R. 1351)

Regulation .11A amended effective January 1, 2007 (33:26 Md. R. 1997)

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Regulation .12 repealed effective January 26, 1987 (14:2 Md. R. 130)
Regulation .12 adopted effective June 8, 1992 (19:11 Md. R. 1016)
Regulation .12 recodified to be Regulation .12-3 and new Regulation .12 adopted effective August 4, 2003 (30:15 Md. R. 992)
Regulation .12-1 adopted effective August 4, 2003 (30:15 Md. R. 992)
Regulation .12-1G adopted effective July 16, 2018 (45:14 Md. R. 698)
Regulation .12-2 adopted effective August 4, 2003 (30:15 Md. R. 992)
Regulation .15 adopted effective August 30, 1993 (20:17 Md. R. 1351)
Regulation .15C adopted effective June 19, 1995 (22:12 Md. R. 902)
Regulation .16 adopted effective June 19, 1995 (22:12 Md. R. 902)
Regulation .16 amended effective August 4, 2003 (30:15 Md. R. 992); January 1, 2007 (33:26 Md. R. 1997)
Regulation .16A amended effective June 29, 2009 (36:13 Md. R. 900)
Regulation .17 adopted effective July 15, 1996 (23:14 Md. R. 1011)
Regulation .17A amended effective June 29, 2009 (36:13 Md. R. 900)
Regulation .17A, B, D amended effective July 27, 1998 (25:15 Md. R. 1194)
Regulation .18 adopted effective March 9, 1998 (25:5 Md. R. 370)
Regulation .18 amended effective July 27, 1998 (25:15 Md. R. 1194)
Regulation .18 repealed and Regulation .19 recodified to be Regulation .18 effective September 12, 2005 (32:18 Md. R. 1521)
Regulation .19 adopted effective March 18, 2002 (29:5 Md. R. 504)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS
Chapter 02 Board Actions

Authority: Agriculture Article, §§2-302.1, 2-304, 2-307.1, 2-310, 2-310.1, and 2-311;
State Government Article, §§10-207—10-209; Annotated Code of Maryland

.01 Scope.

This chapter concerns formal and informal actions of the State Board of Veterinary Medical Examiners to enforce the laws and regulations governing the practice of veterinary medicine in this State. The Board may take action against alleged violators, including a veterinarian, a veterinary technician, an owner of a veterinary hospital, an owner of a mobile veterinary clinic, and an owner of an animal control facility. This chapter describes the Board's procedures for investigating possible violations of the Maryland Veterinary Practice Act that it discovers, and complaints it receives within 3 years of the complained-of conduct, and older complaints upon a showing of extraordinary circumstances. Additionally, this chapter describes procedures for contested case hearings before the Board and alternative dispute resolution procedures, including confidential case resolution procedure and mediation.

.01-1 Notice.

A. Notice of Board Action.

(1) The Board shall give written notice to a person against whom it is taking action at least 10 days before the scheduled hearing.

(2) The notice shall state:

(a) The facts that are asserted or, if the facts cannot be stated in detail when notice is given, the issues that are involved;

(b) The pertinent regulatory and statutory provisions under which this action is being taken;

(c) The sanction proposed or the potential penalty, if any, as a result of the Board's action;

(d) Unless a hearing has been scheduled, the person's opportunity to request a hearing before the Board, including the requirement that the request be in writing and submitted to the Board within 10 days from receipt of the notice; and

(e) The direct consequences, sanction, and potential penalty, if any, of the person's failure to exercise, in a timely manner, the opportunity for a hearing or to appear for a scheduled hearing.

B. Contested Case Hearing.

(1) If the Board conducts a contested case hearing, it shall give all parties written notice of the hearing at least 10 days before the scheduled hearing.

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(2) The written notice shall state:

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

(b) The right to call witnesses and submit documents or other evidence under State Government Article, §10-213(f), Annotated Code of Maryland;

(c) Any applicable right to request subpoenas for witnesses and evidence and the costs, if any, associated with such a request;

(d) The facts that are asserted or, if the facts cannot be stated in detail when notice is given, the issues that are included;

(e) That a copy of the hearing procedure is available on request, and the cost, if any, associated with such a request;

(f) The right to be heard personally and to be represented by counsel before the Board;

(g) The right to confront witnesses;

(h) That failure to appear for the scheduled hearing may result in an adverse action against the party; and

(i) That the parties may agree to the evidence and waive their right to appear at the hearing.

C. The Board shall provide to the licensee the required notice by certified mail, return receipt requested, bearing a postmark from the U.S. Postal Service, addressed to the post office address shown on the annual registration or other information the Board possesses.

D. The Board may provide the licensee notice by regular mail to the licensee's address of record if the Board has been unsuccessful in giving notice as provided under §C of this regulation.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Abrogate" means to rescind a prior action of the Board;

(2) "Cease and desist letter" means a letter issued by the Board directing:

(a) A licensee to cease doing a specified activity; or

(b) An unlicensed individual to cease the unauthorized practice of veterinary medicine.

(3) "Censure" means a reprimand.

(4) "Charging document" means a nonpublic document issued by the Board as a formal disciplinary action that:

(a) Alleges conduct by a licensee that the Board considers to be a violation under the Maryland Veterinary Medicine Act;

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(b) Sets forth provisions of the Maryland Veterinary Practice Act that the Board considers to have been violated; and

(c) Provides notice to the licensee of disciplinary proceedings before the Board.

(5) “Civil penalty final order” means a public document issued by the Board containing a final order that disposes of a charging document when the licensee:

(a) Waives the right to a contested case hearing; and

(b) Pays the civil penalty sanction contained in the notice of Board action.

(6) “Complaint” means a nonpublic document or other information received by the Board that sets out conduct by a licensee that may:

(a) Violate the Maryland Veterinary Practice Act; and

(b) Be grounds for an investigation or disciplinary action by the Board.

(7) “Consent agreement and order” means a public document issued by the Board that includes a final order of the Board specifying certain Board action that has been negotiated and agreed to by both parties to resolve a disciplinary action.

(8) “Default order” means a proposed order issued by the Board upon the failure of a licensee to respond to a notice of Board action or to appear at a hearing.

(9) “Dismissal” means an action of the Board to dispose of a complaint or matter without taking any disciplinary action.

(10) “Disposition agreement” means a nonpublic formal agreement entered into with an impaired licensee in which the licensee agrees to comply with certain conditions.

(11) “Letter of admonishment” means a nonpublic document issued by the Board as an informal action containing strong recommendations to a veterinarian regarding conduct or practices that concern the Board but do not rise to a level of severity requiring disciplinary action.

(12) “Letter of advice” means a nonpublic document issued by the Board as an informal action containing educational advice to a veterinarian regarding conduct or practices that the Board finds could be improved but do not rise to a level of severity requiring disciplinary action.

(13) “Letter of surrender” means a public letter accepted by the Board in which the licensee agrees to surrender the licensee’s license to practice veterinary medicine.

(14) “Mediation” means a confidential voluntary alternative dispute resolution (ADR) process offered by the Department to assist parties in resolving a dispute informally.

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(15) “Modified order” means an order issued by the Board to abrogate, change, or modify an original order after consideration of facts not originally considered.

(16) “Probation” means a sanction imposed by the Board, in which the licensee is:

- (a) Monitored by the Board for a period of time; and
- (b) Subject to certain requirements by the Board.

(17) “Public document” means a document that the Board is permitted or required to disclose to the public under State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland.

(18) “Recusal” means the removal of a member of the Board from participation in a matter because of interest, bias, or other reason.

(19) “Resolution conference” means a confidential meeting between a licensee and members of the Board to discuss possible settlement of a disciplinary matter.

(20) “Show cause hearing” means a nonevidentiary hearing before the Board in which the licensee may demonstrate to the Board why the Board should not issue a proposed order or take some other action.

(21) “Stay” means the withholding of Board action against a licensee, which stay may be subject to conditions imposed by the Board.

(22) “Stet” means the act of staying all further action in a proceeding, subject to the proceeding being reopened at a later date.

(23) “Summary suspension” means the indefinite suspension of a license under State Government Article, §10-226, Annotated Code of Maryland, issued if the Board finds that the action is necessary to protect the health, safety, or welfare of animals or individuals.

(24) “Veterinary review committee” means a team composed of three or more members of the Board that, under Agriculture Article §2-302.1, has the delegated authority to perform regulatory functions pertaining to veterinary practitioners under Title 2, Subtitle 3 of the Agriculture Article.

(25) “Violation of probation” means failure to comply with a requirement of probation imposed in an order of the Board.

.03 Complaint Procedures.

A. The Board or a veterinary review committee shall review a complaint received within 3 years of the conduct complained of, and may review a complaint received after 3 years of the conduct complained of upon a showing of extraordinary circumstances.

B. After reviewing a complaint, the Board or a veterinary review committee may further investigate the complaint by:

- (1) Requesting relevant records;

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- (2) Requesting written or oral responses from the alleged violator;
- (3) Requesting rebuttals from the complainant;
- (4) Requesting statements from witnesses;
- (5) Requesting statements from relevant third parties, including other treating veterinarians;
- (6) Procuring expert opinions on relevant specialty areas;
- (7) Researching areas in dispute; and
- (8) Seeking legal advice.

C. After completing an investigation of a complaint, the Board or a veterinary review committee may recommend that the Board take one or more of the following actions:

- (1) Dismiss the matter for lack of authority or merit;
- (2) Issue a cease and desist order;
- (3) Issue a letter of advice;
- (4) Issue a letter of admonition;
- (5) Issue a notice of action and charging document;
- (6) Stay the matter;
- (7) Stet the matter;
- (8) Refer the matter to mediation;
- (9) Refer the matter to the appropriate authorities; or
- (10) Issue a summary suspension which provides the right to request within 10 days a nonevidentiary show cause hearing.

.04 Board Actions and Case Resolution Procedures.

A. The Board may resolve or dispose of a complaint by any of the following:

- (1) Consent agreement and order;
- (2) Civil penalty final order;
- (3) Consent agreement and censure;
- (4) Disposition agreement;
- (5) Dismissal;
- (6) Final order;
- (7) Letter of advice;
- (8) Letter of admonishment;
- (9) Probation;
- (10) Referral to appropriate authorities;
- (11) Referral to mediation;

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- (12) Stay;
- (13) Stet; or
- (14) Other authorized action of the Board.

B. After the issuance of a notice of Board action and charging document to a licensee, the Board and the licensee may voluntarily agree to enter into any of the following confidential case resolution procedures, which may result in a formal or informal action of the Board:

- (1) A case resolution conference call or meeting;
- (2) Settlement negotiations; or
- (3) Mediation of interested parties.

C. A case resolution procedure shall be completed within 180 days of issuance of a notice of Board action, unless the Board finds good cause to grant additional time upon a written request and showing by the licensee.

D. The Board may issue a default order to a licensee who, without good cause, fails to respond to a notice of agency action or to comply with a Board order.

E. A licensee who receives a default order may request a nonevidentiary show cause hearing within 10 days of receipt of the order.

F. If the Board and a licensee are unable to reach an agreement, the matter may proceed to a hearing, if the licensee requested a hearing in writing in a timely manner.

G. The Board in its discretion may abrogate a prior order or issue a modified order.

H. Except for consideration of a proposed resolution of a case, admissions, facts revealed, proposals, or positions taken, unless the information is available from other sources or through discovery, are not admissible in a contested case hearing.

I. Participation in a case resolution procedure is not ordinarily a basis for recusal of Board member from further proceedings in a case.

.05 Parties — Representation.

A. "Party" includes any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in formal hearings. Any person or agency may be admitted as a party for limited purposes.

B. All parties appearing at formal hearings shall have the right to appear in proper person or by or with counsel. These parties shall have the right to be accompanied, represented, and advised by counsel.

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.06 Records — Transcript.

A. The Board shall prepare an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material filed in the proceeding.

B. Unless waived by all parties, a stenographic record of the proceedings shall be made at the expense of the Board. This record need not be transcribed, however, unless requested by a party, or by the Board. The cost of any typewritten transcripts of any proceeding, or part of a proceeding, shall be paid by the party requesting the transcript.

.07 Presiding Officer — Duties.

Each hearing shall be held before not less than a quorum of the Board. The Chairman, or in his absence, a member designated by him, shall be the presiding officer, and shall have complete charge of the hearing, permit the examination of witnesses, admit evidence, rule on the admissibility of evidence, and adjourn or recess the hearing from time to time. The Chairman or any member of the Board shall have the authority to administer the oaths to all witnesses testifying in the proceeding.

.08 Order of Procedure.

The order in which the parties shall present their case shall be determined by the presiding officer.

.09 Examination of Witnesses and Introduction of Evidence.

A. The rules of evidence in all hearings under these regulations shall be as set forth in State Government Article, §§10-213 and 10-214, Annotated Code of Maryland.

B. Any party may submit evidence, examine and cross-examine witnesses, and file objections, exceptions, and motions; provided, however, that where a party is represented by counsel, the submission of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions shall be done and presented solely by counsel.

C. The presiding officer, or any person designated by him for the purpose, may examine any witness called by any party. He may call as a witness any person in attendance at the hearing. Any member of the Board may examine any witness called by any party.

D. The Board shall have the power to compel the attendance of witnesses by subpoena.

E. A member of the Board shall decide a motion for recusal when the basis for the motion is that member's legal interest or bias. The presiding officer shall decide a motion for recusal, if the basis for the motion is something other than legal interest or bias of another member.

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.10 Briefs.

Any party may submit briefs of the issues of fact and law involved in the hearing, which briefs shall be filed in such form, with such number of copies, and at such time as the presiding officer may designate.

.11 Participation by the Office of the Attorney General.

The presiding officer may request the Office of the Attorney General to participate in any hearing as counsel for the Board. Upon this request, counsel shall have all of the rights with regard to the submission of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions as counsel for any party.

.12 Decision and Order.

Every decision and order rendered by the Board shall be in writing and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed promptly to each party or his attorney of record. The decision of the Board shall be by majority vote.

.13 Rehearings.

A. Any party aggrieved by a Board decision and order may apply for rehearing within 30 days after service on him of the decision and order. Action on the application shall lie in the discretion of the Board.

B. Unless otherwise ordered, neither the rehearing nor the application shall stay the enforcement of the order, or excuse the persons affected by it for failure to comply with its terms.

C. On rehearing, the Board may consider facts not presented in the original hearing, including facts arising after the date of the original hearing, and may, by new order, abrogate, change, or modify their original order.

Administrative History

Effective date: June, 1968

Regulation .01 amended effective December 2, 1996 (23:24 Md. R. 1683)

Preface recodified as Regulation .01 and Regulation .01 recodified as Regulation .01-1, April, 1997

Regulation .10A amended effective April 8, 1985 (12:7 Md. R. 708)

Chapter revised effective October 15, 2012 (39:20 Md. R. 1308)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
EXAMINERS

Chapter 03 Licensing and Minimum Sanitary Requirements for
Veterinary Facilities

Authority: Agriculture Article, §§2-304 and 2-304.1, Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the State Board of Veterinary Medical Examiners.

(2) "Hospital license" means a license which permits a person to own and operate a veterinary hospital or mobile veterinary clinic.

(3) "Licensing year" means the yearly period running from July 1 until June 30.

(4) "Owner" means the person responsible for maintaining the hospital or mobile clinic properly. A person who leases a veterinary practice from another shall assume the responsibility of maintaining the facility properly and, thus, for the purposes of this chapter and COMAR 15.14.07, is considered the owner of the facility.

(5) "Responsible veterinarian" means a veterinarian who:

(a) Is licensed and registered by the Board;

(b) Provides direct supervision and control of a licensed veterinary facility; and

(c) Is regularly present at the facility:

(i) More than 50% of the time the facility is open for business; or

(ii) At least 20 hours per week if the facility is open for business more than 40 hours per week.

(6) "Valid hospital license" means a hospital license for the current licensing year which has neither been revoked nor, unless stayed, is under suspension.

(7) "Veterinary hospital" means a building or portion of a building which is regularly used for the treatment of animals by a veterinary practitioner.

.01-1 Licensing Requirement.

A. For each licensing year, an owner shall apply for a hospital license on an application furnished by the Department and pay the annual fee required under Regulation .08 of this chapter.

B. The owner of a hospital shall provide certain information on the application when either obtaining a new hospital license, or renewing a hospital

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license. The following information shall be provided on the application form by the owner:

- (1) Name of hospital;
- (2) Name of owner;
- (3) Street address;
- (4) Printed name and signature of veterinarian responsible for the hospital;
- (5) If more than one individual is employed by the hospital, one of the following:
 - (a) Certificate of compliance with the State Workers' Compensation Laws; or
 - (b) Workmens' compensation policy number or binder number;
- (6) Names of all veterinarians employed by the owner;
- (7) Names of all registered veterinary technicians employed by the owner;
- (8) Hospital's core hours of operation;
- (9) Hospital's telephone and facsimile numbers; and
- (10) Signature and date by the hospital owner.

C. A person, including the owner, may not operate a veterinary hospital unless it has a valid hospital license.

D. The Board shall issue the hospital license in the owner's name for the particular building or portion of it identified in the owner's application.

E. Because a hospital license is issued in the name of a particular owner for a particular building or portion of it, the owner may not transfer this license to either a new owner, including a person leasing or purchasing the owner's veterinary practice, or a different physical structure.

F. The Board may not issue a hospital license for, and the owner may not operate a veterinary hospital from, a building or portion of a building which has not previously passed board inspection until such time that the facility passes board inspection. The Board shall attempt to inspect the new facility within 2 weeks from receipt of the owner's application.

G. Change of Ownership.

(1) Upon receipt of a hospital application and the associated fee by a new owner requesting change of ownership, the Board shall review the hospital's last inspection report. The Board shall issue a hospital license in the name of the new owner if the following conditions are met:

(a) The hospital was inspected by the Board within the 12 months preceding the Board's receipt of the hospital application; and

(b) The hospital passed the inspection conducted within the 12 months preceding the Board's receipt of the hospital application.

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(2) If the conditions set forth in §G(1)(a) and (b) of this regulation are met, the Board shall attempt to inspect the hospital under new ownership within 60 days from the Board's receipt of the application.

H. After giving an owner notice and an opportunity to be heard, the Board may reject the owner's application for a hospital license, or suspend or revoke a hospital license the Board previously issued if the:

(1) Veterinary hospital does not meet the minimum sanitary requirements for veterinary facilities as provided under this chapter; or

(2) Owner fails to either pay the annual fee required under Regulation .08 of this chapter or allow the Board to inspect the facility during normal business hours.

I. The owner shall notify the Board in writing of any change to the information set forth in §B(1)—(10) of this regulation within 30 days after the change.

.01-2 Registration and License Posting Requirements.

The owner shall post the following for the current fiscal year in a conspicuous location within the hospital that is readily visible by the public, such as at or near a receptionist's desk:

- A. Registrations for all veterinarians employed by the hospital;
- B. Registrations for all veterinary technicians employed by the hospital; and
- C. The hospital license.

.01-3 Animal Housing and Care.

For the purposes of these regulations, comfortable and satisfactory housing is defined as any system of management, care, and housing that permits animals to be maintained in good health. Some of the specific considerations that give meaning to this definition are outlined below:

A. Criteria for Evaluating a Caging or Housing System.

(1) It should be designed with the animals' physical comfort as a primary consideration. Physical comfort, as applied scientifically to the housing system, includes keeping the animal dry and clean, maintaining the animal in a state of relative thermal neutrality, providing sufficient space to assure freedom of movement, and allowing for normal postural adjustments, avoiding unnecessary physical restraint, providing convenient access to appropriate food and water, and, if animals are group housed, maintaining them in compatible groups without overcrowding.

(2) It should be compatible with the maintenance of the animals in good health as measured by such factors as the maintenance of normal body weight and the prevention of the spread of communicable diseases.

(3) It should be designed to facilitate effective sanitary maintenance and technical servicing.

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(4) Cages, runs, and pens should be kept in good repair to prevent injury to the animal and to promote physical comfort. Sharp corners and edges, broken wires, and any dangerous surfaces shall be immediately covered.

(5) Materials used for the caging of animals shall be impervious to water, to wear, and to corrosion. Wood is an unacceptable caging material.

B. Exercise. An area readily susceptible to proper sanitation shall be available for the sole purpose of exercising animals.

.02 Sanitation Practices.

A. The animal facility shall be kept clean. A regular schedule of sanitary maintenance is necessary, including the elimination of wastes.

B. Animal rooms, corridors, storage areas, and other parts of the animal facility shall be washed, scrubbed, vacuumed, mopped, or swept as often as necessary, using appropriate detergents and disinfectants to keep them free of dirt, debris, and harmful contamination. A continuing objective shall be to keep these areas neat and uncluttered.

C. If litter or bedding such as paper is used in animal cages or pens, it shall be changed as often as necessary to keep the animals dry and clean and to minimize offensive odors.

D. Cages or pens from which animal waste is removed by hosing or flushing shall be cleaned and suitably disinfected one or more times daily. This system requires removal of the animals from cages during servicing in order to keep them dry.

E. Animal cages, racks, and accessory equipment, such as feeders and water utensils, shall be washed and sanitized as often as necessary to keep them physically clean and free from contamination. In addition, cages should always be sanitized before new animals are placed in them. Sanitizing may be accomplished either by washing all soiled surfaces with a cleaning agent having an effective bactericidal action or with live steam or the equivalent thereof.

F. Waste containers and implements shall be maintained in sanitary condition.

G. A veterinarian shall handle, treat, and dispose of medical wastes (including, but not limited to, carcasses, anatomical body parts, excretions, blood-soiled articles, bedding, and sharps) that are generated from an animal that the veterinarian knows, or has reason to know, has a disease that is capable of being transmitted to humans, in accordance with COMAR 26.13.11 and COMAR 10.06.06.

H. A veterinarian shall handle waste materials that are generated from an animal that does not have a disease transmissible to humans as provided under this section:

(1) Sharps, including but not limited to syringes, needles, and surgical instruments, shall be placed in a rigid, tightly lidded container that is impervious

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to puncture. Before disposing of this container, it shall be placed in a leak-proof plastic sack or plastic-lined paper bag.

(2) Animal tissues, including blood if it is in liquid form, shall be disposed of as provided under §H(3) or placed in one of the following:

(a) Sanitary sewer if allowed under any local ordinance or regulation and the Environment Article, Annotated Code of Maryland.

(b) Leak-proof disposable container, such as a plastic sack or a plastic-lined paper bag. Before disposing of this container, it shall be placed in a rigid, opaque container.

(3) Animal Carcasses.

(a) Except as provided under §H(3)(b), an animal carcass shall be disposed of promptly by one of the following methods:

(i) Release to the owner;

(ii) Burial;

(iii) Cremation;

(iv) Incineration;

(v) Disposal through the rendering process; or

(vi) If permitted by local ordinance, placed in a public landfill.

(b) If prompt disposal of an animal carcass is not possible, it shall be contained in a freezer or stored in a sanitary, nonoffensive manner until such time as it can be disposed of as provided under §H(3)(a).

(4) Litter, bedding, and animal excretions from:

(a) Companion animals shall be placed either in a:

(i) Sanitary sewer if allowed under any local ordinance or regulation and the Environment Article, Annotated Code of Maryland, or

(ii) Leak-proof disposable container, such as a plastic sack or a plastic-lined bag, when disposing of them by other available means;

(b) Livestock shall be:

(i) Handled as provided under §H(4)(a), or

(ii) Disposed of by any acceptable agricultural method.

(5) Before disposing of blood-soiled articles, they shall be placed in a leak-proof disposable container such as a plastic sack or a plastic-lined bag.

I. Waste materials should be removed regularly and frequently so that storage of waste does not create a nuisance.

J. The elimination or effective control of vermin shall be mandatory.

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.03 Feeding and Watering of Animals.

A. Feeding.

(1) All animals shall have daily access to feed according to their particular requirements. The food should be wholesome, free of contamination, palatable, and nutritionally adequate. It shall be fed in amounts sufficient to meet the needs of the individual animals.*

* As specified in the National Research Council Series on nutrient requirements for animals.

(2) Food containers shall be accessible to animals and shall be located to minimize contamination by excreta. Feed containers shall be made of a durable material and shall be kept clean. Food containers shall be sanitized daily after usage. Disposable food containers may be used but shall be discarded after use.

B. Watering. Animals shall have access to potable water, according to their particular requirements.

.04 Facilities, Equipment, and Supplies for Animal Surgery and Post Surgical Care.

A. If surgery is performed, appropriate facilities and equipment shall be provided and the operating area shall be run in accordance with accepted surgical practice.

B. A suitably equipped area shall include the following equipment and supplies:

(1) An autoclave or other equipment for effective sterilization of instruments, linens, gloves, gowns, and similar items;

(2) A scrub sink or a suitable container for surgical preparation;

(3) An operating light or sufficient power to assure clear illumination of the operative field;

(4) Instruments and drapes appropriate for the surgical procedures used in the hospital; and

(5) A positive pressure oxygen delivery system for small animal patients where medically indicated.

.05 Construction Standards for Veterinary Facilities.

A. Floors. Floors shall be smooth, waterproof, nonabsorbent, capable of being suitably scrubbed with detergents and effective sanitizing products, and capable of normal hospital use. Floor-wall junctions in areas such as waiting areas, examination rooms, treatment rooms, surgery rooms, and kennels shall be sealed to facilitate floor cleaning.

B. Walls. Walls shall be waterproof and smooth and free of cracks or gaps large enough to interfere with effective cleaning.

C. Ceilings. Ceilings shall be capable of being maintained in a sanitary condition.

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D. Exterior Windows. Exterior windows and skylights are not needed in the animal rooms if adequate ventilation and lights are provided. If windows are provided and are opened for ventilation purposes, effective screening is required.

E. Ventilation, Temperature, and Humidity Control.

(1) Effective ventilation shall maintain a low concentration of atmospheric contaminants, such as odors or microorganisms, shall regulate room temperature, and shall promote comfort.

(2) A ventilation system should permit individual adjustments within \pm 4 degrees F for any temperature within a range of 65 degrees F. The relative humidity should be maintained year round within a range of 30 to 70 percent, according to the needs of the species being maintained.

(3) If animals (for example, dogs) are housed outdoors with no access to indoor facilities, provisions to aid their natural temperature regulations are essential. When the ambient temperature falls below 50 degrees F, some form of shelter and an acceptable clean nesting material shall be provided, except for horses, cattle, sheep, goats, and pigs. When the ambient temperature exceeds 85 degrees F, shade shall be available and animals should be able to burrow or lie on materials several degrees cooler than the surrounding air.

F. Corridors. Corridors shall be wide enough to permit easy flow of personnel and equipment.

G. Power and Lighting. The electrical system should provide ample lighting, sufficient power outlets, safety provisions (such as explosion-proof outlets in rooms where volatile, explosive anesthetics may be used), and waterproof outlets where water is used in cleaning. Lighting shall be uniformly diffused throughout the area to be served. Although 10 to 15 footcandles of light are considered sufficient to maintain vital animal activity and rhythms, at least 50 footcandles are necessary for ordinary servicing of animal enclosures. For most animal housing areas, a minimum lighting intensity of 75 footcandles at the level of the cage racks is required. Animal treatment and examination areas should have a minimum of 100 footcandles at the work surface. Provision shall be made for emergency lighting in the event of a power failure.

H. Drainage. Floor drains, although not essential in animal rooms, if present, should be maintained in a sanitary and nuisance-free condition. Floors in these rooms can be maintained satisfactorily by wet vacuuming or by sweeping and mopping with appropriate disinfectants or cleaning compounds.

I. Service Areas in Relation to the Total Size of the Animal Facilities.

(1) An area or areas equal in square feet to at least 25 percent of the animal housing space shall be set aside for the service functions of the animal facility. The hospital service functions include all activities except animal housing.

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(2) When an animal facility is 1,000 square feet or less in size, it may be permitted to carry out the service functions in an area that serves other activities as well. However, a separate facility shall be available for storage.

J. Space Recommendations for Animals. The size of a cage, pen, or run shall be such as to allow the animal housed in it to repose and change position comfortably.

K. An automatic, electronic, centrally monitored fire alarm system shall be located in a veterinary hospital. The alarm system shall be adequate to warn if fire is in any area of the hospital where an animal may be kept or treated.

.06 Storage Areas: Food and Bedding, Refuse Equipment.

Bulk supplies of food and bedding may not be stored in animal rooms. A separate area or room shall be available in which food and bedding can be stored off the floor on pallets, racks, or carts. Food storage areas shall be physically separated from refuse areas. Temperatures in the storage rooms may be the ambient temperature. Refrigerated storage shall be available for perishable items. Separate storage for animal waste and dead animals is essential. Carcasses shall be kept below 45°F to reduce putrefaction. Obnoxious materials shall be covered or packaged.

.07 Local Building Codes; Use and Business Permits.

Notwithstanding the provisions of these regulations, the provisions of local building codes, zoning codes, and applicable use and building permits shall be complied with by the owner or director of a veterinary facility as a condition for approval of operation, provided the provisions are at least equal to these regulations.

.08 Licensing Fee.

The owner of the hospital shall pay an annual license fee, as provided in COMAR 15.14.12.02.

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Administrative History

Effective date: January 1, 1974

Regulations .01A, .03A, .04B, and .05A amended effective June 16, 1978 (5:12 Md. R. 969)

Regulation .01B amended effective February 3, 2014 (41:2 Md. R. 92)

Regulation .01 recodified to Regulation .01-2 and new Regulations .01 and .01-1 adopted effective May 24, 1993 (20:10 Md. R. 853)

Regulation .01-1 amended effective June 19, 1995 (22:12 Md. R. 902); January 1, 2007 (33:26 Md. R. 1997)

Regulation .01-2 recodified to Regulation .01-3 and new Regulation .01-2 adopted effective September 12, 2005 (32:18 Md. R. 1521)

Regulation .01-2 amended effective June 29, 2009 (36:13 Md. R. 900)

Regulation .02 amended effective February 19, 1990 (17:3 Md. R. 301)

Regulation .04B amended effective April 4, 2011 (38:7 Md. R. 433)

Regulation .05A, F amended effective September 12, 2005 (32:18 Md. R. 1521)

Regulation .05K adopted effective December 1, 1997 (24:24 Md. R. 1671)

Regulation .08 adopted effective March 15, 1993 (20:5 Md. R. 515)

Regulation .08 amended as an emergency provision effective May 24, 2004 (31:12 Md. R. 908); amended permanently effective September 13, 2004 (31:18 Md. R. 1351)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
EXAMINERS
Chapter 04 Animal Control Facility Licenses

Authority: Agriculture Article, §§2-304, 2-305, and 2-310.1, Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to establish the:

A. Terms and conditions under which an:

(1) Animal control facility license may be issued by the Board to an owner of an animal control facility;

(2) Individual qualifies as an authorized employee of an animal control facility;

(3) Authorized employee of an animal control facility is allowed to administer controlled dangerous substances required to humanely sedate, euthanize, or sedate and euthanize injured, sick, homeless, or unwanted domestic pets, and other animals; and

(4) Individual qualifies and is designated as the responsible individual who may purchase and maintain controlled dangerous substances for use at an animal control facility; and

B. Training requirements an individual shall meet to qualify as:

(1) The individual designated as the responsible individual who is allowed to purchase and maintain the controlled dangerous substances for use by authorized employees of the animal control facility; and

(2) An authorized employee who may administer drugs to animals during the course of the individual's employment with an animal control facility.

.02 Scope.

This chapter applies to all humane societies and county or municipal designated animal shelters in the State that use controlled dangerous substances.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Animal control facility" means a humane society or a county or municipal designated animal shelter.

(2) "Authorized employee" means an individual who takes direction from a responsible individual and has obtained Board-approved training in the use and handling of controlled dangerous substances as set forth in this chapter.

(3) "Board" means the State Board of Veterinary Medical Examiners.

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(4) Controlled Dangerous Substance (CDS).

(a) "Controlled dangerous substance (CDS)" means a substance listed in schedules II—V, as defined in Criminal Law Article, §5-101(f), Annotated Code of Maryland.

(b) "Controlled dangerous substance (CDS)" includes substances used by an animal control facility for sedation, euthanasia, or both.

(5) "DEA" means the United States Drug Enforcement Administration.

(6) "Drug" means a controlled dangerous substance (CDS).

(7) "Humane society" means a society or association incorporated in Maryland for the prevention of cruelty to animals, as defined in Criminal Law Article, §10-601, Annotated Code of Maryland.

(8) "Licensing year" means the annual period running from July 1 until June 30.

(9) "MDH" means the Maryland Department of Health.

(10) "Owner" means a person who rents, leases, or otherwise has control of the premises where the animal control facility is located.

(11) "PAWS" means the Professional Animal Workers of Maryland, which is the State association of animal control agencies and humane organizations.

(12) "Responsible individual" means the individual who:

(a) Meets the requirements of Regulation .06 of this chapter; and

(b) Is responsible for obtaining and maintaining the drugs that an animal control facility uses for sedating, euthanizing, or sedating and euthanizing injured, sick, homeless, or unwanted domestic pets, and other animals.

(13) "Valid animal control facility license" means a license to operate an animal control facility issued for the current licensing year which has neither been revoked nor, unless stayed, is under suspension.

.04 Requirements.

A. A person applying for a license shall obtain, complete, and submit licensing applications and fees as set forth in this chapter.

B. A licensee shall comply with:

(1) The inspection requirements by the Board or the Board's designee set forth in this chapter;

(2) The applicable training requirements as required in this chapter; and

(3) Criminal Law Article, Title 5, Subtitle 3, Annotated Code of Maryland, and regulations promulgated under it.

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.05 Licensing.

A. Requirement.

(1) A person may not operate an animal control facility to administer controlled dangerous substances without an animal control facility license issued by the Board.

(2) A person shall obtain a license for each separate location of an animal control facility.

B. Duration and Licensing Period.

(1) The licensing year for an animal control facility is July 1 through June 30.

(2) The Board may not issue an initial animal control facility license that extends beyond June 30 of the current licensing year.

(3) A license is valid for not more than 1 year from the date of issuance.

(4) A licensee who wishes to maintain continuous licensure shall act to renew an animal control facility license before the expiration of the license for each licensing year.

C. Application.

(1) The owner of an animal control facility shall provide a fully completed application to the Board when:

- (a) Applying to obtain an initial animal control facility license; and
- (b) Renewing an animal control facility license.

(2) To apply for an initial animal control facility license or renew an animal control facility license, an animal control facility owner shall submit:

- (a) A completed, Board-provided application;
- (b) Other documents or information required by the Board; and
- (c) An annual license fee of \$100.

(3) Refunds. Licensing fees are nonrefundable.

D. Application Information. The owner of an animal control facility shall provide a fully completed application containing the following information:

(1) If applying as an individual, the full name, home address, and telephone number of the:

- (a) Owner;
- (b) Responsible individual; and
- (c) Each employee authorized to administer drugs;

(2) If applying as an institution, the:

- (a) Business or trade name, business address, and telephone number;

and

- (b) Information required in §D(1)(b) and (c) of this regulation;

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(3) The name, address, and telephone number of the animal control facility.

E. An owner shall apply for and obtain a separate animal control facility license for each location that the owner operates an animal control facility.

F. The Board shall issue the animal control facility license in the owner's name and the responsible individual's name for the particular building or portion of a building identified in the owner's application.

G. Change in Ownership; Location; Non-Transferability.

(1) An animal control facility license issued pursuant to this chapter is not transferable to another owner.

(2) A new application shall be submitted to the Board if the animal control facility changes:

- (a) Ownership;
- (b) Location; or
- (c) Responsible individual.

H. Notification to the Board.

(1) The owner shall notify the Board in writing of any change to the information provided in the animal control facility license application within 30 days.

(2) If the change involves the responsible individual, the owner shall comply with the notification requirements in Regulation .13B of this chapter.

I. Inspection. An animal control facility issued an animal control facility license under this chapter may be periodically inspected by the:

- (1) Board or the Board's designee; and
- (2) MDH Division of Drug Control.

.06 Responsible Individual.

A. Requirement. An animal control facility shall designate an individual as the responsible individual.

B. Eligibility and Qualifications.

(1) A responsible individual is an individual who:

- (a) Is 21 years old or older;
- (b) Is formally designated by the owner or the board of directors as the responsible individual to obtain controlled dangerous substances for the animal shelter; and

(c) Within 10 years of the date the individual was designated as the responsible individual, has not been convicted of a felony offense or a crime or infraction involving:

- (i) Animal abuse or neglect; or

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(ii) Controlled dangerous substances.

(2) The owner may be designated as the responsible individual for the animal control facility if the owner meets the requirements set forth in §B(1) of this regulation.

C. Duties and Responsibilities. The responsible individual shall:

(1) Be involved and present during the routine operations of the animal control facility;

(2) Successfully complete an approved euthanasia training course as set forth in Regulation .09 of this chapter;

(3) Establish and maintain a written manual of instructions for employees to follow when performing animal control procedures, including:

(a) Euthanasia;

(b) Sedation; and

(c) Any other form of chemical animal control;

(4) Ensure that employees who administer drugs to animals have obtained required training suitable to the setting in which they are required to perform work for the animal control facility;

(5) Designate the employees who are authorized to administer controlled dangerous substances and noncontrolled substances in the course of the activities of the animal control facility;

(6) Maintain and make available for inspection a current list of authorized employees;

(7) Ensure that the authorized employees only perform tasks and duties at the direction of the responsible individual or owner of the animal control facility; and

(8) Purchase and maintain the required controlled dangerous substances for use at the animal control facility.

D. The responsible individual shall maintain all controlled substances under that individual's authority in a properly secured and locked storage container when the responsible individual or an authorized employee is not in the same room with the drug.

E. Only the responsible individual may purchase controlled dangerous substances for the animal control facility.

.07 Authorized Employee — Duties and Responsibilities.

An authorized employee shall:

A. Meet the training requirements set forth in this chapter;

B. Follow the animal control procedures established and maintained by the owner or responsible individual;

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C. Use controlled dangerous substances only as directed by the responsible individual;

D. Document the use of controlled dangerous substances as set forth in this chapter; and

E. Immediately report any discrepancies in the controlled dangerous substances record keeping to the responsible individual.

.08 Controlled Dangerous Substances — Registration Requirement.

Before a responsible individual may purchase controlled dangerous substances as an agent of the animal control facility, the animal control facility shall obtain and maintain CDS registration certificates from both the:

- A. MDH Division of Drug Control; and
- B. Federal DEA.

.09 Training Requirements.

A. An approved euthanasia training course shall include, but not be limited to, the following topics:

- (1) Anatomy;
- (2) Humane methods of euthanasia;
- (3) Euthanizing wild or feral animals;
- (4) Administering sedatives; and
- (5) Verification of death.

B. The following organizations offer a Board-approved euthanasia course:

- (1) The American Humane Association;
- (2) National Animal Control Association; and
- (3) The Professional Animal Workers of Maryland (PAWS).

C. In addition to successfully completing a euthanasia training course as set forth in §A of this regulation, training for an authorized employee who utilizes remote chemical capture equipment in a setting outside of an animal control facility shall include the following topics:

- (1) Field chemical capture and immobilization;
- (2) Proper use of field equipment, such as:
 - (a) Dart guns; and
 - (b) Restraint poles; and
- (3) Personnel safety.

D. The following organizations offer a Board-approved chemical capture course:

- (1) National Animal Control Association; and

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(2) Safe Capture International.

E. Local, State, Regional, or National Courses.

(1) Local, State, regional, or national 2-day courses may be approved by the Board after the Board reviews the:

- (a) Course content; and
- (b) Instructor's knowledge of the topics covered.

(2) The following information shall be submitted to the Board for its review:

- (a) Course curriculum;
- (b) Instructor's biography; and
- (c) Other information the Board determines necessary for course approval.

(3) Approval or denial for a 2-day course will be provided by the Board within 90 days after receipt of the information set forth in §E(2) of this regulation.

F. The Board may withdraw at any time its approval of a previously approved training course.

G. An owner shall submit proof of successful completion of training, as described in §§A—E of this regulation, for the responsible individual and each authorized employee:

- (1) With each application for an animal control facility license; and
- (2) Within 90 days of an employee's starting date if the employee was not employed at the time of application for an animal control facility license.

.10 Quality Standards.

A. An owner licensed under this chapter shall ensure that:

- (1) A drug is not used beyond its stated expiration date;
- (2) Outdated drugs are labeled as such and are kept in a separate place within a securely locked safe until they can be disposed of properly;
- (3) Drug container labels are not:
 - (a) Changed;
 - (b) Removed; or
 - (c) Altered;
- (4) Needles and syringes used by the animal control facility are:
 - (a) Of medical quality;
 - (b) Appropriately sized for the animal control procedure;
 - (c) Used for not more than three euthanasia administrations;

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- (d) Checked for burrs or other damage before each use;
 - (e) Disposed of in a manner that makes reuse impossible; and
 - (f) Securely stored when not in use;
- (5) Drugs are not distributed to another animal control facility;
- (6) Drug administration equipment is:
- (a) Kept in good working order; and
 - (b) Maintained as recommended by the manufacturer;
- (7) A dosage chart is available for each euthanasia solution or chemical restraint drug maintained at the animal control facility;
- (8) Written response protocols are available for accidental exposure of humans to euthanasia solutions or chemical restraint drugs maintained at the registered animal shelter;
- (9) Bulk inventories of controlled substances are stored in a safe in a room other than the euthanasia room;
- (10) Unless an animal is sedated, a minimum of two individuals are present when performing an intravenous drug injection, including:
- (a) An authorized employee; and
 - (b) One or more other individuals to assist the authorized employee as a handler; and
- (11) An authorized employee documents animal control activities that involve controlled dangerous substances as set forth in this chapter.
- B. Outdated drugs may be disposed of in one of the following ways:
- (1) Administered to an animal after euthanasia;
 - (2) Returned to the supplier for credit or replacement; or
 - (3) Sent to a DEA-registered reverse distributor for destruction.

.11 Animal Control Record Keeping.

An owner licensed under this chapter shall ensure that:

- A. Proper records of all animal control activities that involve the use of drugs are created and maintained;
- B. A record of drugs used for animal control purposes received and used by an animal control facility are kept in a consecutively numbered bound book and meet the requirements of COMAR 10.19.03, including, but are not limited to:
- (1) Inventory of all drug receipts;
 - (2) Drug administrations; and
 - (3) Any distributions of drugs;
- C. The animal control and euthanasia records are maintained on the business premises for a period of at least 2 years;

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D. The animal control facility records are filed and documented in chronological order to include, but not be limited to, the following information for each animal:

- (1) Identification of the animal, including:
 - (a) Species; and
 - (b) Weight;
- (2) Drugs administered;
- (3) Amount of the drug that was used for the procedure;
- (4) Initials of the person who administered the drug; and
- (5) Date of euthanasia or control procedure; and

E. All records are kept for a period of 2 years from the purchase date of the drug.

.12 Training Substantiation.

A. An owner shall keep an accurate record of an employee's approved training courses.

B. The Board may request verification from an authorized employee or responsible individual concerning the employee's attendance at a Board-approved training course.

.13 Penalties.

A. After giving an owner notice and an opportunity to be heard, the Board may impose a civil penalty instead of, or in addition to, suspending or revoking an animal control facility license if:

- (1) The owner or responsible individual fails to comply with the Board's requirements set forth in this chapter; or
- (2) The owner fails to either:
 - (a) Pay the annual fee required under Regulation .06 of this chapter; or
 - (b) Allow the Board to inspect the animal control facility during normal business hours.

B. Any license issued under this chapter is invalid for an owner whose designated responsible individual either ceases to qualify for that designation or leaves its employment, unless the owner has:

- (1) Given the Board at least 2 weeks written notice of the proposed change of status of the designated responsible individual; and
- (2) Submitted the name of a person who:
 - (a) Meets the requirements of this chapter for designation as the responsible individual; and
 - (b) Has been approved by the Board or its representative.

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Administrative History

Effective date: April 30, 1975 (2:9 Md. R. 678)

Chapter revised effective August 3, 1992 (19:15 Md. R. 1393)

Regulation .10 amended effective March 29, 1993 (20:6 Md. R. 584)

Regulation 10 amended as an emergency provision effective May 24, 2004 (31:12 Md. R. 908);
amended permanently effective September 13, 2004 (31:18 Md. R. 1351)

Chapter, Issuance of Permits for the Use of Sodium Pentobarbital, repealed and new Chapter,
Animal Control Facility Licenses, adopted as an emergency provision effective October 31,
2008 (35:24 Md. R. 2070); adopted permanently effective March 9, 2009 (36:5 Md. R. 424)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
EXAMINERS
Chapter 05 Health Certificate and Rabies Certificate for
Companion Animals

Authority: Agriculture Article, §2-304, Annotated Code of Maryland

.01 Definitions.

A. For the purpose of this chapter "companion animal" means any rabbit, bird, rodent, fish, reptile, amphibian, nonhuman primate, and other species of animal kept for pleasure rather than utility and accustomed to living in or about human habitation.

B. "Companion animal" also means any dog or cat, regardless of its utilitarian purpose.

C. "Companion animal" does not include:

- (1) Horses, cattle, sheep, goats, swine, or poultry; or
- (2) Any other animals kept for bona fide research or agricultural uses.

.02 Information on Certificate.

A. When issuing a health certificate or a rabies certificate for a companion animal, a veterinarian may not issue a blank or incomplete certificate. The veterinarian's signature shall be:

- (1) Handwritten by the veterinarian; or
- (2) An electronic signature of the veterinarian, affixed at the direction of the treating veterinarian at the time of vaccination.

B. A health certificate shall contain (if applicable to the species), but not be limited to the following information:

- (1) Date;
- (2) Owner's name;
- (3) Owner's address;
- (4) Description of animal, including:
 - (a) Age;
 - (b) Sex;
 - (c) Breed if purebred, or predominant breed type if of mixed breeding;
 - (d) Family, such as canine, feline;
- (5) Any pertinent medical history;
- (6) Any vaccinations administered, including date and type.

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.03 Certification of Health.

If the animal in question is to be shipped out of state, the signature of the veterinarian, who shall be accredited in Maryland, shall be preceded by the following certification:

I certify that I personally examined the animal(s) described hereon and have found same on this day to be free from visible signs of infectious, contagious, or communicable disease; that the results of any tests are as indicated above; that I am familiar with the stated entrance requirements of the state or county destination; and that this certificate is issued in compliance therewith.

.04 Scope of Authority of these Regulations.

Nothing contained within these regulations shall preempt, restrict, supersede, or duplicate the authority of the Secretary of Health in Health-General Article, Annotated Code of Maryland.

Administrative History

Effective date: September 3, 1975 (2:20 Md. R. 1308)

Regulations .02 and .03 amended effective November 18, 1977 (4:24 Md. R. 1808)

Regulation .02A amended effective December 2, 1996 (23:24 Md. R. 1683); March 16, 2015 (42:5 Md. R. 487)

Regulation .02B amended effective May 6, 1985 (12:9 Md. R. 814)

Regulation .03 repealed and Regulation .04 recodified to Regulation .03 effective December 2, 1996 (23:24 Md. R. 1683)

Regulation .04 amended effective May 6, 1985 (12:9 Md. R. 814)

Regulation .05 adopted effective November 18, 1977 (4:24 Md. R. 1808)

Regulation .05 repealed and Regulation .06 recodified to Regulation .04 effective December 2, 1996 (23:24 Md. R. 1683)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
EXAMINERS
Chapter 06 VACANT

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Subtitle 14 BOARD OF VETERINARY MEDICAL
EXAMINERS

Chapter 07 Minimum Standards for Mobile Veterinary Clinics

Authority: Agriculture Article, §§2-304 and 2-304.1, Annotated Code of Maryland

.01 Scope.

This chapter applies to any veterinarian who operates a mobile veterinary clinic offering or providing veterinary services for companion animals.

.02 Definitions.

“Mobile veterinary clinic” means a mobile unit in which veterinary services are provided to animals that are treated inside the mobile unit.

.03 Sanitation.

To the extent practicable, a veterinarian who operates a mobile clinic shall comply with the sanitation practices outlined in COMAR 15.14.03.

.04 Care of Medicine.

A veterinarian who operates a mobile clinic shall provide for the refrigeration and proper care of medicine to be used at the mobile clinic.

.05 Care of Equipment.

A veterinarian who operates a mobile clinic shall provide for the proper care of equipment and the proper hygiene of employees. Proper hygiene includes the washing of hands and the sanitizing of examination tables.

.06 Licensing Requirements.

A. A mobile veterinary clinic may not offer or provide veterinary services unless it has a valid hospital license.

B. The owner of more than one mobile veterinary clinic shall obtain a hospital license for each mobile clinic.

C. The licensing fee for a mobile veterinary clinic shall be the same as that required for a veterinary hospital.

D. The licensing requirements set forth in COMAR 15.14.03.01-1 also apply to mobile clinics.

.07 Surgery.

Surgery may not be performed at a mobile clinic unless the minimum standards set forth in COMAR 15.14.03.04 are met.

.08 Oxygen Delivery.

A suitably equipped area shall include a positive pressure oxygen delivery system for small animal patients where medically indicated, regardless of whether surgery is performed in the mobile veterinary clinic.

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Administrative History

Effective date: October 6, 1978 (5:20 Md. R. 1501)

Regulation .01 amended effective January 26, 1987 (14:2 Md. R. 130)

Regulations .02—.04 repealed effective January 26, 1987 (14:2 Md. R. 130)

Chapter, Minimum Standards for Mobile Veterinary Clinics or House Call Practices repealed and new Regulations .01—.06 under Minimum Standards for Mobile Veterinary Clinics adopted effective December 2, 1996 (23:24 Md. R. 1684)

Regulation .05 amended effective October 15, 2012 (39:20 Md. R. 1308)

Regulation .07 adopted effective October 15, 2012 (39:20 Md. R. 1308)

Chapter revised effective March 16, 2015 (42:5 Md. R. 487)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 STATE BOARD OF VETERINARY MEDICAL
EXAMINERS
Chapter 08 Licensing and Certification of Veterinarians from
Another State or Foreign Jurisdiction

Authority: Agriculture Article, §2-304, Annotated Code of Maryland

.01 Requirements for Licensing and Certification.

A. General Requirements. Subject to the provisions of this chapter, the Board may license and certify an applying veterinarian who:

(1) Is licensed:

(a) In another state; or

(b) In a foreign jurisdiction and is a graduate of a school accredited by the American Veterinary Medical Association;

(2) Has satisfied one of the following:

(a) Engaged in the clinical practice of veterinary medicine continuously for the preceding 5 years from application;

(b) Taught clinical veterinary medicine for the preceding 5 years from application at an institution accredited by the American Veterinary Medical Association; or

(c) Meets the requirements set forth in §B of this regulation;

(3) Has paid all appropriate fees; and

(4) Has passed the Board Examination, consisting of a notarized statement submitted to the Board, attesting to the fact that the applicant has read and comprehends the laws and regulations governing the practice of veterinary medicine in this State.

B. Alternative Requirements to Requisite Clinical Experience. Subject to §§C and D of this regulation, in addition to meeting the requirements set forth in §A(1), (3), and (4) of this regulation, an applying veterinarian who fails to meet either §A(2)(a) or (b) of this regulation shall meet the following requirements before being considered for licensure by the Board:

(1) The applicant has not been absent from the practice of clinical veterinary medicine for longer than 5 consecutive years prior to application;

(2) During the preceding 5-year period, the applicant has practiced clinical veterinary medicine for the equivalent of 3 full years, at a minimum;

(3) The applicant submits licensure verification, or letters of good standing, from all licensing boards with which the applicant is currently licensed, or has ever been licensed; and

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(4) The applicant submits proof that during the 5-year period preceding application, the applicant maintained:

(a) The type of continuing education accredited by the Board, as provided in COMAR 15.14.10.04; and

(b) The minimum number of hours required of Maryland licensed veterinarians during the same time period.

C. Relocation Due to Government Service. If the applicant has not practiced clinical veterinary medicine for the equivalent of 3 full years during the 5-year period immediately preceding application to the Board in accordance with §B(2) of this regulation, the applicant shall submit proof to the Board of the following, as a substitute for the required years of clinical practice under §B(2) of this regulation:

(1) That either the applicant or the applicant's spouse served the government, and that this service resulted in relocation outside the United States; and

(2) One of the following:

(a) That the applicant has practiced clinical veterinary medicine for the equivalent of 10 full years over the applicant's veterinary career; or

(b) That during the preceding 5-year period, the applicant has practiced clinical veterinary medicine for the equivalent 1 full year, at a minimum.

D. Acquiring Additional Continuing Education Credits. If the applicant has not taken the requisite type and number of continuing education credits during the 5-year period preceding application in accordance with §B(4)(a) and (b) of this regulation, the applicant shall take, and submit proof of having completed, a sufficient number of continuing education hours that:

(1) Meet the requirements set forth in §B(4)(a) and (b) of this regulation; and

(2) Are clinically oriented or practical in nature.

E. An applicant shall submit proof of good moral character to the Board.

Administrative History

Effective date: June 15, 1979 (6:12 Md. R. 1053)

Regulation .01 amended effective January 18, 1982 (9:1 Md. R. 23)

Regulation .01 repealed and new Regulation .01 adopted effective May 18, 1987 (14:10 Md. R. 1172)

Regulation .01 amended effective June 25, 2001 (28:12 Md. R. 1112)

Regulation .01 amended as an emergency provision effective September 17, 2007 (34:21 Md. R. 1911); amended permanently effective March 10, 2008 (35:5 Md. R. 642)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
EXAMINERS

**Chapter 09 Qualifications for Licensure, by Examination,
as a Veterinarian**

Authority: Agriculture Article, §§2-304 and 2-307, Annotated Code of Maryland

.01 Scope.

This chapter pertains to any individual applying to the State Board of Veterinary Medical Examiners for licensure, by examination, to practice veterinary medicine in this State.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "AVMA" means the American Veterinary Medical Association.

(2) "BCSE" means the Basic and Clinical Sciences Examination, developed by the American Veterinary Medical Association's Educational Commission for Foreign Veterinary Graduates.

(3) "Board Examination" means the reading and comprehension of the laws and regulations governing the practice of veterinary medicine in Maryland.

(4) "CCT" means the Clinical Competency Test prepared by the Professional Testing Service.

(5) "CPE" means the Clinical Proficiency Examination given by the AVMA.

(6) "ECFVG" means the Educational Commission for Foreign Veterinary Graduates.

(7) "Evaluated clinical experience" means a minimum of a 12-month period during which a PAVE candidate is evaluated by clinical faculty at an AVMA-accredited veterinary college.

(8) "Foreign veterinary graduate" or "FVG" means an individual who has received a professional veterinary medical degree from an AVMA-listed veterinary college which is not approved or accredited by the American Veterinary Medical Association.

(9) "Maryland State Examination" means:

(a) The Board Examination and the NAVLE;

(b) The BCSE and CPE, if the applicant is an FVG; and

(c) Evaluated clinical experience, if the applicant is a PAVE graduate.

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(10) "NAVLE" means the North American Veterinary Licensing Examination, produced by the National Board Examination Committee, assessing the applicant's practice competence for licensure as a veterinarian.

(11) "NBE" means the National Board Examination prepared by the Professional Examination Service.

(12) "NBVME" means the National Board of Veterinary Medical Examiners.

(13) "PAVE" means the Program for the Assessment of Veterinary Education Equivalence.

(14) "PAVE graduate" means an individual who has been issued a certificate by the Program for the Assessment of Veterinary Education Equivalence after successfully completing a minimum of 12 months of evaluated clinical experience at a veterinary college accredited by the American Veterinary Medical Association.

(15) "State Board" means the State Board of Veterinary Medical Examiners.

.03 Maryland State Examination.

A. Subject Matter.

(1) The Maryland State Examination shall consist of the:

- (a) Board Examination;
- (b) NAVLE;
- (c) BCSE and CPE, if the applicant is an FVG; and
- (d) Evaluated clinical experience, if the applicant is a PAVE graduate.

(2) In lieu of a passing score on the NAVLE, the Board, as provided under §E(2) of this regulation, may accept an applicant's passing scores on the NBE and CCT.

B. Time and Place for Taking the NAVLE. The NBVME shall specify the times and locations for taking the NAVLE.

C. Passing Score for the NAVLE. The NBVME shall establish the passing score for the NAVLE. If the applicant passes the NAVLE, the applicant shall inform the NBVME to notify the State Board in writing of this accomplishment.

D. The Board Examination. To pass the Board Examination, an applicant shall read and comprehend the laws and regulations governing the practice of veterinary medicine in this State, and shall sign a statement before a notary public attesting to this fact or shall sign an online statement in conjunction with the Board's online application process attesting to this fact with a signature that may be electronic.

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E. State Board's Acceptance of Passing Scores on Previously Taken Tests.

(1) The NAVLE. If an applicant has previously taken and passed the NAVLE, the State Board shall accept the applicant's passing score on it, if the passing score is not more than 5 years old. After this 5-year period, the applicant shall retake and pass the NAVLE to be eligible for licensure in this State, if the applicant does not meet the requirements set forth in COMAR 15.14.08 for veterinarians who are licensed in another state or foreign jurisdiction.

(2) NBE and CCT. If an applicant has previously taken and passed the NBE and CCT, the Board shall accept the applicant's passing scores on these tests, if these scores are not more than 5 years old. After this 5-year period, the applicant shall take and pass the NAVLE to be eligible for licensure in this State, if the applicant does not meet the requirements set forth in COMAR 15.14.08 for veterinarians who are licensed in another state or foreign jurisdiction.

.04 Application Process for Taking the Maryland State Examination.

A. Eligibility. To be eligible to take the Maryland State Examination, an examination applicant shall:

(1) Be graduated from an AVMA-accredited or approved school of veterinary medicine;

(2) Be within approximately 8 months of graduating from an AVMA-accredited or approved school of veterinary medicine on the date the examination is taken;

(3) If an FVG, be enrolled in, or have received a certificate from, the ECFVG program; or

(4) If a PAVE candidate, be enrolled in, or have received a certificate from, the PAVE.

B. Board Examination. To take the Board Examination, an applicant shall submit the following to the State Board within 1 year from the date the Board has received the application:

(1) A complete and notarized examination application on a form provided by the Board or an online examination application developed by the Board and submitted online with a signature that may be electronic;

(2) The application fee, as provided in COMAR 15.14.12.02, in the form of a check or money order, payable to the Maryland Department of Agriculture or in the form of an online credit card payment or other electronic payment submitted in conjunction with an online application developed by the Board;

(3) One 2-inch by 3-inch headshot photograph of the applicant, taken within 6 months of the application date, with the applicant's complete signature on the photograph or a headshot photograph of the applicant, taken within 6 months of the application date, that is uploaded with an online application

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developed by the Board and attested to as true and accurate with a signature that may be electronic; and

(4) The following information pertaining to the applicant's schooling:

(a) For the graduate of an AVMA-accredited or approved school of veterinary medicine, a school authenticated copy of the applicant's transcript or diploma, and, if applicable, an English translation;

(b) For the student within approximately 8 months of graduating from an AVMA-accredited or approved school of veterinary medicine, a letter from the school indicating the student's expected date of graduation;

(c) For the FVG:

(i) A school authenticated copy of the applicant's veterinary medical school transcript, and, if applicable, an English translation; and

(ii) An ECFVG certificate or, if currently enrolled in the ECFVG program, a letter from the school offering this program indicating the applicant's participation in it; and

(d) For the PAVE candidate:

(i) A school authenticated copy of the applicant's veterinary medical school transcript or diploma and, if applicable, an English translation; and

(ii) A PAVE certificate or, if currently enrolled in the PAVE, a letter from the school offering this program indicating the applicant's participation in it.

C. NAVLE.

(1) To sit for a scheduled NAVLE, an examination applicant shall submit to the NBVME, by a date specified by the NBVME, the following:

(a) The information specified under §B(4) of this regulation pertaining to the applicant's schooling, so that the NBVME may determine whether the applicant is eligible to take this examination;

(b) Completed NBVME application to take the NAVLE; and

(c) The requisite fees associated with taking the NAVLE.

(2) If the NBVME determines that the applicant is eligible to take the NAVLE, it shall notify the applicant.

.05 License Issuance.

Except as otherwise provided under COMAR 15.14.08, the Board may not issue a license to practice veterinary medicine in this State to an applicant unless the applicant:

A. Passes the Maryland State Examination, including submission of the notarized statement or submission of an online electronic signature in conjunction with an online application attesting to the fact that the applicant has read, and comprehends, the laws and regulations governing the practice of veterinary medicine in this State;

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B. Submits the following information pertaining to the applicant's schooling:

(1) For the graduate of an AVMA-accredited or approved school of veterinary medicine, a school authenticated copy of the applicant's transcript or diploma, and, if applicable, an English translation; or

(2) For the FVG:

(a) A school authenticated copy of the applicant's veterinary medical school transcript, and, if applicable, an English translation; and

(b) Either:

(i) A copy of the applicant's ECFVG certificate; or

(ii) A copy of the applicant's PAVE certificate; and

C. Meets all other requirements specified by law.

.06 ECFVG.

A. Until June 30, 2012, an applicant shall obtain the clinical portion of the ECFVG program in one of the following ways:

(1) Obtaining a passing score on a CPE approved by the ECFVG; or

(2) Completing 1 year of evaluated clinical experience at an AVMA-accredited or approved school of veterinary medicine if that evaluated clinical experience was completed by June 30, 2007.

B. After June 30, 2012, an applicant shall obtain the clinical portion of the ECFVG program by obtaining a passing score on a CPE approved by the ECFVG.

.07 Notice of Pass or Fail of Maryland State Examination.

The Board shall notify each candidate if the candidate passes or fails the Maryland State Examination.

.08 Taking Examination After Failure.

After failing the NAVLE, a candidate may take another examination by:

A. Making application directly to the NBVME; and

B. Meeting all other conditions as specified by the NBVME or its authorized representative.

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Administrative History

Effective date:

Regulations .01—.11 adopted as an emergency provision effective January 15, 1980 (7:2 Md. R. 112); adopted permanently effective March 21, 1980 (7:6 Md. R. 609)
Regulation .02 amended effective July 5, 1982 (9:13 Md. R. 1354); October 7, 1985 (12:20 Md. R. 1930); February 3, 1992 (19:2 Md. R. 156)
Regulation .02E amended effective November 7, 1983 (10:22 Md. R. 1968)
Regulation .03 amended effective July 5, 1982 (9:13 Md. R. 1354)
Regulation .03A amended effective January 23, 1981 (8:2 Md. R. 116); January 18, 1982 (9:1 Md. R. 23); November 7, 1983 (10:22 Md. R. 1968); October 7, 1985 (12:20 Md. R. 1930); February 3, 1992 (19:2 Md. R. 156); August 30, 1993 (20:17 Md. R. 1352)
Regulation .03C adopted effective February 3, 1992 (19:2 Md. R. 156)
Regulation .04 amended effective January 18, 1982 (9:1 Md. R. 23)
Regulation .05 amended effective January 18, 1982 (9:1 Md. R. 23); July 5, 1982 (9:13 Md. R. 1354); November 7, 1983 (10:22 Md. R. 1968); October 7, 1985 (12:20 Md. R. 1930)
Regulation .06 amended effective July 5, 1982 (9:13 Md. R. 1354); November 22, 1982 (9:23 Md. R. 2261); November 7, 1983 (10:22 Md. R. 1968); October 7, 1985 (12:20 Md. R. 1930)
Regulation .06C adopted effective June 1, 1987 (14:11 Md. R. 1261)
Regulation .07 repealed effective July 5, 1982 (9:13 Md. R. 1354)
Regulation .07 adopted effective November 7, 1983 (10:22 Md. R. 1968)
Regulation .07 amended effective October 7, 1985 (12:20 Md. R. 1930)
Regulation .09B amended effective July 5, 1983 (10:13 Md. R. 1181)
Regulation .09C adopted effective June 4, 1984 (11:11 Md. R. 963)
Regulation .11 amended effective November 19, 1984 (11:23 Md. R. 1994)

Chapter revised as an emergency provision effective July 17, 2000 (27:16 Md. R. 1519); revised permanently effective October 2, 2000 (27:19 Md. R. 1729)
Regulations .01—.05 and .07 amended effective June 25, 2001 (28:12 Md. R. 1112)
Regulation .02B amended as an emergency provision effective August 15, 2006 (33:18 Md. R. 1503); amended permanently effective December 7, 2006 (33:24 Md. R. 1906)
Regulation .03 amended as an emergency provision effective August 15, 2006 (33:18 Md. R. 1503); amended permanently effective December 7, 2006 (33:24 Md. R. 1906)
Regulation .04 amended as an emergency provision effective August 15, 2006 (33:18 Md. R. 1503); amended permanently effective December 7, 2006 (33:24 Md. R. 1906)
Regulation .04B, C amended as an emergency provision effective May 24, 2004 (31:12 Md. R. 908); amended permanently effective September 13, 2004 (31:18 Md. R. 1351)
Regulations .08—.10 repealed effective June 25, 2001 (28:12 Md. R. 1112)
Regulation .08 adopted as an emergency provision effective August 15, 2006 (33:18 Md. R. 1503); adopted permanently effective December 7, 2006 (33:24 Md. R. 1906)

Chapter revised as an emergency provision effective June 29, 2007 (34:15 Md. R. 1347); revised permanently effective November 5, 2007 (34:22 Md. R. 1979)
Regulation .02B amended effective July 11, 2011 (38:14 Md. R. 790); March 16, 2015 (42:5 Md. R. 487)
Regulation .03A amended effective July 11, 2011 (38:14 Md. R. 790); March 16, 2015 (42:5 Md. R. 487)
Regulation .03D amended effective December 17, 2018 (45:25 Md. R. 1206)
Regulation .04 amended effective July 11, 2011 (38:14 Md. R. 790)
Regulation .04B amended effective December 17, 2018 (45:25 Md. R. 1206)
Regulation .05A, B amended effective December 17, 2018 (45:25 Md. R. 1206)
Regulation .05B amended effective July 11, 2011 (38:14 Md. R. 790)

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MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
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Chapter 10 Continuing Education Requirements

Authority: Agriculture Article, §§2-304(a)(1) and 2-306(a)(2), Annotated Code of Maryland

.01 Scope.

These regulations apply to any person licensed to practice veterinary medicine in the State.

.02 Definitions.

A. "Board" means the State Board of Veterinary Medical Examiners.

B. "Credit hour" means 1 program hour.

C. "Unused credit hour" means a credit hour which a practitioner earned in a given licensing year but did not use toward fulfilling the continuing professional education requirement for that year.

.03 New License.

A. A practitioner is exempt from providing proof to the Board of having met the continuing education requirement for 12 months from the license issuance date if:

- (1) The practitioner is registering the veterinary license for the first time; and
- (2) Reinstatement of the license is not required.

B. If a practitioner fails to register the veterinary license within 12 months following notification from the Board of having met the legal requirements for licensure, the practitioner shall meet the legal requirements for licensure, as provided in COMAR 15.14.08 or 15.14.09, as applicable.

.04 License Renewal.

A. Except as provided in §B of this regulation, the Board may not renew a practitioner's license unless that practitioner has earned 18 credit hours of continuing professional education during the:

- (1) 12 months preceding the beginning of the new licensing year; or
- (2) 24 months preceding the beginning of the new licensing year provided, however, that any credit hours earned before the 12 months preceding the beginning of the new licensing year are unused credit hours.

B. The Board may conditionally renew a practitioner's license even though the requirements of §A of this regulation have not been met if the practitioner submits to the Board:

- (1) Satisfactory proof that these requirements reasonably cannot be met because of exigent circumstances, such as meeting or recently completing an armed services commitment; and

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(2) A plan showing that the practitioner will, within a reasonable period of time, complete the requirements of §A of this regulation.

.05 Accreditation.

A. Accreditation by the Board of continuing education courses will be based only upon program content.

B. A minimum of 12 hours of continuing education courses shall be directed toward improvement, advancement, and extension of professional skill and knowledge relating to the practice of veterinary medicine. These courses shall have significant intellectual or practical content dealing primarily with information on skills directly related to the practice of veterinary medicine.

C. A maximum of 6 credit hours of continuing education courses may be directed toward non-scientific subjects relating to the practice of veterinary medicine, such as:

- (1) Practice management concepts;
- (2) Communication skills;
- (3) State regulatory programs; or
- (4) Federal regulatory programs.

D. Credit may be approved for the following:

(1) Continuing veterinary educational programs given by a college of veterinary medicine approved by the American Veterinary Medical Association;

(2) Lectures and scheduled courses at national and regional meetings of the American Veterinary Medical Association;

(3) Continuing educational programs given or arranged by the Maryland Veterinary Medical Association;

(4) Continuing educational programs given or arranged by North American Veterinary Conference, Western Veterinary Conference, Central Veterinary Conference, or American Animal Hospital Association; and

(5) Local, State, regional, or national continuing professional education courses including postgraduate studies, institutes, seminars, lectures, conferences, workshops, extension studies, or other continuing educational programs as approved by the Board. Requests for approval of postgraduate studies and extension studies shall be submitted to the Board no fewer than 60 days before the expiration of the veterinarian's registration certificate.

E. Credits obtained through on-line continuing education programs may not exceed 9 hours of the total required number of credit hours submitted in a given licensing year.

F. After review of course content, the Board may withdraw its approval of a previously accredited continuing education course.

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G. A practitioner may apply any unused credit hours earned in a given licensing year toward fulfilling the following year's continuing professional education requirement.

.06 Credit Substantiation.

A. A practitioner shall keep an accurate attendance record of approved continuing education courses.

B. The Board may request verification from a practitioner concerning his or her attendance at any continuing education course.

C. If a practitioner reports false or misleading information to the Board, that practitioner may be subject to Board discipline following a hearing.

.07 Failure to Meet Requirements.

A practitioner who fails to meet the continuing education requirements of this chapter may not practice veterinary medicine in the State. However, if a practitioner intends to practice veterinary medicine over the next licensing period, the practitioner shall renew the practitioner's registration not later than June 30 of each year by submitting to the Board proof of compliance with the requirements of this chapter.

Administrative History

Effective date: January 23, 1981 (8:2 Md. R. 117)

Regulation .02C adopted effective March 16, 1992 (19:5 Md. R. 579)

Regulation .03 amended as an emergency provision effective May 21, 1991 (18:12 Md. R. 1318); emergency status extended at 18:16 Md. R. 1809 (August 9, 1991); amended permanently effective October 28, 1991 (18:21 Md. R. 2310)

Regulation .03 amended effective March 16, 1992 (19:5 Md. R. 579)

Regulation .03A amended effective October 5, 2009 (36:20 Md. R. 1532)

Regulation .04 amended effective January 1, 2007 (33:26 Md. R. 1997); October 5, 2009 (36:20 Md. R. 1532)

Regulation .04C amended effective July 28, 1997 (24:15 Md. R. 1062)

Regulation .04D amended effective March 16, 1992 (19:5 Md. R. 579)

Regulation .05 amended effective March 16, 1992 (19:5 Md. R. 579)

Regulation .06 amended effective September 12, 2005 (32:18 Md. R. 1521)

Chapter revised effective March 16, 2015 (42:5 Md. R. 487)

Regulation .05E amended effective July 16, 2018 (45:14 Md. R. 698)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS
Chapter 11 Civil Penalty Standards for Veterinarians

Authority: Agriculture Article, §2-310.1, Annotated Code of Maryland

.01 Scope.

This chapter establishes standards which determine the penalty for any licensed veterinarian who violates any statute or Board regulation governing the practice of veterinary medicine in this State.

.02 Penalty When License Suspended or Revoked.

After a hearing, the Board may impose a penalty on a veterinarian:

- A. Instead of or in addition to suspending a veterinarian's license; or
- B. In addition to revoking a veterinarian's license.

.03 Violations.

The Board may impose a penalty on a veterinarian who does any of the following:

- A. Fails to provide direct supervision for employees;
- B. Practices veterinary medicine without a current registration;
- C. Operates a veterinary hospital without a veterinary hospital license;
- D. Fails to conform to minimum sanitary standards for veterinary facilities;
- E. Conducts a veterinary practice in a manner which violates professional and ethical standards;
- F. Violates a Board regulation after receiving a license;
- G. Engages in false or misleading advertising;
- H. Obtains a license to practice veterinary medicine by fraud or misrepresentation;
- I. Employs or permits an unlicensed person to practice veterinary medicine;
- J. Employs or permits a veterinarian who does not possess a current veterinary registration to practice veterinary medicine;
- K. Practices veterinary medicine without a valid license issued by the Board;
- L. Conducts a veterinary practice incompetently;
- M. Violates any federal or State law relating to narcotic drugs;
- N. Is convicted of a felony, or of a crime involving moral turpitude;
- O. Is deliberately cruel to an animal; or
- P. Is grossly negligent in the practice of veterinary medicine.

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.04 Classification of Violations for the Purpose of Determining Penalties.

A. For a violation of Regulation .03A—F of this chapter, a penalty may be imposed by the Board considering the nature and gravity of each violation consistent with the following standards:

- (1) For the first violation, a penalty of not less than \$300 or more than \$3,000;
- (2) For the second violation, a penalty of not less than \$600 or more than \$6,000;
- (3) For the third and any subsequent violation, a penalty of not less than \$3,000 or more than \$10,000.

B. For a violation of Regulation .03G-J, a penalty may be imposed by the Board considering the nature and gravity of each violation consistent with the following standards:

- (1) For the first violation, a penalty of not less than \$600 or more than \$5,000;
- (2) For the second violation, a fine of not less than \$3,000 or more than \$10,000;
- (3) For the third and any subsequent violation, a penalty of not less than \$6,000 or more than \$10,000.

C. For a violation of Regulation .03K—P of this chapter, a penalty may be imposed by the Board considering the nature and gravity of each violation consistent with the following standards:

- (1) For the first violation, a penalty of not less than \$3,000 or more than \$5,000;
- (2) For the second violation, a penalty of not less than \$6,000 or more than \$10,000;
- (3) For the third and any subsequent violation, a penalty of not less than \$8,000 or more than \$10,000.

.05 Appeal.

A veterinarian may appeal the Board's decision to impose a penalty as provided in Agriculture Article, § 2-405, Annotated Code of Maryland. A veterinarian shall be notified of this right to appeal.

.06 Penalty Payment.

Unless a veterinarian appeals, the amount of a penalty shall be paid promptly to the Board.

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Administrative History

Effective date: January 23, 1981 (8:2 Md. R. 117)
Regulations .03 and .04 amended effective November 7, 1983 (10:22 Md. R. 1968)
Regulation .03 amended effective September 12, 2005 (32:8 Md. R. 1521)
Regulation .03 amended as an emergency provision effective May 26, 2010 (37:13 Md. R. 850)
Regulation .04 amended effective June 29, 2009 (36:13 Md. R. 900); October 15, 2012 (39:20
Md. R. 1308)
Regulation .04B, C amended as an emergency provision effective May 26, 2010 (37:13 Md. R.
850); adopted permanently effective October 18, 2010 (37:21 Md. R. 1437)
Regulation .04C amended effective September 12, 2005 (32:18 Md. R. 1521)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
EXAMINERS
Chapter 12 Fees

Authority: Agriculture Article, §2-303, Annotated Code of Maryland

.01 Scope.

This chapter governs all applicants for licenses or registration, licensees, and permit holders.

.02 Fees.

The following fees are established by the Board of Veterinary Medical Examiners:

A. Initial registration fee for newly-licensed and newly-reinstated veterinarians:

(1) Between July 1 and December 31 — \$150;

(2) Between January 1 and June 30 — \$75.

B. Annual registration renewal fee — \$150;

C. Veterinarian late registration fee — (additional) — \$100;

D. Veterinarian reinstatement fee — \$225;

E. Veterinarian State Board examination fee — \$225;

F. Veterinary technician application fee — \$85;

G. Veterinary technician registration fee (triennial) — \$60;

H. Veterinary hospital license fee (annual) — \$150;

I. Veterinary hospital late fee — (additional) — \$100;

J. Animal control facility license (annual) — \$100; and

K. Letter of good standing fee — \$25.

Administrative History

Effective date:

Regulations .01 and .02 adopted as an emergency provision effective May 24, 2004 (31:12 Md. R. 908); adopted permanently effective September 13, 2004 (31:18 Md. R. 1351)

Regulation .02 amended effective June 29, 2009 (36:13 Md. R. 900); April 2, 2012 (39:6 Md. R. 410); March 16, 2015 (42:5 Md. R. 487); July 1, 2016 (42:26 Md. R. 1596)

Regulation .02G, H amended effective August 29, 2016 (43:17 Md. R. 956)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
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Chapter 13 Qualifications for Examination and Registration of a
Veterinary Technician

Authority: Agriculture Article, §2-309, Annotated Code of Maryland

.01 Scope.

This chapter applies to any person who makes application to the State Board of Veterinary Medical Examiners to be registered as a veterinary technician.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "AAVSB" means the American Association of Veterinary State Boards.

(2) "AVMA" means the American Veterinary Medical Association.

(3) "Board" means the State Board of Veterinary Medical Examiners.

(4) "Candidate for graduation" means a student who:

(a) Is within approximately 3 months of graduating college with a degree in veterinary technology; and

(b) Has a letter sent from the college to the Board's office, indicating the student's expected date of graduation.

(5) "Committee" means the Veterinary Technician Committee of the State Board of Veterinary Medical Examiners.

(6) "Maryland State Veterinary Technician Examination" means both the Veterinary Technician National Examination, and the State Board Examination for becoming a registered veterinary technician.

(7) "PES" means the Professional Examination Service.

(8) "Registered veterinary technician" means a person who is registered with the Board as a veterinary technician.

(9) "VTNE" means the Veterinary Technician National Examination.

.03 Qualifications for Examination.

A. Eligibility Requirements for Graduates or Candidates for Graduation From Veterinary Technology Programs. To be eligible to take the State Board Examination, an examination applicant shall provide a final transcript from a school showing that the applicant is a graduate or candidate for graduation from a veterinary technology program approved by the AVMA.

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B. Eligibility Requirements for Applicants Who do not Meet the Educational Criteria Set Forth in §A of this Regulation. To be eligible to take the State Board Examination, an examination applicant shall provide:

(1) A school-authenticated transcript showing the applicant to be a holder of an associate's degree or above, which includes a minimum of three credits with a passing grade of C or above in each of the following college level courses:

- (a) Biology I;
- (b) Biology II;
- (c) Microbiology;
- (d) Chemistry;
- (e) Anatomy and Physiology I; and
- (f) Anatomy and Physiology II.

(2) Proof of completion of 10,000 hours of work experience as a technician, with a signed affidavit from a supervising veterinarian specifying the number of hours worked and the dates worked;

(3) A Maryland Technician Skill Assessment completed by a licensed veterinarian;

(4) Proof of having completed a minimum of 24 hours of veterinary technician continuing education; and

(5) Proof of having completed a minimum of 24 hours of work as a veterinary technician in a veterinary emergency facility.

C. Board Examination. To take the State Board Examination, an applicant shall submit the following to the State Board within 1 year from the date the Board has received the application:

(1) A complete and notarized examination application on a form provided by the Board or an online examination application developed by the Board and submitted online with a signature that may be electronic;

(2) The application fee, as provided in COMAR 15.14.12.02, in the form of a check or money order, payable to the State Board of Veterinary Medical Examiners or in the form of an online credit card payment or other electronic means deemed practical by the Board and submitted in conjunction with an online application developed by the Board;

(3) A 2-inch by 3-inch headshot photograph of the applicant taken within 6 months of the application date, with the applicant's complete signature on the photograph or an electronic headshot photograph of the applicant taken within 6 months of the application date that is uploaded with an online application developed by the Board and attested to as true and accurate with a signature that may be electronic; and

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(4) One of the following documents:

(a) A final transcript from a school, as set forth in §A of this regulation;

or

(b) Proof of completion of certain coursework, as set forth in §B of this regulation.

D. Unless timely filed and complete, an examination application shall be denied.

E. VTNE.

(1) Graduate of an AVMA-Accredited Program.

(a) To sit for a scheduled VTNE, an examination applicant who has graduated from an AVMA-accredited program shall submit to the AAVSB, by a date specified by the AAVSB, the following:

(i) The information specified under §A(1)(a) of this regulation pertaining to the applicant's schooling, so that the AAVSB may determine whether the applicant is eligible to take this examination;

(ii) A completed AAVSB application to take the VTNE; and

(iii) The requisite fees associated with taking the VTNE.

(b) If the AAVSB determines that the applicant is eligible to take the VTNE, it shall notify the applicant.

(2) Other Type Graduate.

(a) To sit for a scheduled VTNE, an examination applicant who meets the eligibility requirements set forth in §B of this regulation shall have the school from which the applicant graduated submit to the Board a school authenticated copy of the applicant's final transcript and, if applicable, an English translation, for its review. The applicant shall also provide the following information in writing to the Board:

(i) Name of applicant; and

(ii) Telephone number or email address of applicant.

(b) If the Board determines that the applicant is eligible to take the VTNE, it shall notify the applicant and the AAVSB.

(c) Upon notification of eligibility to take the VTNE, the applicant shall submit the following to the AAVSB:

(i) A completed AAVSB application to take the VTNE; and

(ii) The requisite fees associated with taking the VTNE.

.04 Maryland Examination — Time and Place.

The AAVSB shall specify the times and locations for taking the VTNE.

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.05 Maryland State Examination — Subject Matter.

A. Exam Format. The Maryland State Veterinary Technician Examination is divided into two parts:

- (1) The VTNE; and
- (2) The State Board Examination.

B. The VTNE, written by veterinarians and veterinary technicians affiliated with the AAVSB, AVMA, the National Association of Veterinary Technicians of America and the Canadian Association of Animal Health Technologists and Technicians, tests a candidate's general knowledge on subjects relating to veterinary technology.

C. To pass the State Board Examination, an applicant shall:

- (1) Read and comprehend the laws and regulations governing registered veterinary technicians in this State; and
- (2) Sign a statement before a notary public or provide an electronic signature in conjunction with an online application developed by the Board attesting to this fact.

.06 Examination — Passing Grade.

A. A candidate shall pass the VTNE. The VTNE shall be administered for those candidates who have not previously taken and passed the VTNE. Candidates who have previously taken and passed the VTNE shall provide the Committee with a report from the AAVSB's Veterinary Information Verifying Agency showing that the candidate has passed the VTNE.

B. Passing Score for the VTNE. The PES shall establish the passing score for the VTNE.

C. State Board's Acceptance of Passing Scores on Previously Taken Tests. If an applicant has previously taken and passed the Maryland State Veterinary Technician Examination, the State Board shall accept the applicant's score if the score is not more than 5 years old. After this 5-year period, the applicant shall take and pass this examination to be a registered veterinary technician if the applicant does not meet the qualifications set forth in Regulation .11 of this chapter for veterinary technicians who have practiced in another state or foreign jurisdiction.

.07 Notice of Pass or Fail of VTNE.

The AAVSB shall notify each candidate if the candidate passes or fails. Upon request, a candidate may be given the candidate's grade.

.08 Taking Examination After Failure.

After a failure on the VTNE, a candidate may take another examination by:

- A. Making application directly to the AAVSB; and
- B. Meeting all other conditions as specified by the AAVSB or its authorized representative.

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.09 Fee Refunds.

- A. The fee associated with the State Board Examination is non-refundable.
- B. The fee associated with the VTNE shall be refunded in accordance with AAVSB's policy on refunds.

.10 Registration.

The Board shall register an applicant as a registered veterinary technician who:

- A. Meets the requirements of this chapter;
- B. Meets the Committee's educational requirements;
- C. Passes the Committee's examination;
- D. Is of good moral character; and
- E. Is at least 18 years old.

.11 Requirements of Veterinary Technicians from Another State or Foreign Jurisdiction.

A. Subject to the provisions of this regulation, the Board may register an applying veterinary technician who submits proof of meeting the following requirements:

- (1) Is registered in another state or a foreign jurisdiction and is a graduate of a school accredited by the American Veterinary Medical Association;
- (2) Has been employed in a clinical practice as a veterinary technician continuously for the 5 years preceding application;
- (3) Has paid all appropriate fees, as provided in COMAR 15.14.12.02; and
- (4) Has passed the Maryland State Veterinary Technician Examination, as defined in Regulation .02B(6) of this chapter.

B. An applicant shall submit proof of good moral character to the Board.

.12 Registration Renewal.

A. A registration is issued for 3 years and expires on June 30 on the third year after the date issued, unless the applicant renews the applicant's registration by:

- (1) Submitting a renewal application on the form that the Committee requires;
- (2) Paying to the Board a renewal fee, as provided in COMAR 15.14.12.02; and
- (3) Satisfactorily completing Committee-approved continuing education requirements, as provided in COMAR 15.14.16.

B. The Board shall renew a lapsed registration of less than 5 years, if the applicant:

- (1) Submits a renewal application in a manner the Board requires;

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(2) Submits proof of satisfactorily completing at least 8 hours of Committee-approved continuing educational requirements, as provided in COMAR 15.14.16, for each year the registration is considered to be lapsed;

(3) Pays to the Board a renewal fee; and

(4) Is otherwise entitled to be registered.

C. The Board shall reinstate a lapsed registration of 5 years or more if the applicant:

(1) Submits a reinstatement application in a manner the Board requires;

(2) Submits proof of satisfactorily completing at least 8 hours of Committee-approved continuing educational requirements, as provided in COMAR 15.14.16, for each year the registration is considered to be lapsed;

(3) Pays to the Board a reinstatement fee; and

(4) Submits letters of good standing, as applicable, from any other state veterinary boards under which the applicant is, or has been, registered.

.13 Duties and Restrictions on Registered Veterinary Technicians.

A. A registered veterinary technician may not:

(1) Diagnose;

(2) Offer prognosis;

(3) Prescribe:

(a) Drugs;

(b) Medication;

(c) Appliances;

(4) Perform surgery; or

(5) Initiate treatment without prior instruction by a veterinarian.

B. A registered veterinary technician may perform the following procedures under the responsible direct supervision of a veterinarian:

(1) Inducing anesthesia by intramuscular injection;

(2) Applying casts and splints;

(3) Simple dental extractions of loose teeth that do not involve flaps or tooth sectioning;

(4) Suturing of existing surgical skin or gingival incisions; and

(5) Accessing a small working stock of Schedule II drugs under separate lock.

C. A registered veterinary technician may perform anesthetic induction by inhalation or intravenous injection if the veterinarian is able to maintain direct visual supervision of the technician's performance.

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D. A registered veterinary technician may administer medication and render other auxiliary or supporting assistance not referenced in §B of this regulation under the responsible direct supervision of a licensed veterinarian.

E. Emergency Conditions.

(1) Under emergency conditions only, the following activities may be performed by a registered veterinary technician before a veterinarian's initial examination of an animal:

(a) Provide supportive care and first aid; and

(b) Follow written protocols for specific conditions, as established by the veterinarian.

(2) If a veterinarian is not available to perform an initial examination of an animal that is presented as an emergency, a registered veterinary technician shall notify the animal's owner of the:

(a) Veterinarian's unavailability;

(b) Estimated time of arrival of the veterinarian; and

(c) Estimated distance to another veterinary hospital.

F. If employed at a veterinary hospital, a veterinary technician shall display at that facility the registration that the Board issued to the veterinary technician.

.14 Sanctions.

The Board may refuse to register an applicant, suspend or revoke the registration, reprimand and censure, or place on probation any registered veterinary technician, if the registered veterinary technician:

A. Practices veterinary medicine;

B. Fraudulently or deceptively obtains a registration;

C. Is professionally, physically, or mentally incompetent;

D. Acts in an unprofessional or immoral manner;

E. Is convicted of a felony or a crime involving moral turpitude;

F. Is convicted of a violation of any federal or State law relating to narcotic drugs;

G. Is grossly negligent or deliberately cruel to an animal;

H. Violates any provision of:

(1) Agriculture Article, §2-309, Annotated Code of Maryland,

(2) This chapter; or

I. Is determined by the Board to be incompetent as a registered veterinary technician.

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Administrative History

Effective date:

- Regulations .01—.13 adopted as an emergency provision effective March 13, 1985 (12:7 Md. R. 696); emergency status expired June 1, 1985; adopted permanently effective October 7, 1985 (12:20 Md. R. 1930)
- Regulation .02B amended effective July 27, 1998 (25:15 Md. R. 1194); December 12, 2002 (29:24 Md. R. 1920)
- Regulation .03A amended effective October 11, 1993 (20:20 Md. R. 1573); December 12, 2002 (29:24 Md. R. 1920)
- Regulation .03A amended as an emergency provision effective May 24, 2004 (31:12 Md. R. 908); amended permanently effective September 13, 2004 (31:18 Md. R. 1351)
- Regulation .04 amended effective December 12, 2002 (29:24 Md. R. 1920)
- Regulation .05A, B amended effective December 12, 2002 (29:24 Md. R. 1920)
- Regulation .05C amended effective July 27, 1998 (25:15 Md. R. 1194)
- Regulation .06A amended effective December 12, 2002 (29:24 Md. R. 1920)
- Regulation .06B amended effective March 20, 1989 (16:5 Md. R. 630); March 9, 1998 (25:5 Md. R. 370); December 12, 2002 (29:24 Md. R. 1920)
- Regulation .06C adopted effective December 12, 2002 (29:24 Md. R. 1920)
- Regulation .08 amended effective December 12, 2002 (29:24 Md. R. 1920)
- Regulation .10 amended effective July 27, 1998 (25:15 Md. R. 1194)
- Regulation .11A amended effective October 11, 1993 (20:20 Md. R. 1573)
- Regulation .11A amended as an emergency provision effective May 24, 2004 (31:12 Md. R. 908); amended permanently effective September 13, 2004 (31:18 Md. R. 1351)
- Regulation .12 amended effective July 27, 1998 (25:15 Md. R. 1194)
- Regulation .12B amended and C adopted effective December 2, 1996 (23:24 Md. R. 1684)
- Regulation .12D adopted effective March 9, 1998 (25:5 Md. R. 370)
- Regulation .13 amended effective July 27, 1998 (25:15 Md. R. 1194)
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- Chapter revised as an emergency provision effective December 1, 2005 (32:26 Md. R. 1994); revised permanently effective February 27, 2006 (33:4 Md. R. 353)
- Regulation .02B amended effective April 4, 2011 (38:7 Md. R. 433); October 15, 2012 (39:20 Md. R. 1308)
- Regulation .03 amended effective April 4, 2011 (38:7 Md. R. 433); October 15, 2012 (39:20 Md. R. 1308)
- Regulation .03B amended effective March 16, 2015 (42:5 Md. R. 487)
- Regulation .03C amended effective December 17, 2018 (45:25 Md. R. 1206)
- Regulation .04 amended effective January 1, 2007 (33:26 Md. R. 1997); April 4, 2011 (38:7 Md. R. 433)
- Regulation .05B amended effective April 4, 2011 (38:7 Md. R. 433)
- Regulation .05C amended effective December 17, 2018 (45:25 Md. R. 1206)
- Regulation .06A, B amended effective April 4, 2011 (38:7 Md. R. 433)
- Regulation .06B amended effective January 1, 2007 (33:26 Md. R. 1997)
- Regulation .07 amended effective April 4, 2011 (38:7 Md. R. 433)
- Regulation .08 amended effective April 4, 2011 (38:7 Md. R. 433)
- Regulation .09 amended effective April 4, 2011 (38:7 Md. R. 433)
- Regulation .11A amended effective October 15, 2012 (39:20 Md. R. 1308); March 16, 2015 (42:5 Md. R. 487)
- Regulation .12 amended effective August 13, 2007 (34:16 Md. R. 1433)
- Regulation .12B, C amended effective December 17, 2018 (45:25 Md. R. 1206)
- Regulation .13 amended effective October 15, 2012 (39:20 Md. R. 1308)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS
Chapter 14 Minimum Standards for a Limited Use
Veterinary Hospital

Authority: Agriculture Article, §2-304.1, Annotated Code of Maryland

.01 Scope.

This chapter applies to a person who owns or participates in the operation of a limited use veterinary hospital as defined by this chapter.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the State Board of Veterinary Medical Examiners.

(2) Limited Use Veterinary Hospital.

(a) "Limited use veterinary hospital" means a building or portion of a building that is regularly used for the treatment of animals on a limited basis without involving surgical procedures by a veterinarian.

(b) "Limited use veterinary hospital" includes a facility with services such as vaccinations, heartworm and fecal tests, and the dispensing of preventative medicines.

(3) "Person" means an individual, business entity, or veterinarian who owns, operates, or is involved in the ownership or operation of a limited use veterinary hospital.

.03 Licensing Requirement.

A. For each licensing year, July 1 through June 30, an owner or operator shall apply for a limited use veterinary hospital license on a Board form and pay the applicable annual fee.

B. A person may not operate a limited use veterinary hospital unless the person holds a valid limited use veterinary hospital license.

C. After giving a person notice and an opportunity to be heard, the Board may reject that person's application for a limited use veterinary hospital license, or suspend or revoke a limited use veterinary hospital license the Board previously issued if the:

(1) Veterinary hospital does not meet the minimum requirements for a limited use veterinary hospital as provided under this chapter;

(2) Applicant, owner, or operator fails to pay the required annual fee; or

(3) Applicant, owner, or operator fails to allow the Board to inspect the facility during normal business hours.

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D. A holder of a limited use veterinary hospital license may not transfer the license to another.

.04 Minimum Standards.

A. A person who owns or operates a limited use veterinary hospital is responsible for:

- (1) Keeping the hospital area clean where veterinary service is performed;
- (2) Having a separate room, in the building where limited use veterinary hospital services are performed, which:
 - (a) Is of adequate size;
 - (b) Shall have adequate lighting and an examination table where the service is performed;
 - (c) May only be used for limited use veterinary hospital services; and
 - (d) May not be used for any other purpose such as storage, grooming, or boarding animals;
- (3) Proper refrigeration and proper care of medicine used at the limited use veterinary hospital as required by applicable medicine label instructions;
- (4) Handling waste materials that are generated from an animal that does not have a disease transmissible to humans as follows:
 - (a) Sharps, including but not limited to syringes, needles, and surgical instruments, shall be placed in a rigid, tightly lidded container that is impervious to puncture and the container shall be placed in a leak-proof plastic sack or plastic-lined paper bag before disposal;
 - (b) Animal tissues, including blood if it is in liquid form, shall be placed in one of the following:
 - (i) Sanitary sewer if allowed under any local ordinance or regulation and the Environment Article, Annotated Code of Maryland,
 - (ii) Leak-proof disposable container, such as a plastic sack or a plastic-lined paper bag, which, before disposal in a legally acceptable manner, shall be placed in a rigid, opaque container;
- (5) Keeping a positive pressure oxygen delivery system for small animal patients where medically indicated;
- (6) Keeping records at the hospital for 3 years showing the veterinarian's name, date of service, animal owner's name, and service given and upon request by the board or a client making all records available for inspection; and
- (7) Posting the hospital's limited use veterinary hospital license in the immediate area where limited veterinary services are provided.

B. A surgical procedure may not be performed at a limited use veterinary hospital.

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Administrative History

Effective date: July 15, 1996 (23:14 Md. R. 1011)

Regulation .04A amended effective October 15, 2012 (39:20 Md. R. 1308)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
EXAMINERS
Chapter 15 Required Animal Cruelty Reporting

Authority: Agriculture Article, §§2-103, 2-304, 2-310, and 2-313.1, Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to explain when a treating veterinarian is required to report animal cruelty to the appropriate law enforcement or local animal control agency. This chapter also explains the requirements for reporting and confidentiality.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Animal" means a living creature except a human being that is privately owned, strays, domesticated, feral, farm animals, corporately or institutionally owned, or used in privately, locally, State, or federally funded activities.

(2) "Animal cruelty" means:

(a) Overdriving, overloading, torturing, tormenting, or cruelly beating an animal, depriving an animal of necessary sustenance, or causing, procuring, or authorizing these acts;

(b) Inflicting unnecessary suffering or pain upon an animal;

(c) If a person has charge or custody of an animal, as owner or otherwise, unnecessarily failing to provide an animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather;

(d) Using or permitting to be used any bird, fowl, or cock for the purpose of fighting with any other animal, which is commonly known as cockfighting;

(e) Using or permitting to be used any dog for the purpose of fighting with any other animal; or

(f) Any conduct that violates Criminal Law Article, §§10-604, 10-606, 10-607, and 10-608, Annotated Code of Maryland.

(3) "Board" means the State Board of Veterinary Medical Examiners.

(4) "Has reason to believe" means that a veterinarian suspects but may not actually know that an animal has been subject to cruelty.

(5) "Law enforcement agency" means the local law enforcement or animal control agency that enforces animal cruelty laws.

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(6) "Reports in good faith" means that a veterinarian has filed the report with a sincere and honest intention.

(7) "Timely" means as soon as possible but no later than 24 hours from the time that a veterinarian has reason to believe of possible animal cruelty.

(8) "Veterinarian" means a licensed and registered veterinarian engaged in the practice of veterinary medicine.

.03 Reporting Requirements.

A. A treating veterinarian who has reason to believe that any animal treated has been subjected to animal cruelty shall promptly report the suspected instance of cruelty to the appropriate law enforcement agency in a timely manner.

B. The report shall include:

(1) The name, age, and location of the animal;

(2) The name and home address of the owners or custodian of the animal;

(3) The nature and extent of the suspected animal cruelty, including any evidence or information available concerning possible previous instances of animal cruelty; and

(4) Any other information that would help determine:

(a) The cause of the suspected animal cruelty; or

(b) The identity of any individual responsible for the suspected animal cruelty.

C. A veterinarian making a report under this chapter shall document the report by recording and maintaining a record of:

(1) The date and time of the report;

(2) The identity of the local law enforcement or animal control agency to which the report was made;

(3) The identity of any person employed by the local law enforcement or county animal control agency where the report was made;

(4) The substance of any instructions or advice received from local law enforcement or county animal control; and

(5) Any other information documenting that the report was made and received by a local law enforcement or animal control agency.

D. Records reflecting reports under this chapter shall be maintained for three years by the veterinarian.

E. A veterinarian who reports in good faith a suspected incident of animal cruelty or participates in an investigation of suspected animal cruelty is immune:

(1) From civil liability that results from this report or from participation in the investigation, in accordance with Courts and Judicial Proceedings Article, §5-424, Annotated Code of Maryland;

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(2) From criminal prosecution for the report or participation in the investigation.

F. The Board shall maintain a list of the appropriate law enforcement agencies that a veterinarian shall contact for reporting purposes.

.04 Confidentiality.

A. Except as provided in this regulation, the following records are confidential and may not be released:

(1) Records and reports, including the information provided in the records and reports, filed by a veterinarian under this chapter; and

(2) The veterinarian's identity.

B. The unauthorized disclosure of any record or report including any information provided in the record or report or the disclosure of the identity of the veterinarian who filed the report, is a criminal offense subject to the penalty provided in Agriculture Article, Title 12, Annotated Code of Maryland.

C. Procedures to Protect Confidentiality. Each law enforcement agency subject to this chapter shall adopt confidential procedures that protect the identity of the veterinarian who makes a cruelty report and the report itself, including any information from the report, as follows.

(1) All employees who handle cruelty reports required by this chapter shall be trained to keep the above information confidential and instructed not to release it to any person.

(2) Each employee shall be trained on the requirements of this chapter and informed of the consequences of releasing any confidential information.

(3) All confidential information shall be kept in a secure location.

(4) All employees shall be trained in the requirements of the Public Information Act and how to protect confidential information.

D. Release of Confidential Information.

(1) The substance of any cruelty report filed by a veterinarian under this chapter, and any records associated with the report may only be released:

(a) By a court order;

(b) If required by another law; or

(c) With the consent of the veterinarian who filed the report.

(2) A law enforcement agency shall release any records and reports required by this chapter to the Board upon request.

.05 Disciplinary Action Against a Veterinarian.

If a veterinarian fails to comply with the reporting requirements of this chapter, the Board may suspend or revoke a veterinarian's license, censure or place the veterinarian on probation.

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Administrative History

Effective date: February 17, 2003 (30:3 Md. R. 181)

Regulations .01—.03 repealed and new Regulations .01—.05 adopted effective December 31, 2018 (45:26 Md. R. 1249)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
EXAMINERS

Chapter 16 Continuing Education Requirements for Registered
Veterinary Technicians

Authority: Agriculture Article, §2-309, Annotated Code of Maryland

.01 Scope.

This chapter applies to any person registered to practice veterinary technology in the State.

.02 Definitions.

A. "AVMA" means the American Veterinary Medical Association.

B. "Board" means the Maryland State Board of Veterinary Medical Examiners.

C. "Committee" means the Veterinary Technician Committee of the State Board of Veterinary Medical Examiners.

.03 Registration Renewal.

A. Except as provided in §B of this regulation, the Board may not renew a veterinary technician's registration unless that veterinary technician has earned 24 credit hours of continuing professional education during the:

(1) 36 months preceding the beginning of the new registration period; or

(2) 72 months preceding the beginning of the new registration period provided, however, that any credit hours earned before the 36 months preceding the beginning of the new registration period are unused credit hours.

B. The Board may conditionally renew a veterinary technician's registration even if the requirements of §A of this regulation have not been met if the veterinary technician submits to the Board:

(1) Satisfactory proof that these requirements reasonably cannot be met because of exigent circumstances, such as meeting or recently completing an armed services commitment; or

(2) A plan showing that the veterinary technician will, within a reasonable period of time, complete the requirements of §A of this regulation.

.04 Accreditation.

A. Accreditation of continuing education courses by the Committee shall be based upon content. Continuing education courses shall be directed towards improvement, advancement, enhancement, and extension of professional skills and knowledge relating to the practice of veterinary technology.

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B. Credit may be approved for the following:

(1) Continuing veterinary technician education programs given by colleges of veterinary medicine or veterinary technology approved by the AVMA;

(2) Lectures and scheduled courses at national and regional meetings of the AVMA;

(3) Continuing education programs given or arranged by the AVMA;

(4) Local, state, regional, or national continuing professional education courses, including graduate and postgraduate studies, institutes, seminars, lectures, conferences, workshops, and extension studies; and

(5) Continuing education programs available on-line, not exceeding:

(a) 8 hours in a 3-year period, or

(b) 4 hours per year.

C. After review of course content, the Committee may withdraw its approval of a previously accredited continuing education course.

.05 Credit Substantiation.

A. A veterinary technician shall keep an accurate attendance record of approved continuing education courses.

B. The Board may request verification from a veterinary technician concerning the technician's attendance at any continuing education course.

C. If a veterinary technician reports false or misleading information to the Board, the veterinary technician may be subject to Board discipline following a hearing.

.06 Failure to Meet Requirements.

The Board may refuse to reregister a registered veterinary technician who fails to meet the continuing education requirements of this chapter. However, if a veterinary technician intends to practice veterinary technology over the next registration period, the veterinary technician shall renew the technician's registration not later than June 30 of each 3-year period by submitting to the Board proof of compliance with the requirements of this chapter.

Administrative History

Effective date: August 13, 2007 (34:16 Md. R. 1433)

Regulation .03A amended effective June 29, 2009 (36:13 Md. R. 900)

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL
EXAMINERS

Chapter 17 Requirements for Practical Training of Veterinary Students

Authority: Agriculture Article, §§2-301 and 2-304, Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to establish the terms and conditions under which a veterinarian may supervise the practical training of a veterinary medical student.

.02 Application.

This chapter applies to all veterinary practitioners in the State who supervise veterinary medical students who practice veterinary medicine.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "AVMA" means the American Veterinary Medical Association.

(2) "Board" means the State Board of Veterinary Medical Examiners.

(3) "Responsible direct supervision" means competent, immediate, and active supervision by a veterinary practitioner. The veterinary practitioner shall be:

(a) In the immediate vicinity of where the work is being performed; and

(b) Actively engaged in supervising this work throughout the entire period it is being performed, including:

(i) Providing clear and specific directions on what work is to be done;

(ii) Being cognizant of how the assigned work is being performed; and

(iii) Being immediately available to provide advice when the assigned work is being performed.

(4) "Shelter owner" means a person who rents, leases, or otherwise has control of the premises where the facility is located.

(5) "Veterinary practitioner" means a licensed and registered veterinarian engaged in the practice of veterinary medicine.

(6) "Veterinary preceptee" means a student of veterinary medicine practicing veterinary medicine who has successfully completed 3 years of veterinary education at an institution approved by the Board and who works under the responsible direct supervision of a veterinary practitioner.

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.04 Requirements of Veterinary Practitioners.

A veterinary practitioner who offers practical training to a veterinary medical school student shall:

A. Ensure that the veterinary medical school student meets the definition of a veterinary preceptee before permitting the student to practice veterinary medicine under the responsible direct supervision of the veterinary practitioner.

B. Provide responsible direct supervision to the veterinary preceptee at all times the veterinary preceptee is working with a patient.

C. Upon request by the Board, or the Board's representative, provide written documentation evidencing the validity of the practical training instruction being given by the veterinary practitioner to the veterinary preceptee. This documentation shall indicate, at a minimum, that the veterinary medical school student has been approved, by the veterinary medical college at which the student is enrolled, to participate in practical training. This documentation shall be maintained at the hospital where the veterinary practitioner is employed.

.05 Written Approval from Client.

Before allowing a veterinary preceptee to perform surgery on a patient unassisted by the veterinary practitioner, the veterinary practitioner shall obtain written approval from the client. This written approval shall include, at a minimum, the following information:

A. Client's name;

B. Pet's name;

C. A statement which indicates the following:

(1) The number of years successfully completed by the veterinary preceptee at an AVMA-accredited school of veterinary medicine;

(2) That the veterinary practitioner providing responsible direct supervision to the veterinary preceptee is educationally, medically, and legally responsible for any medical, surgical, diagnostic, and therapeutic decisions made by the veterinary preceptee; and

(3) That any unassisted surgical procedures will be carried out only when the veterinary practitioner is providing direct supervision;

D. A statement that any and all questions about the work to be performed by the veterinary preceptee on the client's pet have been answered to the client's satisfaction;

E. A statement or list of procedures to be performed that the client can either accept or reject;

F. The client's, or authorized agent's, printed name and signature;

G. The veterinary practitioner's printed name and signature; and

H. The date the written form is completed.

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.06 Written Approval from Humane Society or Animal Shelter.

Provided an animal upon which surgery is to be performed is owned by a humane society or animal shelter, and the surgery is to be performed in the humane society or animal shelter, the veterinary practitioner shall obtain written approval from the owner of the humane society or animal shelter before allowing the veterinary preceptee to perform any surgeries upon animals unassisted by the veterinary practitioner. This written approval may cover the entire period during which the veterinary preceptee is working under the responsible direct supervision of a veterinary practitioner. This written approval shall include, at a minimum, the following information:

- A. Name of humane society or animal shelter;
- B. A statement which indicates the following:

(1) The number of years successfully completed by the veterinary preceptee at an AVMA-accredited school of veterinary medicine;

(2) That the veterinary practitioner providing responsible direct supervision to the veterinary preceptee is educationally, medically, and legally responsible for any medical, surgical, diagnostic, and therapeutic decisions made by the veterinary preceptee; and

(3) That any unassisted surgical procedures will be carried out only when the veterinary practitioner is providing direct supervision;

C. A statement that any and all questions about the work to be performed by the veterinary preceptee on the animals have been answered to the satisfaction of the shelter owner;

D. A statement or list of anticipated procedures to be performed that the shelter owner can either accept or reject;

E. The shelter owner's, or authorized agent's, printed name and signature;

F. The veterinary practitioner's printed name and signature; and

G. The date the written form is completed.

.07 Penalties.

After giving a veterinary practitioner notice and an opportunity to be heard, the Board may impose a civil penalty instead of, or in addition to, suspending or revoking the veterinarian's license if the veterinarian fails to comply with the Board's requirements set forth in this chapter.

Administrative History

Effective date:

Regulations .01—.07 adopted as an emergency provision effective May 26, 2010 (37:13 Md. R. 850); adopted permanently effective October 18, 2010 (37:21 Md. R. 1437)

