



# Certification Page Regular and Emergency Rules

Revised June 2020

☐ **Emergency Rules** (Complete Sections 1-3 and 5-6)

☐ **Regular Rules**

## 1. General Information

|                                       |                                    |             |
|---------------------------------------|------------------------------------|-------------|
| a. Agency/Board Name*                 |                                    |             |
| b. Agency/Board Address               | c. City                            | d. Zip Code |
| e. Name of Agency Liaison             | f. Agency Liaison Telephone Number |             |
| g. Agency Liaison Email Address       | h. Adoption Date                   |             |
| i. Program                            |                                    |             |
| Amended Program Name (if applicable): |                                    |             |

\* ☐ By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

**2. Legislative Enactment** For purposes of this Section 2, "new" only applies to regular (non-emergency) rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

☐ **No.** ☐ **Yes.** If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

**3. Rule Type and Information** For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title\* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

|                                       |               |                                                                                                 |
|---------------------------------------|---------------|-------------------------------------------------------------------------------------------------|
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |



## Additional Rule Information

Revised June 2020

Include this page only if needed.

### **1. General Information**

|                                       |                                    |             |
|---------------------------------------|------------------------------------|-------------|
| a. Agency/Board Name*                 |                                    |             |
| b. Agency/Board Address               | c. City                            | d. Zip Code |
| e. Name of Agency Liaison             | f. Agency Liaison Telephone Number |             |
| g. Agency Liaison Email Address       |                                    |             |
| h. Program                            |                                    |             |
| Amended Program Name (if applicable): |                                    |             |

### **2. Rule Type and Information, Cont.**

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

|                                       |               |                                                                                                 |
|---------------------------------------|---------------|-------------------------------------------------------------------------------------------------|
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |
| Chapter Number:                       | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): |               |                                                                                                 |

If Needed

#### **4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☐ No. ☐ Yes. ☐ N/A

b. A public hearing was held on the proposed rules. ☐ No. ☐ Yes. Please complete the boxes below.

|                  |                  |                  |                  |
|------------------|------------------|------------------|------------------|
| Date:            | Time:            | City:            | Location:        |
| <br><br><br><br> | <br><br><br><br> | <br><br><br><br> | <br><br><br><br> |

#### **5. Checklist**

- a. ☐ For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule
- b. ☐ For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

#### **6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

|                                    |                                                                                   |
|------------------------------------|-----------------------------------------------------------------------------------|
| Signature of Authorized Individual |  |
| Printed Name of Signatory          |                                                                                   |
| Signatory Title                    |                                                                                   |
| Date of Signature                  |                                                                                   |

#### **7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

|                      |  |
|----------------------|--|
| Governor's Signature |  |
| Date of Signature    |  |

## STATEMENT OF REASONS

The Wyoming Board of Veterinary Medicine (Board) is authorized to adopt rules and regulations to implement the Board's practice act under W.S. 33-30-204. The Board regularly reviews its rules to correct inconsistencies, eliminate any repetition with its practice act, correct grammatical errors, and update the rules' requirements. As a result, the Board is proposing changes to nearly every chapter of its rules.

In Chapter 8, the Board is proposing to incorporate uniform public records fees and contested case rules by reference. These rules are required by Wyo. Stat. Ann. § 16-3-103(j). The Board is also proposing to clarify how supervising veterinarians must supervise temporary license holders. The Board is proposing to provide a streamlined process for veterinarians licensed in other states to apply for licensure by endorsement. The Board does not currently have a process for licensure by endorsement and is proposing this change to make it easier for qualified veterinarians to practice in Wyoming. Finally, the Board is proposing to create a process for veterinarians who have previously been licensed to quickly receive authorization to practice during an emergency. The Board is proposing this change to increase access to veterinary medical care during crises.

In Chapter 9, the Board is proposing to give new licensees an additional six months to attend a Board orientation. The Board is proposing this change to give new licensees flexibility in attending the required orientation. The Board is further proposing additional standards related to client record-keeping to ensure that licensees are adequately keeping and protecting client records. Finally, the Board is proposing to create rules applying to veterinarians that temporarily fill permanent staff positions at veterinary clinics. The regulatory framework that currently applies to such veterinarians is unclear, and the proposed rules ensure that such veterinarians are aware that they must practice within the context of the permanent veterinarians' veterinary-client-patient relationships.

In Chapter 11, the Board is proposing to amend requirements related to renewing animal insemination technician permits. Specifically, the Board is proposing to require that if animal insemination technicians fail to renew their permits within sixty days of expiration, the technician will have to file a new application instead of a renewal application. The Board is proposing this change to encourage animal insemination technicians to timely file renewal applications.

The Board is proposing changes to Chapter 12 to fix typographical errors and to bring Chapter 12 in compliance with the Rules on Rules.

In Chapter 13, the Board is proposing to create a process for reissuing expired licenses that have expired within five years. The Board is proposing to create this process to more easily allow veterinarians who are still competent to practice to regain their licenses.

The Board is proposing to repeal Chapter 14 and consolidate its provisions with the proposed new Chapter 15. In Chapter 15, the Board is proposing to overhaul its chapter

governing investigations and contested cases for discipline and license applications. The changes bring the Board's discipline chapter in line with the procedures other professional licensing boards use to clarify the investigation process and protect the due process rights of licensees.

Finally, the Board is proposing to create new Chapter 16 to set rules governing the conduct of veterinarians. The Board developed this chapter after reviewing model disciplinary rules from national veterinary associations. The Board developed these rules to make ethical standards clear and consistent and put licensees on notice of what conduct is acceptable.

# ***Wyoming State Board of Veterinary Medicine***

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<http://vetboard.wyo.gov>

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## **Board Response to Comments Received**

The Board received no public comments on the proposed rules.



## CHAPTER 8

### DEFINITIONS, LICENSE AND PERMIT

**Section 1. Authority.** These rules are promulgated by the Wyoming Board of Veterinary Medicine pursuant to their authority under the Wyoming Veterinary Medical Practice Act, Wyoming Statute 33-30-201 through 33-30-225.

**Section 2. Definitions.** All definitions set forth in the Wyoming Veterinary Practice Act are incorporated into these rules in addition to the following:

(a) “Act” means the Wyoming Veterinary Medical Practice Act, W.S. 33-30-201 through 33-30-225.

(b) “Client” means the owner or caretaker of an animal presented to a licensee or temporary permit holder for veterinary medical care.

(c) “Licensee” means a veterinarian who has been properly licensed by the Board, pursuant to the Act and these Rules, to practice veterinary medicine in this state.

(d) “Patient” means an animal presented to a licensee or temporary permit holder to receive veterinary medical care.

(e) “Permittee” means an artificial insemination technician, embryo transplant technician, or embryo transfer technician who has been properly permitted by the Board, pursuant to the Act and these rules, to practice artificial insemination, embryo transfer, or embryo transplant in the state.

(f) “Temporary Permit Holder” means a veterinarian who has been issued a temporary permit by the Board, pursuant to the Act and these rules.

**Section 3. Incorporation by Reference.** The Board hereby incorporates by reference the following:

(a) Each rule or standard incorporated by reference is further identified as follows:

(i) The AVMA “Guidelines on Euthanasia” 2020 Edition found at [www.avma.org](http://www.avma.org).

(ii) Chapter 2 – Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, available at <http://rules.wyo.gov>. These rules are referred to herein as the Uniform Rules for Contested Case Practice and Procedure.

(iii) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, available at <http://rules.wyo.gov>.

(b) For these rules or standards incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules and standards are maintained at the Board office and available for public inspection and copying at cost at the same location.

#### **Section 4. License and Registration of Veterinarians.**

(a) Applicants for license to practice veterinary medicine shall:

(i) Graduate from a school of veterinary medicine approved by the Board. If the applicant is applying by examination and has not graduated at the time the application is filed, the applicant shall submit a letter of expected graduation signed by the President or Dean of the applicant's accredited school of veterinary medicine in order to be approved to sit for the national examination.

(ii) Pass a national examination approved by the Board with a score of at least seventy-five (75%) percent within the last three years or has for the last five (5) years been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time of application in that jurisdiction that were substantially equivalent to the requirements of the Act and these rules.

(iii) Submit a completed application for license on forms provided by the Board accompanied by the required application fee.

(iv) Request an official transcript be sent directly from the registrar of the school of veterinary medicine to the Board.

(v) Request verification from all jurisdictions in which the applicant has held or currently holds a license or permit.

(vi) Provide an affidavit that no complaint has been filed or is pending, no investigation is pending and no disciplinary action has been taken or is pending against the applicant in any jurisdiction.

(vii) Successfully complete a state jurisprudence examination with a passing score of at least seventy-five (75) percent.

(b) Temporary permits.

(i) The Board may issue a temporary permit to a qualified graduate waiting to take the national examination for the first time upon completion of the requirements in subsection (a) above as applicable.

(ii) Temporary permits shall be valid for thirty (30) days after the close of the testing window, or until official examination scores are received by the board from the examination provider.

(iii) If the applicant does not successfully pass the national examination, the temporary permit shall expire and the applicant shall not practice veterinary medicine in the state.

(iv) Every applicant issued a temporary permit shall practice veterinary medicine only under the supervision of a licensee who is actively engaged in the practice of veterinary medicine.

(v) Supervision requires the supervising licensee to exercise professional judgment in determining the degree of direction needed for each individual temporary permit holder. In determining the supervision necessary, the supervising licensee shall consider:

(A) The degree of professional expertise demonstrated by the temporary permit holder;

(B) The length of time the temporary permit holder has already been under supervision;

(C) The temporary permit holder's ability to communicate with clients and support personnel; and

(D) Any other factors that the supervising licensee deems appropriate.

(vi) The supervising licensee shall not be absent from the veterinary clinic for more than fourteen (14) consecutive days or more than twenty-one (21) total days in a six (6) month period.

## **Section 5. License by Endorsement.**

(a) Applicants who have for the last five (5) years preceding the application been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time of application in that jurisdiction that were substantially equivalent to the requirements of the Act and these rules shall submit:

(i) A completed application for license on forms provided by the Board accompanied by the required application fee.

(ii) Verification of licensure from all jurisdictions in which the applicant has held or currently holds a license or permit.

(iii) An affidavit that no complaint has been filed or is pending, no investigation is pending and no disciplinary action has been taken or is pending against the applicant in any jurisdiction.

**Section 6. Emergency Relief License.** During a public health emergency declared by the Governor, a license that lapsed due to non-renewal may be emergently reactivated. The application shall be reviewed by the executive director or his designee, who shall have sole discretion whether to approve the application. If the application is denied, it will be deemed converted to an application for regular licensure under Chapter 8, Section 4 of these rules. There is no fee for this application or license, and the emergently reactivated license shall automatically expire upon the termination of the public health emergency. A veterinarian wishing to practice after the end of the emergency reactivation granted under this subsection shall follow the application process set forth in Chapter 8, Section 4 of these rules before doing so.

(a) The following eligibility criteria shall be met for approval of emergency reactivation of a license under this subsection:

(i) The veterinarian shall submit an application on a form provided by the board;

(ii) The veterinarian held a full, unrestricted license to practice veterinary medicine in any United States jurisdiction within the last five (5) years immediately preceding the application; and

(iii) The Board's executive director shall verify that the veterinarian's license(s) have not been revoked, surrendered in lieu of discipline, suspended, or otherwise terminated in any state, territory, or district of the United States.

(b) Veterinarians deputized by the state veterinarian are not required to hold a license and shall serve at the pleasure of and be supervised by the state veterinarian.

## **CHAPTER 9**

### **STANDARDS OF PROFESSIONAL CONDUCT FOR THE PRACTICE OF VETERINARY MEDICINE**

**Section 1. Standards.** All standards established by these rules shall apply to both licensees and temporary permit holders practicing veterinary medicine. Use of the term licensee shall also include temporary permit holder where applicable and not inconsistent with the Act or these rules.

#### **Section 2. Continuing Education Requirements.**

(a) Every two years each licensee shall complete a minimum of twenty-four (24) credit hours of continuing education approved by the Board in subjects related to the practice of veterinary medicine and shall include three (3) hours of continuing education related to the responsible prescribing of controlled substances.

(b) The licensee shall maintain and provide proof of continuing education attendance on a form provided by the Board. The form shall be submitted with the licensee's renewal application in the year for which it is due.

(c) Credit hours shall be earned by one-hour credit for each hour of attending programs approved by the Board. Board-approved programs include but are not limited to those sponsored by American Veterinary Medical Association, American Animal Health Association, Western States Veterinary Conference, veterinary college conferences, Wyoming Veterinary Medical Association, and any other affiliated association or society. Programs shall be specifically related to the practice of veterinary medicine. The number of practice management hours shall not exceed twenty-five percent (25%) of the total requirement.

(d) New licensees shall attend a Board orientation offered within eighteen months of licensure, after which they will be placed on the two (2) year, twenty-four (24) hours continuing education cycle.

(i) Failure to attend a Board orientation may result in disciplinary action of the license.

(ii) Continuing education credits will be awarded for attending the Board orientation.

#### **Section 3. Additional Standards.**

(a) The practice of veterinary medicine and surgery shall be provided in a competent and humane manner consistent with prevailing standards of practice for the species of animal and the professed area of expertise of the licensee. For a licensee to properly exercise the rights granted by the license, a veterinarian-client-patient relationship shall exist.

- (b) A veterinarian-client-patient relationship shall be characterized by:
  - (i) The licensee assuming the responsibility for making medical judgments regarding the health of the animal and the need for medical treatment;
  - (ii) The client has agreed to follow the instructions of the licensee;
  - (iii) The licensee having sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of its medical condition. This means that the licensee has recently seen and is personally acquainted with the keeping and care of the animal as a result of an examination or by medically appropriate visits to the location where the animal is kept; and
  - (iv) Reasonably available follow-up care in case of adverse reactions or failure of the regimen of therapy.
- (c) The provision of pharmaceutical services is governed by the following:
  - (i) No prescription drug shall be prescribed, dispensed or administered without establishing a documented valid veterinarian-client-patient relationship.
  - (ii) A licensee is responsible for assuring that a prescription drug or biologic prescribed for use is properly administered, or providing instructions to clients on the proper administration of drugs when the licensee does not directly supervise the administration.
  - (iii) Drugs and biologics shall be stored according to the packaging and storage requirements set forth in the most recent edition of the United States Pharmacopeia.
- (d) Record keeping shall be as follows:
  - (i) A licensee performing treatment or surgery on an animal, whether in the licensee's custody at a veterinary facility or remaining on the client's premises, shall prepare a legibly written or computerized record concerning the animal setting forth the following information:
    - (A) Name, address, and telephone number of owner;
    - (B) Identity of the animal, including age, sex, and breed;
    - (C) Dates of examination, treatment, and surgery;
    - (D) Brief history of the condition of each animal, herd, or flock;
    - (E) Examination findings;
    - (F) Laboratory and radiographic reports;

(G) Clinical impression;

(H) Medication and treatment utilized, including amount and frequency.

(I) Any information received as the result of a consultation, including the date, name and contact information of the consultant; and

(J) Any authorizations, details of conversations, releases, waivers, patient discharge instructions or other related documents.

(ii) The licensee shall maintain individual records on each animal, except that records on food, fiber, milk animals, birds, and horses may be maintained on an individual client basis.

(iii) Medical records and radiographs are the physical property of the hospital or the licensee that prepared them. Records and radiographs shall be maintained for a minimum of three (3) years after the last visit.

(iv) Medical records and radiographs or an accurate copy thereof, shall be released to the client, designated Veterinarian, or duly authorized representative within two (2) weeks of a written request, or sooner in accordance with the patient's medical condition. A reasonable charge for copying or preparation of records may be made, except in the case of a Board investigation, in which case no charges are authorized.

(v) A film or digital radiograph shall be permanently identified. It shall be released on the written request of another veterinarian who has the written authorization of the client to whom it pertains. The film radiograph shall be returned within a reasonable time to the practice that originally prepared the radiograph.

(vi) Contents of medical records and radiographs shall be kept confidential and may not be furnished to or discussed with any person other than the client or other veterinarians involved in the care or treatment of the patient, except upon authorization of the.

(A) A patient's veterinary medical records and information about the medical condition may be furnished without client authorization under the following circumstances:

(I) Access to the records is specifically required by law;

(II) In response to a court order, or subpoena and notice to the client or the client's legal representative;

(III) For statistical and scientific research, if the information is redacted in a way as to protect the identity of the patient and client;

(IV) As part of an inspection or investigation conducted by the Board or an agent of the Board;

(V) As part of a formal verbal or written request from a regulatory, or public health authority;

(VI) To verify a rabies vaccination of an animal for the protection of the individual animal, human or public health welfare;

(VII) As part of an animal cruelty report or an abuse investigation by a law enforcement or duly appointed animal welfare or governmental agency;

(VIII) As part of a criminal investigation by a law enforcement agency; or

(IX) When the client cannot be reached to obtain authorization to release the records to another veterinarian in a medical emergency.

(B) A licensee shall not, with fraudulent intent, create a false record, make a false statement, alter or modify any medical record, document, or report concerning treatment of a patient. When correcting a medical record, the original contents should be readable, and the alteration must be clearly identified with the reason, date and author's name.

(e) Emergency service shall be provided as follows:

(i) The staffing for an emergency veterinary facility shall include a licensee on the premises at all times during the posted hours of operation.

(ii) Advertisements for emergency veterinary facilities shall clearly state:

(A) The hours the facility will provide emergency service;

(B) That a licensed veterinarian is on the premises during the posted emergency hours; and

(C) The address and telephone number of the facility.

(iii) "Veterinarian on call" means a licensee is not present at a veterinary facility, but is able to respond within a reasonable time to requests for emergency veterinary services. The facility's services shall not be considered or advertised as an emergency clinic or hospital.

(iv) If continuing care of the patient is required following emergency service, the client shall be provided with a legible copy of the medical record to be transferred to the next attending veterinarian or a copy must be transmitted directly to the attending veterinarian. The information included in the medical record shall consist of at least the following:

- (A) Findings of physical examination;
- (B) Dosages and time of administration of medications;
- (C) Copies of diagnostic data or procedures;
- (D) All radiographs, for which the facility shall obtain a signed release when transferred;
- (E) Surgical summary;
- (F) Tentative diagnosis and prognosis; and
- (G) Follow-up instructions or recommendations.

(v) An emergency facility shall have the equipment necessary to perform standard emergency medical procedures and shall have the capability to render timely and adequate diagnostic radiologic services, laboratory services, and diagnostic cardiac monitoring on the premises.

(f) “Mobile veterinary practice” is a clinical veterinary practice that may be transported or moved from one location to another for delivery of veterinary medical care.

(i) Mobile veterinary practice may include:

(A) Providing medical or surgical care in a mobile vehicle modified and comparably equipped to function as a fixed veterinary practice facility;

(B) A mobile extension of a fixed location general veterinary practice located within the same practice area but physically removed from the practice premises. Depending on the types of animals being treated, an outcall care provides vaccinations, physical examinations, treatments, diagnostic screenings, and surgery.

(C) Any transportation used to transport licensee and equipment to provide veterinary care.

(ii) In all types of mobile veterinary practice, patient care shall be consistent with prevailing standards of practice and a veterinarian-client-patient relationship shall exist.

(iii) In all types of mobile veterinary practice, the licensee shall make provisions for follow-up care, emergency care, surgery, and radiology if not available to the mobile unit. Clients shall be informed in writing of these provisions.

(iv) Mobile veterinary practice vehicles shall be maintained in a clean and sanitary condition. Vehicles shall contain equipment necessary to perform physical

examinations, surgical procedures, and medical treatments consistent with the type of care being rendered and the prevailing standards of practice for those services.

(v) The Board or its agent may inspect mobile veterinary vehicles for compliance with these rules.

(g) For the purposes of this section, a “locum veterinarian” or “relief veterinarian” is a licensed veterinarian who temporarily fills the position of a veterinary clinic’s permanent staff member for any reason.

(i) Locum or relief veterinarians shall meet the same ethical standards as a veterinary clinic’s permanent staff members.

(ii) Locum or relief veterinarians shall be responsible for providing care within the context of veterinary-client-patient relationships established by a veterinary clinic’s permanent staff members.

(iii) Locum or relief veterinarians shall be responsible for any practice of veterinary medicine by a veterinary clinic’s unlicensed employees.

#### **Section 4. Supervision.**

(a) A licensee is professionally and legally responsible for any practice of veterinary medicine by the licensee’s unlicensed employees. An employee’s practice of veterinary medicine without a license constitutes grounds for the Board to take disciplinary action against the licensee. A licensee shall have established a valid veterinarian-client-patient relationship before delegating an animal health care task to a non-licensed employee as allowed by the Act.

(b) A licensee shall not authorize a non-licensed employee to perform the following functions:

(i) Surgery;

(ii) Diagnosis and prognosis; or

(iii) Prescribing drugs, medicines, or appliances.

(c) A licensee shall ensure that the activities of a supervised non-licensed individual are within the scope of the orders, assignment, or prescriptions of the licensee and within the capabilities of the individual. This does not prohibit performing animal health care tasks by the unlicensed individual as allowed by the Act and only at the customary place of business. Nor does it prohibit, under emergency situations where an animal requires immediate treatment to sustain life or prevent further injury, an unlicensed employee from rendering lifesaving aid and treatment in the absence of a licensee.

#### **Section 5. Premises and Housing Facilities.**

(a) Separate cages shall be provided for each hospitalized animal, except that neonate and juvenile littermates or animals from the same client may be caged together when appropriate as determined by the licensee. Cages shall be cleaned and sanitized before their use by newly arriving animals. Excreta, spilled feed, and water shall be removed from cages as often as necessary to prevent contamination of the animals, reduce hazards to the health of the animals, and eliminate odors. Cage size shall be sufficient to allow an animal to stand, sit, lie down, and turn around comfortably.

(b) Animals having clinical evidence of infectious, contagious, or communicable disease shall be separated at all times from other animals to minimize the spread of disease.

(c) Equipment shall be maintained in a clean and sanitary condition at all times.

(d) Food and water for animals shall be kept free from contamination and all receptacles for food and water shall be kept in a clean and sanitary condition. Animals shall be provided with food of sufficient quantity and quality to allow normal growth or the maintenance of body weight. Clean, safe water sufficient to satisfy the animal's needs shall be provided at all times.

(e) An effective program for the control of pests on the premises shall be established and maintained.

(f) The premises shall be kept clean and in good repair to facilitate acceptable sanitary practices and shall be kept free of accumulations of refuse or debris.

(g) All supplies, including food and bedding, shall be stored in facilities that adequately protect the supplies against infestation, contamination, or deterioration. Refrigeration shall be provided for all perishable supplies including foods, drugs, and biologics.

(h) Disposal facilities shall be operated to prevent a nuisance condition and minimize pest infestation, odor, and disease hazards.

(i) Reliable electric power and clean, safe water adequate for the practice of veterinary medicine shall be available at all times on the premises.

(j) Housing facilities shall be cleaned and disinfected as necessary to maintain a clean and sanitary condition at all times.

(k) A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. Drains shall be constructed and maintained in good repair to avoid foul odors. If closed drainage systems are used, they shall be installed to prevent any backup of sewage and other waste materials onto the floors of the facilities.

(l) Indoor housing facilities shall be sufficiently heated when necessary to protect the animals from cold and to provide for their health and comfort. The ambient temperature shall not

be allowed to fall below fifty (50) degrees Fahrenheit for animals not acclimated to lower temperatures.

(m) The surfaces of indoor housing facilities with which animals come into contact shall be so constructed and maintained to be substantially impervious to moisture and to be readily sanitized.

(n) Indoor housing facilities shall have ample light, by natural or artificial means, or both, of sufficient intensity and uniform distribution to permit routine inspection and cleaning.

(o) Outdoor housing facilities shall provide adequate shelter to properly protect animals from sun, rain, snow, and other weather elements and shall provide adequate bedding, water, and food.

(p) Housing facilities shall be structurally sound and kept in good repair. The facilities shall be designed and built to protect the animals from injury, contain the animals, and restrict the entrance of other animals.

(q) Indoor housing facilities shall be adequately ventilated to prevent the collection of offensive odors and to provide for the health and comfort of animals at all times. The facilities shall be provided with fresh air either by means of windows, vents, or air conditioning and shall be ventilated to minimize drafts, odors, and moisture condensation.

(r) When sterile surgical services are provided or when prevailing standards dictate sterile surgery, the following shall apply:

(i) The surgery room shall be clean, orderly, properly maintained, capable of being adequately disinfected, well-lighted, and provided with effective emergency lighting;

(ii) The floors, table tops, and counter tops of the surgery room shall be constructed of a material suitable for regular disinfecting and cleaning; and instruments, equipment, and packs for sterile surgery shall be:

(A) Adequate for the type of surgical service provided; and

(B) Sterilized by a method sufficient to kill spores.

(s) Proper illumination for viewing radiographs shall be available within the facility.

## **Section 6. Inspections.**

(a) The Board or its agent may perform inspections of any licensee's facilities at any reasonable time to ensure sanitation and cleanliness in compliance with the Act and these rules.

(b) Inspection reports shall be provided to each licensee who has been inspected.

(c) The Board shall allow reasonable time for the facility to be brought into compliance with the Act and these rules before beginning disciplinary proceedings.

## CHAPTER 11

### ARTIFICIAL INSEMINATION OF ANIMALS

#### Section 1. Definitions.

(a) “Artificial insemination” means the deposit of semen into the genital tract of a female food animal, equine, or companion animal by transcervical methods.

(b) “Artificial insemination technician” means a person who has a valid and current permit issued by the Board to perform artificial insemination of a food animal, equine, or companion animal.

**Section 2. Permit required.** No individual shall perform any act specifically authorized for an artificial insemination technician unless that individual holds a current artificial insemination technician permit issued by the Board.

(a) Exceptions.

(i) A permit shall not be required of either a licensee or temporary permit holder practicing veterinary medicine to perform artificial insemination.

(ii) A permit shall not be required of the owner of a domestic animal or by the owner’s full-time employee to perform artificial insemination on that owner’s domestic animal.

(b) Permits shall reflect one of the following endorsements:

(i) Food animal artificial insemination;

(ii) Equine artificial insemination; or

(iii) Companion animal artificial insemination.

**Section 3. Application requirements.** Application for a permit to perform artificial insemination shall be made in writing to the Board on a form provided by the Board. The application fee shall accompany the application.

(a) The applicant shall graduate from an artificial insemination course approved by the Board. The applicant shall request that an official transcript or verification of course completion be forwarded to the Board office directly from the course provider.

(b) The applicant shall request verification from all jurisdictions in which they have held or currently hold a license or permit to practice artificial insemination or similar practice.

#### Section 4. Renewal.

- (a) Permits shall be renewed annually as required by Chapter 13 of these rules.
- (b) A former permittee who did not renew the permit within sixty (60) days of expiration shall be considered a new applicant.

**Section 5. Records.**

- (a) A record shall be kept for every artificial insemination performed and shall include:
  - (i) Identification of the animal or group;
  - (ii) Owner of the animal or group;
  - (iii) Source of semen used;
  - (iv) Number of artificial insemination procedures performed;
  - (v) Name of permittee; and
  - (vi) Date performed.
- (b) Records shall be retained by the permittee for three (3) years.
- (c) Records or an accurate copy thereof, shall be released to the client or the Board, within two (2) weeks of a written request. A reasonable charge for copying or preparation of records may be made, except in the case of a Board investigation, in which case no charges are authorized.

**Section 6. Discipline and Denial.**

- (a) The Board may deny, suspend or revoke a permit or otherwise discipline a permittee based upon the following:
  - (i) Misrepresentation in applying for a permit;
  - (ii) Unethical or unprofessional conduct;
  - (iii) Violation of a Board rule or regulation pertaining to artificial insemination; or
  - (iv) Violation of the Wyoming Veterinary Medical Practice Act, W.S. 33-30-201 et.seq.
- (b) Permittees shall be subject to disciplinary practices and procedures as set forth in Chapter 15 of these rules.

## CHAPTER 12

### EMBRYO TRANSPLANT OR EMBRYO TRANSFER

**Section 1. Authority.** These rules and regulations are promulgated by the Wyoming Board of Veterinary Medicine under the authority granted by Wyoming Statute § 33-30-204(m)(xiii).

#### **Section 2. Definitions.**

(a) “Embryo transfer” means the placing of an embryo into the reproductive tract of a female food animal by transcervical methods.

(b) “Embryo transfer technician” means a person who has a valid and current permit issued by the Board to perform embryo transfer to a food animal.

(c) “Embryo transplant” means the procedure of the removal of ova or embryos from a donor food animal and subsequent implantation of the embryos into a surrogate mother food animal.

(i) The practice of embryo transplanting involves basic knowledge, skills, and abilities in manual rectal palpation, synchronization and stimulation with hormones, administration of local anesthetics, flushing with lab media, use of microscopes, freezing and thawing of embryos, catheterizing animals, administration of antibiotics and grading of embryos. The practice and procedures of embryo transplanting by technicians is limited to non-surgical.

(d) “Embryo transplant technician” means a person who has a valid and current permit issued by the Board to perform non-surgical embryo transplants.

#### **Section 3. Qualifications and Application for Permit to Practice Embryo Transplant or Embryo Transfer.**

(a) No individual shall perform any act specifically authorized for an embryo transplant or embryo transfer technician unless that individual holds a current permit issued by the Board.

(i) Exceptions:

(A) A permit shall not be required of either a licensee or temporary permit holder practicing veterinary medicine.

(B) A permit shall not be required of the owner of a domestic animal or by the owner’s full-time employee to perform artificial insemination on that owner’s domestic animal.

(b) Applicants for a permit to practice as an embryo transplant technician or embryo transfer technician shall:

- (i) Be at least eighteen (18) years of age;
- (ii) Have successfully completed at least six semester hours of reproductive physiology, endocrinology, and embryo transplant course work from an accredited college or university approved by the Board; or
- (iii) Be a graduate of an embryo transfer course approved by the Board;
- (iv) Submit a completed application on forms provided by the Board which shall include:
  - (A) A current photograph of the applicant certified by a notary;
  - (B) An official transcript or verification of course completion sent directly from the source; and
  - (C) An original form signed by the applicant and a veterinarian licensed to practice and residing in Wyoming on which the veterinarian agrees to supervise the possession and administration of specific drugs necessary for embryo transplant procedures.

(c) Applicants who are licensed or permitted in another jurisdiction may be issued a permit provided licensing or permit requirements of the other jurisdiction are similar to Wyoming's requirements for a permit as determined by the Board.

(d) The applicant shall request verification be forwarded from all jurisdictions in which they have held or currently hold a license or permit practice embryo transfer or embryo transplant procedures.

#### **Section 4. Renewal.**

- (a) Permits shall be renewed annually as required by Chapter 13 of these rules.
- (b) A former permittee who did not renew the permit within sixty (60) days of expiration shall be considered a new applicant.

#### **Section 5. Use of Specific Drugs.**

- (a) No prescription drug shall be prescribed, dispensed, or administered by a technician without establishing a valid veterinarian-client-patient relationship.
- (b) Possession and administration of drugs by an embryo transplant technician is limited to the following specific drug categories:

- (i) Local anesthetics;
- (ii) Antibiotics used in reproductive work; and
- (iii) Synchronizing and stimulating hormones used in reproductive work.

(c) Possession and administration of specific drugs by embryo transplant technicians must be under the supervision of a veterinarian licensed to practice and residing in Wyoming. Records of drugs used and amounts must be kept by the veterinarian and available for Board review. The Board shall maintain records of supervision forms signed by the permittees and supervising veterinarians. When a new or different veterinarian agrees to supervise a permittee, the permittee shall file a new supervision form with the Board within thirty (30) days of changing supervisors.

**Section 6. Records.** Permittees shall keep a record of every embryo transplant or transfer performed that shall include:

- (a) The animals and the owners of the animals involved;
- (b) Name of permittee; and
- (c) Date performed.

**Section 7. Denial, Refusal to Renew, Suspension, Revocation, or Censure of Permit to Practice.**

(a) The Board may deny, refuse to renew, suspend, revoke, or censure a permit or otherwise discipline an embryo transplant or transfer technician based upon the following:

- (i) Violation of any state or federal statute or administrative Board rule regulating the practice of embryo transplant or transfer;
- (ii) Misrepresentation in applying for a permit;
- (iii) Incompetence, negligence, or use of any practice or procedure in the practice of embryo transplant or transfer that creates an unreasonable risk of physical harm to the animal or financial loss to the client;
- (iv) Practice beyond the scope of practice allowed by the permit;
- (v) Failing to maintain appropriate records as specified in the Board rules; or
- (vi) Failing to adequately supervise auxiliary staff including any individual directly involved in the transplant or transfer to the extent that the donor or recipient's physical health or safety is at risk.

(b) Embryo transplant or transfer technicians shall be subject to disciplinary practices and procedures in Chapter 15 of these rules.

## **CHAPTER 13**

### **FEEES LICENSE, CERTIFICATE, AND PERMIT**

#### **Section 1. Veterinary Medicine License.**

- |     |                             |          |
|-----|-----------------------------|----------|
| (a) | Application Fee:            | \$300.00 |
| (b) | Temporary Permit Fee:       | \$200.00 |
| (c) | Annual License Renewal Fee: | \$65.00  |
| (d) | Late Annual Renewal Fee:    | \$130.00 |

(e) The renewal fee is waived for veterinarians on active duty with any branch of the armed services of the United States for three (3) consecutive years or the duration of a national emergency.

#### **Section 2. Animal Euthanasia Technician Certificate.**

- |     |                                                              |          |
|-----|--------------------------------------------------------------|----------|
| (a) | Animal Euthanasia Technician Application Fee:                | \$100.00 |
| (b) | Animal Euthanasia Technician Annual Certificate Renewal Fee: | \$50.00  |
| (c) | Animal Euthanasia Technician Certificate Reinstatement Fee:  | \$100.00 |

#### **Section 3. Artificial Insemination Technician Permit.**

- |     |                                                                       |         |
|-----|-----------------------------------------------------------------------|---------|
| (a) | Artificial Insemination Technician Application Fee:                   | \$50.00 |
| (b) | Artificial Insemination Technician Annual Permit Renewal Fee:         | \$30.00 |
| (c) | Artificial Insemination Technician<br>Late Annual Permit Renewal Fee: | \$60.00 |

#### **Section 4. Embryo Transplant or Embryo Transfer Technician Permit.**

- |     |                                                                             |         |
|-----|-----------------------------------------------------------------------------|---------|
| (a) | Embryo Transplant or Transfer Technician Application Fee:                   | \$50.00 |
| (b) | Embryo Transplant or<br>Transfer Technician Annual Permit Renewal Fee:      | \$30.00 |
| (c) | Embryo Transplant or Transfer Technician<br>Late Annual Permit Renewal Fee: | \$60.00 |

#### **Section 5. Miscellaneous.**

- (a) Duplicate license, certificate, or permit: \$25.00

**Section 6. License and Permit Renewal.**

(a) A license or permit may be renewed annually on or before December 31 upon submitting a completed renewal form, paying the renewal fee, and completing continuing education as applicable.

(b) An expired license or permit may be renewed within sixty (60) days of expiration upon submitting a completed renewal form, paying the late renewal fee, and, if a veterinarian, completing continuing education as applicable.

**Section 7. Reissuance of an Expired License.**

(a) An individual who has failed to renew a license or permit may apply for reissuance within five (5) years of the expiration date by submitting the following:

- (i) A completed application for license on forms provided by the Board;
- (ii) The current renewal fee;
- (iii) The late renewal fee; and
- (iv) All delinquent renewal fees.

(b) An individual who does not apply for reissuance of a license or permit within five (5) years of the expiration date must reapply for a license or permit under Chapter 8, Section 4; Chapter 11, Section 2; or Chapter 12, Section 3 depending on the type of license or permit being sought.

## **CHAPTER 14**

### **APPLICATION REVIEW, COMPLAINTS, AND HEARING PROCEDURES**

#### **REPEALED**

**CHAPTER 15**  
**PRACTICE AND PROCEDURES**  
**FOR DISCIPLINARY, APPLICATION, AND LICENSURE MATTERS**

**Section 1. Authority.** These rules are adopted under the Board’s authority granted by Wyoming Statute 33-30-204(m)(xii).

**Section 2. Statement of Purpose.** These Board Rules are adopted to implement the Board’s authority to:

- (a) Conduct investigations, hearings, and proceedings concerning:
  - (i) Alleged violations of the Act or the Board Rules;
  - (ii) Petitions for modifying conditions or restrictions imposed upon a license;or
  - (iii) Actions relating to an application for licensure including granting or denying.
- (b) Determine and administer appropriate disciplinary action against licensee.
- (c) For the purposes of this chapter, “license” refers to any Board-issued license, permit or certificate and “licensee” refers to any person holding a Board-issued license, permit or certificate.

**Section 3. Grounds for Discipline.** In addition to the grounds identified in Wyoming Statute 33-30-212, the Board may take disciplinary action, or refuse to issue or renew a license or certificate for the any one (1) or more of the following acts or conduct:

- (a) Practicing veterinary medicine outside the scope of practice authorized by the Act and these rules;
- (b) Incapacity or impairment that prevents a licensee from practicing veterinary medicine with reasonable skill, competence and safety to the public;
- (c) Failure to provide medical records in a timely fashion upon proper request by the client, law enforcement, the Board or other regulatory agency;
- (d) Unauthorized disclosure of confidential information;
- (e) Being found by the Board or any court of competent jurisdiction to have engaged in acts of cruelty or abuse of animals;

(f) Misrepresentation of a fact by an applicant or licensee in statements regarding the licensee's skills or value of any treatment provided or to be provided or using any false, fraudulent, or deceptive statement connected with the practice of veterinary medicine including, but not limited to, false or misleading advertising;

(g) Fraud by a licensee in connection with the practice of veterinary medicine including engaging in improper or fraudulent billing practices;

(h) Engaging in, or aiding and abetting any individual engaging in the practice of veterinary medicine without a license, or falsely using the title of veterinarian;

(j) Failing to conform to currently accepted standards of practice;

(k) Conduct which violates the security of any licensure examination, including, but not limited to:

(i) Removing from the examination room any examination materials without authorization;

(ii) Unauthorized reproduction by any means of any portion of the actual examination;

(iii) Aiding by any means the unauthorized reproduction of any portion of the actual examination;

(iv) Paying or using professional or paid examination-takers for the purpose of taking or reconstructing any portion of the examination;

(v) Obtaining examination questions or other examination material, except by specific authorization either before, during or after an examination;

(vi) Using any examination questions or materials that were improperly removed or taken from any examination; or

(vii) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered examination.

(viii) Making inappropriate sexual advances, either verbally or physically;

(ix) Requesting inappropriate sexual favors;

(x) Engaging in any verbal or physical conduct which:

(A) Deviates from generally accepted and prevailing practices for any given patient care situation;

- (B) Violates professional boundaries;

#### **Section 4. Application Review and Investigation Process.**

- (a) Application Review. In application matters:
  - (i) Every application for a license, certificate, or permit issued by the Board shall be subject to investigation to determine whether the requirements set forth in the Act and Board Rules are satisfied.
  - (ii) If any application, including renewals, reveals any information that merits further investigation, the matter shall be assigned to an Application Review Committee (ARC).
- (b) ARC Action. The ARC may recommend:
  - (i) A license or permit be issued, renewed, reissued, or reinstated;
  - (ii) A license be issued, renewed, relicensed, or reinstated subject to conditions, restrictions, or other disciplinary action;
  - (iii) Approval of a settlement agreement, which may include the issuance of a license or renewal with the imposition of restrictions, conditions, reprimand, or a combination thereof; or
  - (iv) Denial of the application.
- (c) Notice of Intent. The ARC shall notify the applicant of its intent to recommend:
  - (i) Issuance of a license subject to conditions, restrictions, or other disciplinary action; or
  - (ii) Denial of a license.
- (d) The Notice of Intent shall contain:
  - (i) A brief description of the facts or conduct that warrant denial or issuance of a license subject to conditions, restrictions, or other disciplinary action;
  - (ii) A statement of the nature of the actions that warrant denial or issuance of a license subject to conditions, restrictions, or other disciplinary action and a citation to the applicable statutory provisions or Board Rules involved;
  - (iii) An opportunity to show compliance with all lawful requirements for retention of the license or respond within fifteen (15) days from the date of mailing; and

(iv) Notice of the right to a hearing if the licensee submits a written request to the Board office and the Board receives it within thirty (30) days of the date the ARC mailed the Notice of Intent.

(e) Applicant's Request for Hearing.

(i) The applicant may request a hearing if the ARC recommends:

(A) Approval of the license subject to conditions, restrictions, or other disciplinary action; or

(B) Denial of the application.

(ii) The applicant shall submit a written request for hearing to the Board office and the Board must receive the request within thirty (30) days of the date of the ARC mailed the Notice of Intent.

(f) Applicant's Failure to Request a Hearing. If the applicant fails to timely request a hearing of the ARC's recommendation, the Board may:

(i) Approve the ARC's recommendation without a hearing;

(ii) Set a hearing; or

(iii) Dismiss the application.

#### **Section 5. Petition for Modification of Conditions or Restrictions.**

(a) Petition to Modify Conditions or Restrictions.

(i) A licensee may petition the Board to modify conditions or restrictions imposed upon their license.

(ii) A licensee shall submit a petition for modification to the Board office in writing, which shall include documentation demonstrating that the licensee has complied with a previously entered Board order if applicable, that the modification is consistent with their treatment plan if applicable, and that the modification is sufficient to ensure the public is adequately protected.

(iii) A petition for modification shall be reviewed by a Disciplinary Committee (DC).

(b) Disciplinary Committee Recommendation.

(i) If the DC agrees with the requested modification, the parties may file a stipulated motion with the Board.

(ii) If the DC does not agree with the requested modification, the DC shall notify the licensee of its intent to recommend denial of the petition.

(c) Board Consideration.

(i) The Board shall consider the petition, the DC's recommendation, and/or a stipulated motion at its earliest convenience.

(ii) The Board may accept or reject the petition for modification.

**Section 6. Complaint Review and Disciplinary Investigation Process.**

(a) Complaint Review. Every complaint submitted to the Board or initiated on behalf of the Board shall be investigated by a DC.

(b) Disciplinary Committee Action. The DC may recommend:

(i) Dismissal of a complaint;

(ii) Dismissal of a complaint with an advisory letter;

(iii) Approval of a settlement agreement, which may include voluntary surrender, suspension, imposition of restrictions or conditions, reprimand, or other discipline, or a combination thereof;

(iv) Disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline, or a combination thereof; or

(v) Summary suspension.

**Section 7. Voluntary Surrender.**

(a) A licensee may petition the Board, in writing, to voluntarily surrender their license in lieu of discipline.

(b) The Board shall consider the petition at its earliest convenience.

(c) The Board may consider whether the licensee is under investigation and may accept or reject the petition.

**Section 8. Summary Suspension.**

(a) Recommendation. If the DC recommends summary suspension, the Board shall conduct an expedited proceeding to determine whether the licensee's continued practice presents a clear and imminent danger to public health, safety, or welfare.

(b) Notice of Intent to Recommend Summary Suspension.

(i) The DC shall notify the licensee of its intent to recommend summary suspension;

(ii) The Notice of Intent shall contain:

(A) Copy of the complaint; and

(B) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled;

(c) Notice of Expedited Proceeding. Upon confirmation of the date and time of the expedited proceeding, the DC shall notify the licensee in writing of the date and time of the proceeding.

(d) Scope of Expedited Proceeding. The scope of the expedited summary suspension proceeding shall be limited to a presentation of the evidence the investigating party believes warrants summary suspension and any information the licensee may present on his or her behalf. The board shall order summary suspension if it concludes probable cause exists that the charges, if proven, would imperatively require emergency action to protect the public health, safety, or welfare. The board shall incorporate a finding to that effect in its order granting summary suspension.

## **Section 9. Formal Proceedings for Disciplinary Action.**

(a) Notice of Intent to Recommend Disciplinary Action.

(i) The DC shall notify the licensee of its intent to recommend disciplinary action.

(ii) The Notice of Intent shall:

(A) Include a brief description of the facts or conduct which warrant the intended action; and

(B) Provide the licensee an opportunity to show compliance or respond to the allegations for disciplinary action within fifteen (15) days of the date of mailing.

**Section 10. Petition.** The DC shall initiate formal proceedings for disciplinary action by serving a Petition to the last known address of the licensee by regular mail at least thirty (30) days prior to the date set for hearing.

### **Section 11. Notice of Hearing.**

(a) Upon receipt of a written request for hearing from an applicant or the commencement of formal proceedings for disciplinary action against a licensee, the Board shall conduct a hearing. The Board shall serve a Notice of Hearing on the applicant or licensee at least thirty (30) days prior to the hearing.

(b) Notice of Hearing. The notice of hearing shall contain:

(i) The name and last known address of the licensee;

(ii) A brief statement of the matters asserted:

(A) In application matters, the recommendation, the facts upon which the recommendation is based, and the statutory provisions or Board Rules the applicant is alleged to have violated; or

(B) In disciplinary matters, the nature of the Petition and Complaint, the facts upon which the Petition is based, and the statutory provisions or Board Rules the licensee is alleged to have violated;

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

(iv) The legal authority and jurisdiction; and

(v) A statement indicating that failure to respond to the petition within twenty (20) days of its receipt may result in a default judgment.

**Section 12. Lawful Service.** There shall be a presumption of lawful service of a petition, notice of hearing, or any other communication required by these Board Rules if sent to the last known address of the licensee or applicant by regular mail.

### **Section 13. Dismissal or Default.**

(a) The Board may dismiss an application where the applicant or the applicant's representative has not requested a hearing or appeared at a noticed hearing.

(b) The Board may enter an order of default judgment based on the allegations contained in the Petition in any case where the licensee or the licensee's representative has not answered the allegations contained in the Petition and has not appeared at a noticed hearing.

**Section 14. Contested Case.** The hearing officer shall preside over the formal contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedure Act and the Office of Administrative Hearings rules concerning contested case proceedings as referenced in Chapter 1.

## **Section 15. Burden and Standard of Proof.**

(a) Application Matters. The applicant shall bear the burden to prove by a preponderance of the evidence that they meet the qualifications for licensure. The burden shall shift to the ARC to prove by clear and convincing evidence that the applicant should be denied a license. The burden shall shift back to the applicant to persuade the Board that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient.

(b) Petition for Modification Matters. The licensee shall bear the burden to prove by a preponderance of evidence that the petition for modification of conditions should be granted.

(c) Disciplinary Matters. The DC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Act, Boar Rules, or both.

## **Section 16. Board Decision and Order.**

(a) Board Action. The Board may resolve a complaint by:

(i) Approving the recommendations of the DC or ARC;

(ii) Ruling in favor of a party on a dispositive motion;

(iii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:

(A) Issue, renew, relicense, or reinstate a license;

(B) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, reactivation, or reinstatement.

(D) Approve or deny a petition;

(E) Dismiss the complaint or Petition;

(F) Dismiss the complaint or Petition with an advisory letter; or

(G) Impose a reprimand, conditions, restrictions, suspension, revocation, other discipline, or a combination thereof.

(b) Board Order. The Board shall issue a written decision and order. The decision and order shall be sent to the applicant, licensee, or their representatives by certified or regular mail.

## **Section 17. Appeals.**

(a) Appeals from decisions of the Board are governed by the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

(b) Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.

## CHAPTER 16

### PRINCIPLES OF VETERINARY MEDICAL ETHICS OF THE BOARD

**Section 1. Introduction.** Veterinarians are members of a scholarly profession who have earned academic degrees from comprehensive universities or similar educational institutions. Licensed veterinarians practice veterinary medicine in a variety of situations and circumstances. Exemplary professional conduct upholds the dignity of the veterinary profession. All veterinarians are expected to adhere to the Wyoming code of ethical conduct comprised of the following principles.

#### **Section 2. Principles of Ethics.**

(a) A veterinarian shall be influenced only by the welfare of the patient, the needs of the client, the safety of the public, and the need to uphold the public trust vested in the veterinary profession, and shall avoid conflicts of interest or the appearance thereof.

(b) A veterinarian shall provide competent veterinary medical clinical care under the terms of a veterinarian-client-patient relationship (VCPR), with compassion and respect for animal welfare and human health.

(c) It is unethical to engage in the practice of veterinary medicine without a VCPR.

(d) Attending veterinarians are responsible for choosing the treatment regimen for their patients. It is also the responsibility of the attending veterinarian to communicate directly with the client regarding diagnosis and treatment plan.

(e) It is the attending veterinarian's responsibility to inform the client of the expected results and costs, and the related risks of each treatment regimen.

(f) Attending veterinarians have an obligation to offer diagnostic tests that would help diagnose the patient's problem.

(g) If a veterinarian does not have the expertise or the necessary equipment and facilities to adequately diagnose or treat the patient, the veterinarian should offer a referral to another veterinarian or referral center where it can be done. If the client declines a referral it should be noted in the medical records.

(h) Medical Records –Good, complete and accurate medical records are required by the Board. Records are important in any review of a complaint against a licensee.

(i) Controlled substances administered must be written into the patient's medical record, including drug, date, amount, and frequency and the veterinarian's name.

(j) A veterinarian shall not alter medical records with fraudulent intent. The original medical notes must be kept with the alteration identified by reason, date, and veterinarian's name.

(k) Humane euthanasia of animals is an ethical veterinary procedure. Veterinarians can refuse to perform euthanasia if they feel there is no reason for it to be done. However, it is unethical for them to re-home the animal without consent from the owner.

(l) A veterinarian shall respect the privacy rights of clients, colleagues, and other health professionals and shall safeguard medical information within the confines of the law.

(m) Veterinarians and their associates must protect the personal privacy of clients, and veterinarians must not reveal confidences unless required to by law or unless it becomes necessary to protect the health and welfare of other individuals or animals.

(n) It is unethical to place photos or information regarding a patient on social media without the consent of the owner.

(o) A veterinarian shall uphold the standards of professionalism and be honest in all professional interactions while respecting the rights of clients, colleagues, and other health professionals, and shall safeguard medical information within the confines of the law.

(p) Veterinarians must not defame or injure the professional standing or reputation of another veterinarian in a false or misleading manner. Complaints about behavior that may violate the Principles should be addressed through the Board in an appropriate and timely manner.

(q) Veterinarians must be honest and fair in their relations with others, and they shall not engage in fraud, misrepresentation, or deceit.

(r) Veterinarians should use only the title of the professional degree that was awarded by the school of veterinary medicine where the degree was earned. All veterinarians may use the courtesy titles Doctor or Veterinarian.

(s) It is unethical for veterinarians to identify themselves as members of an AVMA-recognized specialty organization if such certification has not been awarded and maintained.

(t) Only those veterinarians who have been certified by an AVMA-recognized veterinary specialty organization should refer to themselves as specialists.

(u) It is unethical to place professional knowledge, credentials, or services at the disposal of any nonprofessional organization, group, or individual to promote or lend credibility to the illegal practice of veterinary medicine.

(v) It is unethical to provide pharmaceuticals or equipment to aid anyone who is engaged in unlicensed practice.

(w) Veterinarians who are impaired due to substance abuse or mental health conditions must not act in the capacity of a veterinarian and shall seek assistance from qualified organizations or individuals.

(x) Colleagues of impaired veterinarians should encourage those individuals to seek assistance and to overcome their impairment.

(y) Advertising by veterinarians is ethical when there are no false, deceptive, or misleading statements or claims. A false, deceptive, or misleading statement or claim is one which communicates false information or is intended, through a material omission, to leave a false impression.

(z) A veterinarian shall continue to study, apply, and advance scientific knowledge, maintain a commitment to veterinary medical education, make relevant information available to clients, colleagues, the public, and obtain consultation or referral when indicated.

(aa) When appropriate, attending veterinarians are encouraged to seek assistance in the form of consultations and/or referrals. A decision to consult or refer is made jointly by the attending veterinarian and the client.

(bb) Attending veterinarians must honor a client's request for referral.

(cc) When a client seeks professional services or opinions from a different veterinarian (receiving veterinarian) without a referral, a new VCPR is established with the new attending veterinarian.

(dd) With the client's authorization, the new attending veterinarian should contact the former veterinarian to learn the original diagnosis, care, and treatment and clarify any issues before proceeding with a new treatment plan.

(ee) When contacted, the veterinarian who was formerly involved in the diagnosis, care, and treatment of the patient should communicate with the new attending veterinarian as if the patient and client had been referred.

(ff) Records should be sent from the original veterinarian to the receiving veterinarian at the client's request and authorization.

(gg) A veterinarian shall, in the provision of appropriate patient care be free to choose whom to serve, with whom to associate, and the environment in which to provide veterinary medical care.

(hh) When a veterinarian cannot be reasonably available to provide services, they should provide readily accessible information to assist clients in obtaining emergency services, consistent with the needs of the locality.

(ii) A veterinarian should recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health. The responsibilities of the veterinary profession extend beyond individual patients and clients to society in general.

(jj) Veterinarians are encouraged to make their knowledge available to their communities and to provide their services for activities that protect public health.

## CHAPTER 8

### DEFINITIONS, LICENSE AND PERMIT

**Section 1. Authority.** These rules are promulgated by the Wyoming Board of Veterinary Medicine pursuant to their authority under the Wyoming Veterinary Medical Practice Act, ~~Wyoming Statute~~ 33-30-201 through 33-30-225.

**Section 2. Definitions.** All definitions set forth in the Wyoming Veterinary Practice Act are incorporated into these rules in addition to the following:

(a) “Act” means the Wyoming Veterinary Medical Practice Act, W.S. 33-30-201 through 33-30-225.

(b) “Client” means the owner or caretaker of an animal presented to a licensee or temporary permit holder for veterinary medical care.

(c) “Licensee” means a veterinarian who has been properly licensed by the Board, pursuant to the Act and these Rules, to practice veterinary medicine in this state.

(d) “Patient” means an animal presented to a licensee or temporary permit holder to receive veterinary medical care.

(e) “Permittee” means an artificial insemination technician, embryo transplant technician, or embryo transfer technician who has been properly permitted by the Board, pursuant to the Act and these rules, to practice artificial insemination, embryo transfer, or embryo transplant in the state.

(f) “Temporary Permit Holder” means a veterinarian who has been issued a temporary permit by the Board, pursuant to the Act and these rules.

**Section 3. Incorporation by Reference.** The Board hereby incorporates by reference the following:

(a) ~~For any code, standard, rule, regulation, or statute incorporated by reference in these rules~~ Each rule or standard incorporated by reference is further identified as follows:

(i) ~~The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;~~

(ii) ~~The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section;~~

~~(iii) — The incorporated code, standard, rule, regulation or statute is maintained at 2001 Capitol Avenue, Room 104, Cheyenne, Wyoming 82002, and is available for public inspection and copying at cost at the same location.~~

~~(b) — The Board incorporates by reference the following standards:~~

~~(i) — The American Veterinary Medical Association (AVMA) Judicial Council “Principles of Veterinary Medical Ethics” dated April 2016 and found at <http://vetboard.wyo.gov>.~~

~~(ii) — The AVMA “Guidelines on Euthanasia” 201320 Edition and found at <http://vetboard.wyo.gov> [www.avma.org](http://www.avma.org).~~

~~(c) — Each rule incorporated by reference is further identified as follows:~~

~~(i) — Chapter 2 – Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on ~~October 17, 2014~~ July 20, 2017, found at <http://sos.wy.state.wy.us/Rules/RULES/9644.pdf> available at <http://rules.wyo.gov>. These rules are referred to herein as the Uniform Rules for Contested Case Practice and Procedure.~~

~~(iii) — Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, available at <http://rules.wyo.gov>.~~

~~(b) — For these rules or standards incorporated by reference:~~

~~(i) — The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;~~

~~(ii) — The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and~~

~~(iii) — The incorporated rules and standards are maintained at the Board office and available for public inspection and copying at cost at the same location.~~

#### **Section 4. License and Registration of Veterinarians.**

(a) Applicants for license to practice veterinary medicine shall:

(i) Graduate from a school of veterinary medicine approved by the Board. If the applicant is applying by examination and has not graduated at the time the application is filed, the applicant shall submit a letter of expected graduation signed by the President or Dean

of the applicant's accredited school of veterinary medicine in order to be approved to sit for the national examination.

(ii) Pass a national examination approved by the Board with a score of at least seventy-five (75%) percent within the last three years or has for the last five (5) years been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time of application in that jurisdiction that were substantially equivalent to the requirements of the Act and these rules.

(iii) Submit a completed application for license on forms provided by the Board accompanied by the required application fee.

(iv) Request an official transcript be sent directly from the registrar of the school of veterinary medicine to the Board.

(v) Request verification from all jurisdictions in which the applicant has held or currently holds a license or permit ~~and the status of that license or permit~~.

(vi) Provide an affidavit that no complaint has been filed or is pending, no investigation is pending and no disciplinary action has been taken or is pending against the applicant in any jurisdiction.

(vii) Successfully complete a state jurisprudence examination with a passing score of at least seventy-five (75) percent.

(b) Temporary permits.

(i) The Board may issue a temporary permit to a qualified graduate waiting to take the national examination for the first time upon completion of the requirements in subsection (a) above as applicable.

(ii) Temporary permits shall be valid for thirty (30) days after the close of the testing window, or until official examination scores are received by the board from the examination provider.

(iii) If the applicant does not successfully pass the national examination, the temporary permit shall expire and the applicant shall not practice veterinary medicine in the state.

(iv) Every applicant issued a temporary permit shall practice veterinary medicine only under the supervision of a licensee who is actively engaged in the practice of veterinary medicine.

(v) Supervision requires the supervising licensee to exercise professional judgment in determining the degree of direction needed for each individual temporary permit holder. In determining the supervision necessary, the supervising licensee shall consider:

- (A) The degree of professional expertise demonstrated by the temporary permit holder;
  - (B) The length of time the temporary permit holder has already been under supervision;
  - (C) The temporary permit holder's ability to communicate with clients and support personnel; and
  - (D) Any other factors that the supervising licensee deems appropriate.
- (vi) The supervising licensee shall not be absent from the veterinary clinic for more than fourteen (14) consecutive days or more than twenty-one (21) total days in a six (6) month period.
- (A) ~~Be absent from the veterinary clinic for more than fourteen (14) consecutive days or more than twenty-one (21) total days, in a six (6) month period;~~
  - (B) ~~Conduct the supervision from a separate location.~~

#### **Section 5. License by Endorsement.**

(a) Applicants who have for the last five (5) years preceding the application been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time of application in that jurisdiction that were substantially equivalent to the requirements of the Act and these rules shall submit:

(i) A completed application for license on forms provided by the Board accompanied by the required application fee.

(ii) Verification of licensure from all jurisdictions in which the applicant has held or currently holds a license or permit.

(iii) An affidavit that no complaint has been filed or is pending, no investigation is pending and no disciplinary action has been taken or is pending against the applicant in any jurisdiction.

**Section 6. Emergency Relief License.** During a public health emergency declared by the Governor, a license that lapsed due to non-renewal may be emergently reactivated. The application shall be reviewed by the executive director or his designee, who shall have sole discretion whether to approve the application. If the application is denied, it will be deemed converted to an application for regular licensure under Chapter 8, Section 4 of these rules. There is no fee for this application or license, and the emergently reactivated license shall automatically expire upon the termination of the public health emergency. A veterinarian wishing to practice

after the end of the emergency reactivation granted under this subsection shall follow the application process set forth in Chapter 8, Section 4 of these rules before doing so.

(a) The following eligibility criteria shall be met for approval of emergency reactivation of a license under this subsection:

(i) The veterinarian shall submit an application on a form provided by the board;

(ii) The veterinarian held a full, unrestricted license to practice veterinary medicine in any United States jurisdiction within the last five (5) years immediately preceding the application; and

(iii) The Board's executive director shall verify that the veterinarian's license(s) have not been revoked, surrendered in lieu of discipline, suspended, or otherwise terminated in any state, territory, or district of the United States.

(b) Veterinarians deputized by the state veterinarian are not required to hold a license and shall serve at the pleasure of and be supervised by the state veterinarian.

## CHAPTER 9

### STANDARDS OF PROFESSIONAL CONDUCT FOR THE PRACTICE OF VETERINARY MEDICINE

**Section 1. Standards.** All standards established by these rules shall apply to both licensees and temporary permit holders practicing veterinary medicine. Use of the term licensee shall also include temporary permit holder where applicable and not inconsistent with the Act or these rules.

~~(a) — All standards established by these rules shall apply to both licensees and temporary permit holders practicing veterinary medicine. Use of the term licensee shall also include temporary permit holder where applicable and not inconsistent with the Act or these rules.~~

~~(b) — The Board adopts, incorporates, and enforces as standards for professional conduct, the Principles of Veterinary Medical Ethics, published by the AVMA Judicial Council.~~

### **Section 2. Continuing Education Requirements.**

(a) Every two years each licensee shall complete a minimum of twenty-four (24) credit hours of continuing education approved by the Board in subjects related to the practice of veterinary medicine and shall include three (3) hours of continuing education related to the responsible prescribing of controlled substances.

(b) The licensee shall maintain and provide proof of continuing education attendance on a form provided by the Board. The form shall be submitted with the licensee's renewal application in the year for which it is due.

(c) Credit hours shall be earned by one-hour credit for each hour of attending programs approved by the Board. Board-approved programs include but are not limited to those sponsored by American Veterinary Medical Association, American Animal Health Association, Western States Veterinary Conference, veterinary college conferences, Wyoming Veterinary Medical Association, and any other affiliated association or society. Programs shall be specifically related to the practice of veterinary medicine. The number of practice management hours shall not exceed twenty-five percent (25%) of the total requirement.

(d) New licensees shall attend a Board orientation offered within eighteen months ~~one (1) year~~ of licensure, after which they will be placed on the two (2) year, twenty-four (24) hours continuing education cycle.

(i) Failure to attend a Board orientation may result in disciplinary action ~~non-renewal~~ of the license.

(ii) Continuing education credits will be awarded for attending the Board orientation.

### **Section 3. Additional Standards.**

(a) The practice of veterinary medicine and surgery shall be provided in a competent and humane manner consistent with prevailing standards of practice for the species of animal and the professed area of expertise of the licensee. For a licensee to properly exercise the rights granted by the license, a veterinarian-client-patient relationship shall exist.

(b) A veterinarian-client-patient relationship shall be characterized by:

(i) The licensee assuming the responsibility for making medical judgments regarding the health of the animal and the need for medical treatment;

(ii) The client has agreed to follow the instructions of the licensee;

(iii) The licensee having sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of its medical condition. This means that the licensee has recently seen and is personally acquainted with the keeping and care of the animal as a result of an examination or by medically appropriate visits to the location where the animal is kept; and

(iv) ~~Readily~~ Reasonably available follow-up care in case of adverse reactions or failure of the regimen of therapy.

(c) The provision of pharmaceutical services is governed by the following:

(i) No prescription drug shall be prescribed, dispensed or administered without establishing a documented valid veterinarian-client-patient relationship.

(ii) A licensee is responsible for assuring that a prescription drug or biologic prescribed for use is properly administered, or providing instructions to clients on the proper administration of drugs when the licensee does not directly supervise the administration.

(iii) Drugs and biologics shall be stored according to the packaging and storage requirements set forth in the most recent edition of the United States Pharmacopeia.

(d) Record keeping shall be as follows:

(i) A licensee performing treatment or surgery on an animal, whether in the licensee's custody at a veterinary facility or remaining on the client's premises, shall prepare a legibly written or computerized record concerning the animal setting forth the following information:

(A) Name, address, and telephone number of owner;

(B) Identity of the animal, including age, sex, and breed;

(C) Dates of examination, treatment, and surgery;

- (D) Brief history of the condition of each animal, herd, or flock;
- (E) Examination findings;
- (F) Laboratory and radiographic reports;
- (G) Clinical impression; ~~and~~
- (H) Medication and treatment utilized, including amount and frequency.

(I) Any information received as the result of a consultation, including the date, name and contact information of the consultant; and

(J) Any authorizations, details of conversations, releases, waivers, patient discharge instructions or other related documents.

(ii) The licensee shall maintain individual records on each animal, except that records on food, fiber, milk animals, birds, and horses may be maintained on an individual client basis.

(iii) Medical records and radiographs are the physical property of the hospital or the licensee that prepared them. Records and radiographs shall be maintained for a minimum of three (3) years after the patient's last visit.

(iv) Medical records and radiographs or an accurate copy thereof, shall be released to the client, designated Veterinarian, or duly authorized representative ~~or the Board,~~ within two (2) weeks of a written request, or sooner in accordance with the patient's medical condition. A reasonable charge for copying or preparation of records may be made, except in the case of a Board investigation, in which case no charges are authorized.

(v) A film or digital radiograph shall be permanently identified. It shall be released on the written request of another veterinarian who has the written authorization of the client to whom it pertains. The film radiograph shall be returned within a reasonable time to the practice that originally prepared the radiograph.

(vi) Contents of medical records and radiographs shall be kept confidential and may not be furnished to or discussed with any person other than the client or other veterinarians involved in the care or treatment of the patient, except upon authorization of the client ~~not released to third parties unless authorized by the client or required by law.~~

(A) A patient's veterinary medical records and information about the medical condition may be furnished without client authorization under the following circumstances:

(I) Access to the records is specifically required by law;

(II) In response to a court order, or subpoena and notice to the client or the client's legal representative;

(III) For statistical and scientific research, if the information is redacted in a way as to protect the identity of the patient and client;

(IV) As part of an inspection or investigation conducted by the Board or an agent of the Board;

(V) As part of a formal verbal or written request from a regulatory, or public health authority;

(VI) To verify a rabies vaccination of an animal for the protection of the individual animal, human or public health welfare;

(VII) As part of an animal cruelty report or an abuse investigation by a law enforcement or duly appointed animal welfare or governmental agency;

(VIII) As part of a criminal investigation by a law enforcement agency; or

(IX) When the client cannot be reached to obtain authorization to release the records to another veterinarian in a medical emergency.

(B) A licensee shall not, with fraudulent intent, create a false record, make a false statement, alter or modify any medical record, document, or report concerning treatment of a patient. When correcting a medical record, the original contents should be readable, and the alteration must be clearly identified with the reason, date and author's name.

(e) Emergency service shall be provided as follows:

(i) The staffing for an emergency veterinary facility shall include a licensee on the premises at all times during the posted hours of operation.

(ii) Advertisements for emergency veterinary facilities shall clearly state:

(A) The hours the facility will provide emergency service;

(B) That a licensed veterinarian is on the premises during the posted emergency hours; and

(C) The address and telephone number of the facility.

(iii) "Veterinarian on call" means a licensee is not present at a veterinary facility, but is able to respond within a reasonable time to requests for emergency veterinary

services. The facility's services shall not be considered or advertised as an emergency clinic or hospital.

(iv) If continuing care of the patient is required following emergency service, the client shall be provided with a legible copy of the medical record to be transferred to the next attending veterinarian or a copy must be transmitted directly to the attending veterinarian. The information included in the medical record shall consist of at least the following:

- (A) Findings of physical examination;
- (B) Dosages and time of administration of medications;
- (C) Copies of diagnostic data or procedures;
- (D) All radiographs, for which the facility shall obtain a signed release when transferred;
- (E) Surgical summary;
- (F) Tentative diagnosis and prognosis; and
- (G) Follow-up instructions or recommendations.

(v) An emergency facility shall have the equipment necessary to perform standard emergency medical procedures and shall have the capability to render timely and adequate diagnostic radiologic services, laboratory services, and diagnostic cardiac monitoring on the premises.

(f) "Mobile veterinary practice" is a clinical veterinary practice that may be transported or moved from one location to another for delivery of veterinary medical care.

(i) Mobile veterinary practice may include:

(A) Providing medical or surgical care in a mobile vehicle modified and comparably equipped to function as a fixed veterinary practice facility;

(B) A mobile extension of a fixed location general veterinary practice located within the same practice area but physically removed from the practice premises. Depending on the types of animals being treated, an outcall care provides vaccinations, physical examinations, treatments, diagnostic screenings, and surgery.

(C) Any transportation used to transport licensee and equipment to provide veterinary care.

(ii) In all types of mobile veterinary practice, patient care shall be consistent with prevailing standards of practice and a veterinarian-client-patient relationship shall exist.

(iii) In all types of mobile veterinary practice, the licensee shall make provisions for follow-up care, emergency care, surgery, and radiology if not available to the mobile unit. Clients shall be informed in writing of these provisions.

(iv) Mobile veterinary practice vehicles shall be maintained in a clean and sanitary condition. Vehicles shall contain equipment necessary to perform physical examinations, surgical procedures, and medical treatments consistent with the type of care being rendered and the prevailing standards of practice for those services.

(v) The Board or its agent may inspect mobile veterinary vehicles for compliance with these rules.

(g) For the purposes of this section, a “locum veterinarian” or “relief veterinarian” is a licensed veterinarian who temporarily fills the position of a veterinary clinic’s permanent staff member for any reason.

(i) Locum or relief veterinarians shall meet the same ethical standards as a veterinary clinic’s permanent staff members.

(ii) Locum or relief veterinarians shall be responsible for providing care within the context of veterinary-client-patient relationships established by a veterinary clinic’s permanent staff members.

(iii) Locum or relief veterinarians shall be responsible for any practice of veterinary medicine by a veterinary clinic’s unlicensed employees.

#### **Section 4. Supervision.**

(a) A licensee is professionally and legally responsible for any practice of veterinary medicine by the licensee’s unlicensed employees. An employee’s practice of veterinary medicine without a license constitutes grounds for the Board to take disciplinary action against the licensee. A licensee shall have established a valid veterinarian-client-patient relationship before delegating an animal health care task to a non-licensed employee as allowed by the Act.

(b) A licensee shall not authorize a non-licensed employee to perform the following functions:

(i) Surgery;

(ii) Diagnosis and prognosis; or

(iii) Prescribing drugs, medicines, or appliances.

(c) A licensee shall ensure that the activities of a supervised non-licensed individual are within the scope of the orders, assignment, or prescriptions of the licensee and within the capabilities of the individual. This does not prohibit performing animal health care tasks by the

unlicensed individual as allowed by the Act and only at the customary place of business. Nor does it prohibit, under emergency situations where an animal requires immediate treatment to sustain life or prevent further injury, an unlicensed employee from rendering lifesaving aid and treatment in the absence of a licensee. ~~A licensee shall not supervise from a separate location.~~

#### **Section 5. Premises and Housing Facilities.**

(a) Separate cages shall be provided for each hospitalized animal, except that neonate and juvenile littermates or animals from the same client may be caged together when appropriate as determined by the licensee. Cages shall be cleaned and sanitized before their use by newly arriving animals. Excreta, spilled feed, and water shall be removed from cages as often as necessary to prevent contamination of the animals, reduce hazards to the health of the animals, and eliminate odors. Cage size shall be sufficient to allow an animal to stand, sit, lie down, and turn around comfortably.

(b) Animals having clinical evidence of infectious, contagious, or communicable disease shall be separated at all times from other animals to minimize the spread of disease.

(c) Equipment shall be maintained in a clean and sanitary condition at all times.

(d) Food and water for animals shall be kept free from contamination and all receptacles for food and water shall be kept in a clean and sanitary condition. Animals shall be provided with food of sufficient quantity and quality to allow normal growth or the maintenance of body weight. Clean, safe water sufficient to satisfy the animal's needs shall be provided at all times.

(e) An effective program for the control of pests on the premises shall be established and maintained.

(f) The premises shall be kept clean and in good repair to facilitate acceptable sanitary practices and shall be kept free of accumulations of refuse or debris.

(g) All supplies, including food and bedding, shall be stored in facilities that adequately protect the supplies against infestation, contamination, or deterioration. Refrigeration shall be provided for all perishable supplies including foods, drugs, and biologics.

(h) Disposal facilities shall be operated to prevent a nuisance condition and minimize pest infestation, odor, and disease hazards.

(i) Reliable electric power and clean, safe water adequate for the practice of veterinary medicine shall be available at all times on the premises.

(j) Housing facilities shall be cleaned and disinfected as necessary to maintain a clean and sanitary condition at all times.

(k) A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. Drains shall be constructed and maintained in good repair to avoid foul odors. If closed drainage systems are used, they shall be installed to prevent any backup of sewage and other waste materials onto the floors of the facilities.

(l) Indoor housing facilities shall be sufficiently heated when necessary to protect the animals from cold and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below fifty (50) degrees Fahrenheit for animals not acclimated to lower temperatures.

(m) The surfaces of indoor housing facilities with which animals come into contact shall be so constructed and maintained to be substantially impervious to moisture and to be readily sanitized.

(n) Indoor housing facilities shall have ample light, by natural or artificial means, or both, of sufficient intensity and uniform distribution to permit routine inspection and cleaning.

(o) Outdoor housing facilities shall provide adequate shelter to properly protect animals from sun, rain, snow, and other weather elements and shall provide adequate bedding, water, and food.

(p) Housing facilities shall be structurally sound and kept in good repair. The facilities shall be designed and built to protect the animals from injury, contain the animals, and restrict the entrance of other animals.

(q) Indoor housing facilities shall be adequately ventilated to prevent the collection of offensive odors and to provide for the health and comfort of animals at all times. The facilities shall be provided with fresh air either by means of windows, vents, or air conditioning and shall be ventilated to minimize drafts, odors, and moisture condensation.

(r) When sterile surgical services are provided or when prevailing standards dictate sterile surgery, the following shall apply:

(i) The surgery room shall be clean, orderly, properly maintained, capable of being adequately disinfected, well-lighted, and provided with effective emergency lighting;

(ii) The floors, table tops, and counter tops of the surgery room shall be constructed of a material suitable for regular disinfecting and cleaning; and instruments, equipment, and packs for sterile surgery shall be:

(A) Adequate for the type of surgical service provided; and

(B) Sterilized by a method sufficient to kill spores.

(s) Proper illumination for viewing radiographs shall be available within the facility.

**Section 6.     Inspections.**

- (a)     The Board or its agent may perform inspections of any licensee's facilities at any reasonable time to ensure sanitation and cleanliness in compliance with the Act and these rules.
- (b)     Inspection reports shall be provided to each licensee who has been inspected.
- (c)     The Board shall allow reasonable time for the facility to be brought into compliance with the Act and these rules before beginning disciplinary proceedings.

## CHAPTER 11

### ARTIFICIAL INSEMINATION OF ANIMALS

#### **Section 1. Definitions.**

(a) “Artificial insemination” means the deposit of semen into the genital tract of a female food animal, equine, or companion animal by transcervical methods.

(b) “Artificial insemination technician” means a person who has a valid and current permit issued by the Board to perform artificial insemination of a food animal, equine, or companion animal.

**Section 2. Permit required.** No individual shall perform any act specifically authorized for an artificial insemination technician unless that individual holds a current artificial insemination technician permit issued by the Board.

(a) Exceptions.

(i) A permit shall not be required of either a licensee or temporary permit holder practicing veterinary medicine to perform artificial insemination.

(ii) A permit shall not be required of the owner of a domestic animal or by the owner’s full-time employee to perform artificial insemination on that owner’s domestic animal.

(b) Permits shall reflect one of the following endorsements:

(i) Food animal artificial insemination;

(ii) Equine artificial insemination; or

(iii) Companion animal artificial insemination.

**Section 3. Application requirements.** Application for a permit to perform artificial insemination shall be made in writing to the Board on a form provided by the Board. The application fee shall accompany the application.

(a) The applicant shall graduate from an artificial insemination course approved by the Board. The applicant shall request that an official transcript or verification of course completion be forwarded to the Board office directly from the course provider.

(b) The applicant shall request verification from all jurisdictions in which they have held or currently hold a license or permit to practice artificial insemination or similar practice.

#### **Section 4. Renewal.**

~~(c)~~(a) Permits shall be renewed annually as required by Chapter 13 of these rules.

(b) A former permittee who did not renew the permit within sixty (60) days of expiration shall be considered a new applicant.

#### **Section 54. Records.**

(a) A record shall be kept for every artificial insemination performed and shall include:

- (i) Identification of the animal or group;
- (ii) Owner of the animal or group;
- (iii) Source of semen used;
- (iv) Number of artificial insemination procedures performed;
- (v) Name of permittee; and
- (vi) Date performed.

(b) Records shall be retained by the permittee for three (3) years.

(c) Records or an accurate copy thereof, shall be released to the client or the Board, within two (2) weeks of a written request. A reasonable charge for copying or preparation of records may be made, except in the case of a Board investigation, in which case no charges are authorized.

#### **Section 65. Discipline and Denial.**

(a) The Board may deny, suspend or revoke a permit or otherwise discipline a permittee based upon the following:

- (i) Misrepresentation in applying for a permit;
- (ii) Unethical or unprofessional conduct;
- (iii) Violation of a Board rule or regulation pertaining to artificial insemination; or
- (iv) Violation of the Wyoming Veterinary Medical Practice Act, W.S. 33-30-201 et.seq.

(b) Permittees shall be subject to disciplinary practices and procedures as set forth in Chapter 145 of these rules.

## CHAPTER 12

### EMBRYO TRANSPLANT ~~OR~~ EMBRYO TRANSFER

**Section 1. Authority.** These rules and regulations are promulgated by the Wyoming Board of Veterinary Medicine under the authority granted by Wyoming Statute, § 33-30-204(m)(xiii).

#### **Section 2. Definitions.**

(a) “Embryo transfer” means the placing of an embryo into the reproductive tract of a female food animal by transcervical methods.

(b) “Embryo transfer technician” means a person who has a valid and current permit issued by the Board to perform embryo transfer to a food animal.

(c) “Embryo transplant” means the procedure of the removal of ova or embryos from a donor food animal and subsequent implantation of the embryos into a surrogate mother food animal.

(i) The practice of embryo transplanting involves basic knowledge, skills, and abilities in manual rectal palpation, synchronization and stimulation with hormones, administration of local anesthetics, flushing with lab media, use of microscopes, freezing and thawing of embryos, catheterizing animals, administration of antibiotics and grading of embryos. The practice and procedures of embryo transplanting by technicians is limited to non-surgical.

(d) “Embryo transplant technician” means a person who has a valid and current permit issued by the Board to perform non-surgical embryo transplants.

#### **Section 3. Qualifications and Application for Permit to Practice Embryo Transplant or Embryo Transfer.**

(a) No individual shall perform any act specifically authorized for an embryo transplant or embryo transfer technician unless that individual holds a current permit issued by the Board.

(i) Exceptions:

(A) A permit shall not be required of either a licensee or temporary permit holder practicing veterinary medicine.

(B) A permit shall not be required of the owner of a domestic animal or by the owner’s full-time employee to perform artificial insemination on that owner’s domestic animal.

(b) Applicants for a permit to practice as an embryo transplant technician or embryo transfer technician shall:

- (i) Be at least eighteen (18) years of age;
- (ii) Have successfully completed at least six semester hours of reproductive physiology, endocrinology, and embryo transplant course work from an accredited college or university approved by the Board; or
- (iii) Be a graduate of an embryo transfer course approved by the Board;
- (iv) Submit a completed application on forms provided by the Board which shall include:
  - (A) A current photograph of the applicant certified by a notary;
  - (B) An official transcript or verification of course completion sent directly from the source; and
  - (C) An original form signed by the applicant and a veterinarian licensed to practice and residing in Wyoming on which the veterinarian agrees to supervise the possession and administration of specific drugs necessary for embryo transplant procedures.

(c) Applicants who are licensed or permitted in another jurisdiction may be issued a permit provided licensing or permit requirements of the other jurisdiction are similar to Wyoming's requirements for a permit as determined by the Board.

(d) The applicant shall request verification be forwarded from all jurisdictions in which they have held or currently hold a license or permit practice embryo transfer or embryo transplant procedures.

#### **Section 4.     Renewal.**

- (a) Permits shall be renewed annually as required by Chapter 13 of these rules.
- (b) A former permittee who did not renew the permit within sixty (60) days of expiration shall be considered a new applicant.

#### **Section 5.     Use of Specific Drugs.**

- (a) No prescription drug shall be prescribed, dispensed, or administered by a technician without establishing a valid veterinarian-client-patient relationship.
- (b) Possession and administration of drugs by an embryo transplant technician is limited to the following specific drug categories:

- (i) Local anesthetics;
- (ii) Antibiotics used in reproductive work; and
- (iii) Synchronizing and stimulating hormones used in reproductive work.

(c) Possession and administration of specific drugs by embryo transplant technicians must be under the supervision of a veterinarian licensed to practice and residing in Wyoming. Records of drugs used and amounts must be kept by the veterinarian and available for Board review. The Board shall maintain records of supervision forms signed by the permittees and supervising veterinarians. When a new or different veterinarian agrees to supervise a permittee, the permittee shall file a new supervision form with the Board within thirty (30) days of changing supervisors.

**Section 6. Records.** Permittees shall keep a record of every embryo transplant or transfer performed that shall include:

- (a) The animals and the owners of the animals involved;
- (b) Name of permittee; and
- (c) Date performed.

**Section 7. Denial, Refusal to Renew, Suspension, Revocation, or Censure of Permit to Practice.**

(a) The Board may deny, refuse to renew, suspend, revoke, or censure a permit or otherwise discipline an embryo transplant or transfer technician based upon the following:

- (i) Violation of any state or federal statute or administrative Board rule regulating the practice of embryo transplant or transfer;
- (ii) Misrepresentation in applying for a permit;
- (iii) Incompetence, negligence, or use of any practice or procedure in the practice of embryo transplant or transfer that creates an unreasonable risk of physical harm to the animal or financial loss to the client;
- (iv) Practice beyond the scope of practice allowed by the permit;
- (v) Failing to maintain appropriate records as specified in the Board rules; or
- (vi) Failing to adequately supervise auxiliary staff including any individual directly involved in the transplant or transfer to the extent that the donor or recipient's physical health or safety is at risk.

(b) Embryo transplant or transfer technicians shall be subject to disciplinary practices and procedures in Chapter ~~14~~5 of these rules.

## **CHAPTER 13**

### **FEEES LICENSE, CERTIFICATE, AND PERMIT**

#### **Section 1. Veterinary Medicine License.**

- |     |                             |          |
|-----|-----------------------------|----------|
| (a) | Application Fee:            | \$300.00 |
| (b) | Temporary Permit Fee:       | \$200.00 |
| (c) | Annual License Renewal Fee: | \$65.00  |
| (d) | Late Annual Renewal Fee:    | \$130.00 |

(e) The renewal fee is waived for veterinarians on active duty with any branch of the armed services of the United States for three (3) consecutive years or the duration of a national emergency.

#### **Section 2. Animal Euthanasia Technician Certificate.**

- |     |                                                              |          |
|-----|--------------------------------------------------------------|----------|
| (a) | Animal Euthanasia Technician Application Fee:                | \$100.00 |
| (b) | Animal Euthanasia Technician Annual Certificate Renewal Fee: | \$50.00  |
| (c) | Animal Euthanasia Technician Certificate Reinstatement Fee:  | \$100.00 |

#### **Section 3. Artificial Insemination Technician Permit.**

- |     |                                                                       |         |
|-----|-----------------------------------------------------------------------|---------|
| (a) | Artificial Insemination Technician Application Fee:                   | \$50.00 |
| (b) | Artificial Insemination Technician Annual Permit Renewal Fee:         | \$30.00 |
| (c) | Artificial Insemination Technician<br>Late Annual Permit Renewal Fee: | \$60.00 |

#### **Section 4. Embryo Transplant or Embryo Transfer Technician Permit.**

- |     |                                                                             |         |
|-----|-----------------------------------------------------------------------------|---------|
| (a) | Embryo Transplant or Transfer Technician Application Fee:                   | \$50.00 |
| (b) | Embryo Transplant or<br>Transfer Technician Annual Permit Renewal Fee:      | \$30.00 |
| (c) | Embryo Transplant or Transfer Technician<br>Late Annual Permit Renewal Fee: | \$60.00 |

#### **Section 5. Miscellaneous.**

- (a) Duplicate license, certificate, or permit: \$25.00

#### **Section 6. License and Permit Renewal.**

(a) A license or permit may be renewed annually on or before December 31 upon submitting a completed renewal form, paying the renewal fee, and completing continuing education as applicable.

(b) An expired license or permit may be renewed within sixty (60) days of expiration upon submitting a completed renewal form, paying the late renewal fee, and, if a veterinarian, completing continuing education as applicable.

~~(c) An individual who has failed to have a license or permit renewed within sixty (60) days of the December 31 expiration date may reapply for a license or permit under Chapter 8, Section 4; Chapter 11, Section 2; or Chapter 12, Section 3 depending on the type of license or permit being sought.~~

#### **Section 7. Reissuance of an Expired License.**

(a) An individual who has failed to renew a license or permit may apply for reissuance within five (5) years of the expiration date by submitting the following:

- (i) A completed application for license on forms provided by the Board;
- (ii) The current renewal fee;
- (iii) The late renewal fee; and
- (iv) All delinquent renewal fees.

(b) An individual who does not apply for reissuance of a license or permit within five (5) years of the expiration date must reapply for a license or permit under Chapter 8, Section 4; Chapter 11, Section 2; or Chapter 12, Section 3 depending on the type of license or permit being sought.

## CHAPTER 14

### APPLICATION REVIEW, COMPLAINTS, AND HEARING PROCEDURES

#### REPEALED

##### Section 1. Application Review Process.

(a) — Upon receiving a completed application, the Board Office shall review the application. If there are no known grounds for denying the license, permit, or certificate, the Board Office shall issue the license, permit, or certificate. If there are known grounds for denial, the Board Office shall forward the application to the Application Review Committee (ARC).

(b) — The ARC shall review the application and all other information available and following the review may:

(i) — Approve the application if the applicant meets all requirements; or

(ii) — If there are questions as to whether denial is appropriate, forward the application and an ARC report to the Assistant Attorney General assigned to the Board for prosecution to review.

(c) — If after consult with the Assistant Attorney General the ARC recommends denying an application:

(i) — The ARC shall send a preliminary denial letter to the applicant. The letter shall:

(A) — State the basis for the denial including relevant statutes and rules;

(B) — Advise the applicant of the right to request reconsideration.

(ii) — If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the denial becomes final.

(iii) — If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARC, the Assistant Attorney General, and the applicant.

(iv) — Following a reconsideration conference, the ARC shall either approve or deny the application.

(v) — If denied, the applicant may submit a written request for hearing within thirty (30) days of the date of the denial letter. If the applicant does not do so, the ARC decision becomes final agency action.

(d) — ~~Application denial hearings.~~

(i) — ~~An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.~~

(ii) — ~~The hearing shall be conducted in the presence of a quorum of the Board with a hearing officer presiding.~~

(iii) — ~~The applicant has the burden of proving that all requirements for the license requested have been fulfilled and that the applicant is entitled to a license.~~

(e) — ~~The ARC shall not take part in the consideration of any contested case.~~

(f) — ~~The ARC shall not, by this rule, be barred from attending any disciplinary hearing.~~

### **Section 2. Complaints.**

(a) — ~~A disciplinary action is initiated against a license/permit holder by submitting a written complaint to the Board office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member, or a Board staff member. The written complaint should provide as much of the following information as may be available and applicable:~~

(i) — ~~The name and address of the complainant;~~

(ii) — ~~The name, address, place of employment, and telephone number of the license/permit holder against whom the charges are made;~~

(iii) — ~~The specific conduct alleged to constitute the violation;~~

(iv) — ~~The name and address of any other witnesses; and~~

(v) — ~~The signature of the complainant.~~

**Section 3. Review of Written Complaint.** ~~Written complaints shall be referred to an investigative Board Member (IBM) selected by Board staff from a rotating schedule. License/permit holders against whom charges are made will be advised of the investigation, the name of the IBM, and the nature of the complaint.~~

(a) — ~~The IBM shall not take part in the consideration of any contested case.~~

(b) — ~~The IBM shall not, by this rule, be barred from attending any disciplinary hearing.~~

**Section 4. Investigations and Board Action.** ~~The IBM and Board staff shall investigate those written complaints received that merit further investigation.~~

~~(a) — Upon completing the investigation the IBM shall prepare an investigative report which shall include:~~

~~(i) — The findings;~~

~~(ii) — A list of statutes and/or Board rules believed to have been violated; and~~

~~(iii) — Any relevant additional information.~~

~~(b) — The IBM shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.~~

~~(c) — Following consultation with the Assistant Attorney General, the IBM may:~~

~~(i) — Send the notice required by Section 5;~~

~~(ii) — Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;~~

~~(iii) — Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;~~

~~(iv) — Recommend that the Board dismiss the complaint;~~

~~(d) — The Board may resolve a complaint at any time by:~~

~~(i) — Accepting a voluntary surrender of a license;~~

~~(ii) — Accepting conditional terms for settlement; or~~

~~(iii) — Dismissing the complaint.~~

#### **Section 5. Service of Notice of Intent and Opportunity to Show Compliance.**

~~(a) — Prior to commencing formal proceedings for discipline of a license, permit, or certificate holder, the Executive Director, on behalf of the IBM(s), shall send a notice of intent to initiate formal disciplinary action by regular or certified mail to the last address provided to the Board by the license, permit, or certificate holder. The notice of intent shall include a brief description of the facts or conduct which warrant the intended action, and provide the license, permit, or certificate holder an opportunity to show compliance with all lawful requirements for the retention of the license, permit, or certificate without any disciplinary action against the license, permit, or certificate holder.~~

(b) — The opportunity to show compliance shall expire fifteen (15) days from the date of mailing the notice of intent.

**Section 6. Formal Hearing Procedures.** Formal proceedings for board disciplinary action against a license, permit, or certificate holder shall be commenced by notice issued by the Board.

(a) — The complaint and/or notice shall be served pursuant to the Wyoming rules of Civil Procedure, and by any traceable delivery method of mail. The complaint shall, at a minimum, contain the following information:

- (i) — The name and license, permit, or certificate number of the holder;
- (ii) — The name, address, and phone number of the Board's attorney assigned to assist in prosecution of the complaint;
- (iii) — A statement of the legal authority and jurisdiction of the Board;
- (iv) — A statement of the particular sections of the statutes and rules involved;
- (v) — A statement, in ordinary and concise language, of the nature of the complaint and the facts upon which the complaint is based;
- (vi) — The time in which the license or certificate holder must respond to the complaint;
- (vii) — A statement that failure to respond may result in entry of judgment by default for the relief demanded in the complaint.

(b) — At any time following the expiration of the period in which the license, permit, or certificate holder must respond to the complaint, the Board or the Executive Director may set the matter for hearing. The Complaint and Notice of Hearing shall be mailed to the license, permit, or certificate holder at least thirty (30) days prior to the date set for the hearing, or such shorter time as may be agreed to by the parties.

**Section 7. Continuance.** For good cause shown, extensions and continuances may be granted or denied at the discretion of the Board or the hearing officer.

**Section 8. Default.** The Board may enter an order based on the allegations of a complaint in any case where the license, permit, or certificate holder has not responded within the time limits contained in Section 6(a)(vi) above or in any case in which the license, permit, or certificate holder or his/her representative has not appeared at a scheduled hearing of which he/she had notice.

**Section 9. Motions.** All motions made to the Board shall be made in writing and submitted at least ten (10) business days prior to the date set for hearing.

(a) — ~~The Board may, within its discretion and upon good cause shown, allow a motion to be filed at any time.~~

(b) — ~~For purposes of this rule, any request for settlement of a contested case shall be considered a motion before the Board.~~

**Section 10. Docket.**

(a) — ~~When formal proceedings are initiated and notice has been provided, the case shall be assigned a number and entered upon a docket provided for such a purpose.~~

(b) — ~~A separate file shall be established for each docketed case, in which all papers and evidence shall be systematically placed.~~

**Section 11. Uniform Rules for Contested Case Practice and Procedure.** ~~The Office of Administrative Hearings (OAH) shall act as the hearing officer and shall preside over the formal contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedure Act and Chapter 2 of the OAH rules concerning contested case proceedings.~~

**CHAPTER 15**  
**PRACTICE AND PROCEDURES**  
**FOR DISCIPLINARY, APPLICATION, AND LICENSURE MATTERS**

**Section 1. Authority.** These rules are adopted under the Board's authority granted by Wyoming Statute 33-30-204(m)(xii).

**Section 2. Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to:

- (a) Conduct investigations, hearings, and proceedings concerning:
    - (i) Alleged violations of the Act or the Board Rules;
    - (ii) Petitions for modifying conditions or restrictions imposed upon a license;
- or
- (iii) Actions relating to an application for licensure including granting or denying.

- (b) Determine and administer appropriate disciplinary action against licensee.
- (c) For the purposes of this chapter, "license" refers to any Board-issued license, permit or certificate and "licensee" refers to any person holding a Board-issued license, permit or certificate.

**Section 3. Grounds for Discipline.** In addition to the grounds identified in Wyoming Statute 33-30-212, the Board may take disciplinary action, or refuse to issue or renew a license or certificate for the any one (1) or more of the following acts or conduct:

- (a) Practicing veterinary medicine outside the scope of practice authorized by the Act and these rules;
- (b) Incapacity or impairment that prevents a licensee from practicing veterinary medicine with reasonable skill, competence and safety to the public;
- (c) Failure to provide medical records in a timely fashion upon proper request by the client, law enforcement, the Board or other regulatory agency;
- (d) Unauthorized disclosure of confidential information;
- (e) Being found by the Board or any court of competent jurisdiction to have engaged in acts of cruelty or abuse of animals;

(f) Misrepresentation of a fact by an applicant or licensee in statements regarding the licensee's skills or value of any treatment provided or to be provided or using any false, fraudulent, or deceptive statement connected with the practice of veterinary medicine including, but not limited to, false or misleading advertising;

(g) Fraud by a licensee in connection with the practice of veterinary medicine including engaging in improper or fraudulent billing practices;

(h) Engaging in, or aiding and abetting any individual engaging in the practice of veterinary medicine without a license, or falsely using the title of veterinarian;

(j) Failing to conform to currently accepted standards of practice;

(k) Conduct which violates the security of any licensure examination, including, but not limited to:

(i) Removing from the examination room any examination materials without authorization;

(ii) Unauthorized reproduction by any means of any portion of the actual examination;

(iii) Aiding by any means the unauthorized reproduction of any portion of the actual examination;

(iv) Paying or using professional or paid examination-takers for the purpose of taking or reconstructing any portion of the examination;

(v) Obtaining examination questions or other examination material, except by specific authorization either before, during or after an examination;

(vi) Using any examination questions or materials that were improperly removed or taken from any examination; or

(vii) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered examination.

(viii) Making inappropriate sexual advances, either verbally or physically;

(ix) Requesting inappropriate sexual favors;

(x) Engaging in any verbal or physical conduct which:

(A) Deviates from generally accepted and prevailing practices for any given patient care situation;

(B) Violates professional boundaries;

**Section 4. Application Review and Investigation Process.**

(a) Application Review. In application matters:

(i) Every application for a license, certificate, or permit issued by the Board shall be subject to investigation to determine whether the requirements set forth in the Act and Board Rules are satisfied.

(ii) If any application, including renewals, reveals any information that merits further investigation, the matter shall be assigned to an Application Review Committee (ARC).

(b) ARC Action. The ARC may recommend:

(i) A license or permit be issued, renewed, reissued, or reinstated;

(ii) A license be issued, renewed, relicensed, or reinstated subject to conditions, restrictions, or other disciplinary action;

(iii) Approval of a settlement agreement, which may include the issuance of a license or renewal with the imposition of restrictions, conditions, reprimand, or a combination thereof; or

(iv) Denial of the application.

(c) Notice of Intent. The ARC shall notify the applicant of its intent to recommend:

(i) Issuance of a license subject to conditions, restrictions, or other disciplinary action; or

(ii) Denial of a license.

(d) The Notice of Intent shall contain:

(i) A brief description of the facts or conduct that warrant denial or issuance of a license subject to conditions, restrictions, or other disciplinary action;

(ii) A statement of the nature of the actions that warrant denial or issuance of a license subject to conditions, restrictions, or other disciplinary action and a citation to the applicable statutory provisions or Board Rules involved;

(iii) An opportunity to show compliance with all lawful requirements for retention of the license or respond within fifteen (15) days from the date of mailing; and

(iv) Notice of the right to a hearing if the licensee submits a written request to the Board office and the Board receives it within thirty (30) days of the date the ARC mailed the Notice of Intent.

(e) Applicant's Request for Hearing.

(i) The applicant may request a hearing if the ARC recommends:

(A) Approval of the license subject to conditions, restrictions, or other disciplinary action; or

(B) Denial of the application.

(ii) The applicant shall submit a written request for hearing to the Board office and the Board must receive the request within thirty (30) days of the date of the ARC mailed the Notice of Intent.

(f) Applicant's Failure to Request a Hearing. If the applicant fails to timely request a hearing of the ARC's recommendation, the Board may:

(i) Approve the ARC's recommendation without a hearing;

(ii) Set a hearing; or

(iii) Dismiss the application.

## **Section 5. Petition for Modification of Conditions or Restrictions.**

(a) Petition to Modify Conditions or Restrictions.

(i) A licensee may petition the Board to modify conditions or restrictions imposed upon their license.

(ii) A licensee shall submit a petition for modification to the Board office in writing, which shall include documentation demonstrating that the licensee has complied with a previously entered Board order if applicable, that the modification is consistent with their treatment plan if applicable, and that the modification is sufficient to ensure the public is adequately protected.

(iii) A petition for modification shall be reviewed by a Disciplinary Committee (DC).

(b) Disciplinary Committee Recommendation.

(i) If the DC agrees with the requested modification, the parties may file a stipulated motion with the Board.

(ii) If the DC does not agree with the requested modification, the DC shall notify the licensee of its intent to recommend denial of the petition.

(c) Board Consideration.

(i) The Board shall consider the petition, the DC's recommendation, and/or a stipulated motion at its earliest convenience.

(ii) The Board may accept or reject the petition for modification.

**Section 6. Complaint Review and Disciplinary Investigation Process.**

(a) Complaint Review. Every complaint submitted to the Board or initiated on behalf of the Board shall be investigated by a DC.

(b) Disciplinary Committee Action. The DC may recommend:

(i) Dismissal of a complaint;

(ii) Dismissal of a complaint with an advisory letter;

(iii) Approval of a settlement agreement, which may include voluntary surrender, suspension, imposition of restrictions or conditions, reprimand, or other discipline, or a combination thereof;

(iv) Disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline, or a combination thereof; or

(v) Summary suspension.

**Section 7. Voluntary Surrender.**

(a) A licensee may petition the Board, in writing, to voluntarily surrender their license in lieu of discipline.

(b) The Board shall consider the petition at its earliest convenience.

(c) The Board may consider whether the licensee is under investigation and may accept or reject the petition.

**Section 8. Summary Suspension.**

(a) Recommendation. If the DC recommends summary suspension, the Board shall conduct an expedited proceeding to determine whether the licensee's continued practice presents a clear and imminent danger to public health, safety, or welfare.

(b) Notice of Intent to Recommend Summary Suspension.

(i) The DC shall notify the licensee of its intent to recommend summary suspension;

(ii) The Notice of Intent shall contain:

(A) Copy of the complaint; and

(B) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled;

(c) Notice of Expedited Proceeding. Upon confirmation of the date and time of the expedited proceeding, the DC shall notify the licensee in writing of the date and time of the proceeding.

(d) Scope of Expedited Proceeding. The scope of the expedited summary suspension proceeding shall be limited to a presentation of the evidence the investigating party believes warrants summary suspension and any information the licensee may present on his or her behalf. The board shall order summary suspension if it concludes probable cause exists that the charges, if proven, would imperatively require emergency action to protect the public health, safety, or welfare. The board shall incorporate a finding to that effect in its order granting summary suspension.

#### **Section 9. Formal Proceedings for Disciplinary Action.**

(a) Notice of Intent to Recommend Disciplinary Action.

(i) The DC shall notify the licensee of its intent to recommend disciplinary action.

(ii) The Notice of Intent shall:

(A) Include a brief description of the facts or conduct which warrant the intended action; and

(B) Provide the licensee an opportunity to show compliance or respond to the allegations for disciplinary action within fifteen (15) days of the date of mailing.

**Section 10. Petition.** The DC shall initiate formal proceedings for disciplinary action by serving a Petition to the last known address of the licensee by regular mail at least thirty (30) days prior to the date set for hearing.

**Section 11. Notice of Hearing.**

(a) Upon receipt of a written request for hearing from an applicant or the commencement of formal proceedings for disciplinary action against a licensee, the Board shall conduct a hearing. The Board shall serve a Notice of Hearing on the applicant or licensee at least thirty (30) days prior to the hearing.

(b) Notice of Hearing. The notice of hearing shall contain:

(i) The name and last known address of the licensee;

(ii) A brief statement of the matters asserted:

(A) In application matters, the recommendation, the facts upon which the recommendation is based, and the statutory provisions or Board Rules the applicant is alleged to have violated; or

(B) In disciplinary matters, the nature of the Petition and Compliant, the facts upon which the Petition is based, and the statutory provisions or Board Rules the licensee is alleged to have violated;

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

(iv) The legal authority and jurisdiction; and

(v) A statement indicating that failure to respond to the petition within twenty (20) days of its receipt may result in a default judgment.

**Section 12. Lawful Service.** There shall be a presumption of lawful service of a petition, notice of hearing, or any other communication required by these Board Rules if sent to the last known address of the licensee or applicant by regular mail.

**Section 13. Dismissal or Default.**

(a) The Board may dismiss an application where the applicant or the applicant's representative has not requested a hearing or appeared at a noticed hearing.

(b) The Board may enter an order of default judgment based on the allegations contained in the Petition in any case where the licensee or the licensee's representative has not answered the allegations contained in the Petition and has not appeared at a noticed hearing.

**Section 14. Contested Case.** The hearing officer shall preside over the formal contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedure Act and the Office of Administrative Hearings rules concerning contested case proceedings as referenced in Chapter 1.

## **Section 15. Burden and Standard of Proof.**

(a) Application Matters. The applicant shall bear the burden to prove by a preponderance of the evidence that they meet the qualifications for licensure. The burden shall shift to the ARC to prove by clear and convincing evidence that the applicant should be denied a license. The burden shall shift back to the applicant to persuade the Board that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient.

(b) Petition for Modification Matters. The licensee shall bear the burden to prove by a preponderance of evidence that the petition for modification of conditions should be granted.

(c) Disciplinary Matters. The DC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Act, Boar Rules, or both.

## **Section 16. Board Decision and Order.**

(a) Board Action. The Board may resolve a complaint by:

(i) Approving the recommendations of the DC or ARC;

(ii) Ruling in favor of a party on a dispositive motion;

(iii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:

(A) Issue, renew, relicense, or reinstate a license;

(B) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, reactivation, or reinstatement.

(D) Approve or deny a petition;

(E) Dismiss the complaint or Petition;

(F) Dismiss the complaint or Petition with an advisory letter; or

(G) Impose a reprimand, conditions, restrictions, suspension, revocation, other discipline, or a combination thereof.

(b) Board Order. The Board shall issue a written decision and order. The decision and order shall be sent to the applicant, licensee, or their representatives by certified or regular mail.

## **Section 17. Appeals.**

(a) Appeals from decisions of the Board are governed by the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

(b) Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.

## **CHAPTER 16**

### **PRINCIPLES OF VETERINARY MEDICAL ETHICS OF THE BOARD**

**Section 1. Introduction.** Veterinarians are members of a scholarly profession who have earned academic degrees from comprehensive universities or similar educational institutions. Licensed veterinarians practice veterinary medicine in a variety of situations and circumstances. Exemplary professional conduct upholds the dignity of the veterinary profession. All veterinarians are expected to adhere to the Wyoming code of ethical conduct comprised of the following principles.

#### **Section 2. Principles of Ethics.**

(a) A veterinarian shall be influenced only by the welfare of the patient, the needs of the client, the safety of the public, and the need to uphold the public trust vested in the veterinary profession, and shall avoid conflicts of interest or the appearance thereof.

(b) A veterinarian shall provide competent veterinary medical clinical care under the terms of a veterinarian-client-patient relationship (VCPR), with compassion and respect for animal welfare and human health.

(c) It is unethical to engage in the practice of veterinary medicine without a VCPR.

(d) Attending veterinarians are responsible for choosing the treatment regimen for their patients. It is also the responsibility of the attending veterinarian to communicate directly with the client regarding diagnosis and treatment plan.

(e) It is the attending veterinarian's responsibility to inform the client of the expected results and costs, and the related risks of each treatment regimen.

(f) Attending veterinarians have an obligation to offer diagnostic tests that would help diagnose the patient's problem.

(g) If a veterinarian does not have the expertise or the necessary equipment and facilities to adequately diagnose or treat the patient, the veterinarian should offer a referral to another veterinarian or referral center where it can be done. If the client declines a referral it should be noted in the medical records.

(h) Medical Records –Good, complete and accurate medical records are required by the Board. Records are important in any review of a complaint against a licensee.

(i) Controlled substances administered must be written into the patient's medical record, including drug, date, amount, and frequency and the veterinarian's name.

(j) A veterinarian shall not alter medical records with fraudulent intent. The original medical notes must be kept with the alteration identified by reason, date, and veterinarian's name.

(k) Humane euthanasia of animals is an ethical veterinary procedure. Veterinarians can refuse to perform euthanasia if they feel there is no reason for it to be done. However, it is unethical for them to re-home the animal without consent from the owner.

(l) A veterinarian shall respect the privacy rights of clients, colleagues, and other health professionals and shall safeguard medical information within the confines of the law.

(m) Veterinarians and their associates must protect the personal privacy of clients, and veterinarians must not reveal confidences unless required to by law or unless it becomes necessary to protect the health and welfare of other individuals or animals.

(n) It is unethical to place photos or information regarding a patient on social media without the consent of the owner.

(o) A veterinarian shall uphold the standards of professionalism and be honest in all professional interactions while respecting the rights of clients, colleagues, and other health professionals, and shall safeguard medical information within the confines of the law.

(p) Veterinarians must not defame or injure the professional standing or reputation of another veterinarian in a false or misleading manner. Complaints about behavior that may violate the Principles should be addressed through the Board in an appropriate and timely manner.

(q) Veterinarians must be honest and fair in their relations with others, and they shall not engage in fraud, misrepresentation, or deceit.

(r) Veterinarians should use only the title of the professional degree that was awarded by the school of veterinary medicine where the degree was earned. All veterinarians may use the courtesy titles Doctor or Veterinarian.

(s) It is unethical for veterinarians to identify themselves as members of an AVMA-recognized specialty organization if such certification has not been awarded and maintained.

(t) Only those veterinarians who have been certified by an AVMA-recognized veterinary specialty organization should refer to themselves as specialists.

(u) It is unethical to place professional knowledge, credentials, or services at the disposal of any nonprofessional organization, group, or individual to promote or lend credibility to the illegal practice of veterinary medicine.

(v) It is unethical to provide pharmaceuticals or equipment to aid anyone who is engaged in unlicensed practice.

(w) Veterinarians who are impaired due to substance abuse or mental health conditions must not act in the capacity of a veterinarian and shall seek assistance from qualified organizations or individuals.

(x) Colleagues of impaired veterinarians should encourage those individuals to seek assistance and to overcome their impairment.

(y) Advertising by veterinarians is ethical when there are no false, deceptive, or misleading statements or claims. A false, deceptive, or misleading statement or claim is one which communicates false information or is intended, through a material omission, to leave a false impression.

(z) A veterinarian shall continue to study, apply, and advance scientific knowledge, maintain a commitment to veterinary medical education, make relevant information available to clients, colleagues, the public, and obtain consultation or referral when indicated.

(aa) When appropriate, attending veterinarians are encouraged to seek assistance in the form of consultations and/or referrals. A decision to consult or refer is made jointly by the attending veterinarian and the client.

(bb) Attending veterinarians must honor a client's request for referral.

(cc) When a client seeks professional services or opinions from a different veterinarian (receiving veterinarian) without a referral, a new VCPR is established with the new attending veterinarian.

(dd) With the client's authorization, the new attending veterinarian should contact the former veterinarian to learn the original diagnosis, care, and treatment and clarify any issues before proceeding with a new treatment plan.

(ee) When contacted, the veterinarian who was formerly involved in the diagnosis, care, and treatment of the patient should communicate with the new attending veterinarian as if the patient and client had been referred.

(ff) Records should be sent from the original veterinarian to the receiving veterinarian at the client's request and authorization.

(gg) A veterinarian shall, in the provision of appropriate patient care be free to choose whom to serve, with whom to associate, and the environment in which to provide veterinary medical care.

(hh) When a veterinarian cannot be reasonably available to provide services, they should provide readily accessible information to assist clients in obtaining emergency services, consistent with the needs of the locality.

(ii) A veterinarian should recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health. The responsibilities of the veterinary profession extend beyond individual patients and clients to society in general.

(jj) Veterinarians are encouraged to make their knowledge available to their communities and to provide their services for activities that protect public health.