

76 FINAL REGULATIONS

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DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF VETERINARY MEDICAL EXAMINERS
CHAPTER 120

Statutory Authority: 1976 Code Sections 40-1-70 and 40-69-70 et seq.

120-1. Board of Veterinary Medical Examiners Chapter Revision

Synopsis:

The Department of Labor, Licensing and Regulation, Board of Veterinary Medical Examiners, in conformance with 2006 Act 294, is repealing existing regulations 120-1.1 through 120-12.1 and replacing with new Regulations 120-1 through 120-13.

Instructions: Repeal existing regulations 120-1.1 through 120-12.1. Add new Regulations 120-1 through 120-13.

Text:

120-1. Definitions.

A. "Comprehensive veterinary services" means: examination, diagnosis and treatment of animal patients, diagnostic imaging, surgery, laboratory, pharmacology, and provision for hospitalization and emergency treatment.

B. "Comprehensive veterinary facility" means: a location where comprehensive veterinary services are offered.

C. "Veterinarian-client-patient relationship" means:

(1) The veterinarian has recently seen and is personally acquainted with the keeping and care of the animal through an examination of or visit to the premises where the animal is kept.

(2) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment.

(3) The veterinarian has sufficient knowledge of the animal to initiate a general or preliminary diagnosis of the medical condition of the animal.

(4) The veterinarian is available or has arranged for emergency coverage for follow-up and evaluation.

(5) The client has agreed to follow the veterinarian's instructions.

(6) The veterinarian-client-patient relationship lapses when the licensee has not seen the animal within one year.

120-2. Elections.

A. The Board shall send a notice to each veterinarian qualified to vote by residence in a congressional district and set a date by which a veterinarian in that nominating district may be nominated for a position.

B. If only two (2) candidates are nominated from a congressional district, the two (2) candidates shall be declared the winners and the names submitted to the governor.

C. If more than two (2) candidates are nominated from a congressional district, the Board shall prepare ballots with the names of the nominees in alphabetical order. The names of the two (2) candidates receiving the highest number of votes will be submitted to the governor.

120-3. Licensure to Practice Veterinary Medicine.

It shall be unlawful for any person to engage in the practice of veterinary medicine unless duly licensed under the applicable provisions of this chapter.

A. Application. Any person desiring to be licensed as a veterinarian must apply to the Board and provide all information and documentation required by the Board. Applications and accompanying documents will be valid for one (1) year from the initial application date. After one (1) year, a new application with attendant documents and appropriate fees must be submitted.

B. Education Transcripts(s). Certified transcripts shall be mailed directly to the Board office from the appropriate educational institution.

- (1) Certified transcript from an American Veterinary Medical Association (AVMA) accredited school or college of veterinary medicine, or
- (2) Certification from the Program for the Assessment of Veterinary Education (PAVE), or
- (3) Certification from the Education Commission of Foreign Veterinary Graduates (ECVFG), or
- (4) Certification from another credentialing entity approved by the Board.
- (5) Senior students. Senior students must submit an attested letter from the accredited veterinary medical college establishing senior status as of the date of the State examination.

C. Examination.

(1) National Board Examinations. A certified copy of national board examination results with a minimum passing score as set by the National Board of Veterinary Medical Examiners (NBVME).

(2) North American Veterinary Licensing Examination (NAVLE). Certified copy of NAVLE results current within five (5) years of the date of application with a minimum score as set by American Association of Veterinary State Boards (AAVSB).

(3) Clinical Competency Examination. Certified copy of the Clinical Competency Test (CCT) current within five (5) years of the date of the application with a minimum score as set by AAVSB. The requirement for the CCT may be waived if the applicant provides:

(a) Verification of a valid and unrestricted (including probation or other conditions) license to practice veterinary medicine issued by another state, with substantially equivalent licensing requirements as the South Carolina Board of Veterinary Medical Examiners (SCVBME), for a minimum of three (3) years immediately preceding the date of application; and one of the following:

(i) Verification of three (3) full years of active, continuous clinical practice immediately preceding the examination; or

(ii) Verification of passage of an AVMA-recognized Board Certification examination in any field of veterinary medicine; or

(iii) Verification of having earned thirty (30) hours of continuing education credits within two (2) years of the date of application.

(4) South Carolina State Law and Ethics Examination. Minimum passing score of the South Carolina state law and ethics examination as set by the SCBVME. An applicant who fails SCBVME may be reexamined upon submission of an application, and payment of examination fee.

D. Verification(s) of Licensure. Verification from each state, active or inactive, in which the applicant is or has been licensed.

E. Photographs. One recent passport photograph taken within the last six (6) months of application date.

F. Fees. A non-refundable certified check or money order.

G. Denial of Application. An application may be denied if the applicant:

- (1) is currently restricted (including probation or other conditions) in another state;
- (2) has committed any act that would be grounds for disciplinary action under this chapter; or
- (3) has committed any act which indicates that the applicant does not possess the character and fitness to practice veterinary medicine.

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120-4. Licensure to Practice Veterinary Technology.

It shall be unlawful for any person to engage in the practice of veterinary technology unless duly licensed under the applicable provisions of this chapter.

A. Application. Any person desiring to be licensed as a veterinarian technician must apply to the Board and provide all information and documentation required by the Board. Applications and accompanying documents will be valid for one (1) year from the initial application date. After one (1) year, a new application with attendant documents and appropriate fees must be submitted.

B. Education Transcript(s). Certified transcripts shall be mailed directly to the Board office from the appropriate educational institution.

- (1) Certified transcripts from an accredited school or college of veterinary technology, or
- (2) Certification from Board approved veterinary technology educational institution.

C. Examinations.

(1) Veterinary Technician National Examination. Certified minimum passing score of national examination as set by AAVSB.

- (2) South Carolina State Law and Ethics Examination. Minimum passing score as set by SCBVME.

120-5. Biennial License Renewal.

A. Active License.

It is the responsibility of each licensee to apply for license renewal. Any person who shall practice veterinary medicine or veterinary medical technology after such expiration of license shall be practicing in violation of the law.

- (1) Licenses shall be renewed biennially upon submission of renewal fee and Biennial Renewal Form.

(2) Failure to apply for renewal within thirty (30) days after expiration of license term shall result in automatic lapse of license. In addition to the renewal fee, a late fee shall be assessed.

B. Renewal of Lapsed License.

The right to practice in South Carolina is suspended until the following requirements are met.

(1) A veterinarian or veterinary technician whose license has lapsed within three (3) years from the date of renewal may reactivate the license by submitting satisfactory evidence of continuing education, if applicable, and payment of the renewal fee plus the applicable penalty.

(2) A veterinarian or veterinary technician whose license has been lapsed for three (3) years or longer must meet the requirements in effect at the time of application for a new license. The Board may also assess an additional penalty.

120-6. Continuing Education Requirements; Waivers.

A. Continuing Education Requirements. Failure to satisfy continuing education requirements for biennial renewal shall result in automatic revocation of license. Any licensee who continues practice of veterinary medicine after such revocation shall be in violation of this chapter and subject to applicable disciplinary action.

- (1) As a pre-requisite for biennial renewal,

- (a) the veterinarian must complete a minimum of thirty (30) hours of continuing education;
- (b) the veterinary technician must complete a minimum of ten (10) hours of continuing education.

- (2) Credit hours may be earned by completion of programs offered through the following sponsors:

(a) The American Veterinary Medical Association (AVMA), American Animal Hospital Association (AAHA), the South Carolina Association of Veterinarians (SCAV);

(b) The Registry of Approved Continuing Education of the American Association of Veterinary State Boards (RACE);

- (c) State association-sponsored Academies;
- (d) AVMA recognized specialty boards; or
- (e) such other programs as may be approved by the Board.

- (3) Of the thirty (30) required hours,

- (a) no more than eight (8) hours may be taken in practice management or practice building;
- (b) the remaining twenty-two (22) hours must be in clinical medical courses;
- (c) no more than fifteen (15) hours may be obtained through distance learning programs, of which no more than three (3) hours may be from journal programs and audio programs, respectively.

(4) Each veterinarian must maintain a record of attendance at the meetings qualifying for continuing education for a minimum of three (3) years immediately preceding renewal. The licensee must maintain documentation to include:

- (a) name and license number of the participant;
- (b) name of provider;
- (c) name of program;
- (d) hours completed;
- (e) date of completion;
- (f) authorized signature provided by sponsoring organization; and
- (g) follow-up testing as part of the program.

B. Waiver of Continuing Education Requirements. The continuing education requirement is waived for the licensed practitioner for the first year of licensure.

C. Fee Waiver During Period of Temporary Medical Disability.

Upon written request, a licensed veterinarian may apply for a waiver of the license renewal fee and other requirements of no more than three (3) years due to a temporary medical disability which prevents the licensee from practicing veterinary medicine. Upon approval by the Board of this request, the licensee will be placed in an inactive status and the license held by the veterinarian will no longer be valid. The licensee may apply for license reactivation after the period of disability.

120-7. Continuing Education Provider and Sponsor Approval.

Providers or sponsors of continuing education must be approved by the South Carolina Board of Veterinary Medical Examiners.

A. Providers and sponsors seeking approval for educational programs must submit a written request to the Board offices at least ninety (90) days prior to the scheduled date of the presentation.

B. Providers and sponsors must provide adequate documentation of licensee's participation in the program. Such documentation shall include:

- (1) name and license number of participant;
- (2) name and address of provider or sponsor;
- (3) name of program;
- (4) hours completed;
- (5) date of program and location of program;
- (6) authorized signature from program provider or sponsor.
- (7) Providers of distance learning program must also provide document of follow-up testing, if applicable.

C. Comprehensive Approval. A comprehensive approval allows the provider or sponsor to submit an application indicating all course offerings for a given calendar year. Requests for a comprehensive approval may be submitted to the Board office on an annual basis at least ninety (90) days prior to the beginning of each year or ninety (90) days prior to the beginning of a scheduled program. Providers and sponsors shall be responsible for annual renewal of course offerings. Programs offered by the American Veterinary Medical Association (AVMA), American Animal Hospital Association (AAHA), the South Carolina Association of Veterinarians (SCAV), State association-sponsored Academies or AVMA recognized specialty boards shall receive comprehensive approval.

120-8. Practice Standards for Licensed Veterinarians.

A. Licensed veterinarians shall comply with the American Veterinary Medical Association (AVMA) Code of Professional Ethics.

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B. Recordkeeping. Licensed veterinarians shall comply with the following standards for medical record keeping and retention.

(1) Veterinarians performing any act requiring a license pursuant to the provisions of the Veterinary Practice Act shall prepare, or cause to be prepared, a written record concerning the animal(s).

(2) The medical record shall contain the following information:

- (a) Name, address and telephone number of animal's owner;
- (b) Name and identification of animal, to include the age, sex, species and breed of animal;
- (c) The animal's medical history to include:
 - (i) Treatment dates;
 - (ii) Diagnosis or condition at the beginning of animal care;
 - (iii) Medication and treatment, including amount, route and frequency of administration;
 - (iv) Progress and disposition of the case; and
 - (v) Surgery, radiology, laboratory information.

(3) Records for groups of economic animals may be maintained on a per client basis.

(4) Rabies vaccination records shall comply with all Department of Health and Environmental Control (DHEC) requirements, including, but not limited to record content, record retention, public health record retrieval request responses, location of records and ownership of records. Compliance with all DHEC requirements is the professional responsibility of the veterinarian performing the vaccination and signing the rabies certificate.

(5) An electronic record satisfies all requirements that a record be in writing.

C. Record Storage.

(1) Records shall be maintained for a minimum of three (3) years after the last entry, or as otherwise provided by law.

(2) A radiograph is the property of the facility where the original radiograph was exposed.

(3) The original or a copy must be released upon the request of another veterinarian who has the written authorization of the owner of the animal.

(4) Radiograph(s) shall be returned within thirty (30) days to the originating facility.

120-9. Practice Standards for: Licensed Veterinary Technicians; Unlicensed Veterinary Assistants.

Licensed veterinarians shall supervise the practice of licensed veterinary technicians and unlicensed veterinary assistants.

A. Licensed Veterinary Technicians. Duties shall be performed under the direction, supervision and control of a South Carolina licensed veterinarian who has established a veterinarian-client-patient relationship.

(1) Immediate Supervision:

- (a) Surgical assistance to a licensed veterinarian.
- (b) Floatation or dress equine teeth.

(2) Direct Supervision:

- (a) Induction, maintenance and recovery of anesthesia.
- (b) Perform dental procedure including, but not limited to:
 - (i) prophylaxis,
 - (ii) procedures not altering the shape, structure, or positional location of teeth in the dental arch.
- (c) Perform euthanasia.
- (d) Administer blood or blood components as related to blood transfusions.
- (e) Apply splints, bandages and slings.
- (f) Perform non-emergency intubations.
- (g) Measure medication quantities as prescribed by a licensed veterinarian.
- (h) Perform arterial catheterization/arterial collection.
- (i) Perform central venous catheterization.
- (j) Administer vaccines as allowed by law.

(3) Indirect Supervision:

(a) Administration and application of treatments, drugs, medications and immunological agents by parenteral (to include subcutaneous, intradermal, intramuscularly, intraperitoneal and intravenous) and non-parenteral routes, except when in conflict with government regulations.

(b) Initiate of parenteral fluid administration.

(c) Perform peripheral venous catheterizations.

(d) Perform radiography including settings, positioning, exposing, processing and safety procedures.

(e) Collect venous blood specimen as allowed by law.

(f) Collect urine by free catch, expression, cystocentesis or catheterization.

(g) Collect and prepare tissue, cellular or microbial samples by skin scrapings, impressions or other non-surgical methods.

(h) Perform routine diagnostic laboratory tests.

(i) Supervise handling of bio hazardous waste materials.

(j) Collect and prepare blood or blood components as related to blood transfusions.

(k) Other services under the appropriate degree of supervision of a licensed veterinarian.

(4) Emergency Patient Care.

A licensed veterinary technician working under the indirect supervision of a licensed veterinarian may provide the following emergency patient care:

(a) Application of tourniquets and/or pressure bandages to control hemorrhage.

(b) Resuscitative procedures.

(c) Application of temporary splints or bandages to prevent further injury to bones or soft tissues.

(d) Application of appropriate wound dressings and external supportive treatment in severe wound and burn cases.

(e) Perform external supportive treatment in heat prostration cases.

(f) Administer pharmacological agents and fluids only:

(i) in the presence of a licensed veterinarian;

(ii) by protocol established by a licensed veterinarian; or

(iii) after direct communication with a licensed veterinarian.

(5) Practice Limitations. Licensed veterinary technicians shall not be permitted to:

(a) Make any diagnosis or prognosis.

(b) Prescribe any treatments, drugs, medications, or appliances.

(c) Perform surgery.

(d) Identify as a licensed veterinarian or anything other than a licensed veterinary technician.

B. Unlicensed Veterinary Assistants. The licensed veterinarian shall verify and document qualifications of unlicensed veterinary assistants. Trained but unlicensed veterinary assistants may perform the following under the direction, supervision and control of a licensed veterinarian with an established veterinarian-client-patient relationship.

(1) Immediate supervision:

(a) Surgical assistance to a licensed veterinarian.

(b) Induce anesthesia.

(c) Apply splints and slings.

(d) Collect urine by cystocentesis.

(e) Collect, prepare and administer blood or blood component as related to blood transfusion.

(2) Direct supervision:

(a) Collect and prepare tissue, cellular or microbiological samples by skin scrapings, impressions or other non-surgical methods, except when in conflict with other state or federal regulation.

(b) Blood collection for diagnostic laboratory tests.

(c) Maintenance of and recovery from anesthesia.

(d) Dental procedures including, but not limited to:

(i) prophylaxis, and

(ii) procedures not altering the shape, structure, or positional location of teeth in the dental arch.

(e) Placement of intravenous catheters.

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- (f) Administer parenteral fluids.
- (g) Radiography including patient restraint, processing, and safety procedures.
- (h) Supervise handling of bio hazardous waste materials.
- (i) Administer and apply treatments, drugs, and medications, and immunological agents by parenteral and non-parenteral routes as allow by law.
- (j) Routine laboratory test procedures.
- (k) Collect urine by catheterization.
- (3) Indirect supervision:
 - (a) Collect feces.
 - (b) Collect urine by free catch only.
 - (c) Groom.
 - (d) Non-invasive topical treatments.
- (4) Emergency Conditions. An unlicensed veterinary assistant may perform the following under indirect supervision of a licensed veterinarian.
 - (a) Life-saving aid and treatment:
 - (i) Apply tourniquets and/or pressure bandages to control hemorrhage.
 - (ii) Resuscitative procedures.
 - (iii) Apply temporary splints or bandages to prevent further injury to bones or soft tissues.
 - (iv) Apply appropriate wound dressings and external supportive treatment in severe wound and burn cases.
 - (v) Perform external supportive treatment in heat prostration cases.
 - (vi) Place intravenous catheters and administer pharmacological agents and fluids.
- (5) An unlicensed veterinary assistant shall not:
 - (a) Make any diagnosis or prognosis.
 - (b) Prescribe any treatments, drugs, or medications.
 - (c) Perform surgery.
 - (d) Identify as a licensed veterinarian, licensed veterinary technician, or in any way other than an unlicensed veterinary assistant.

120-10. Veterinary Facilities. General Requirements; Laboratory Services; Surgical; Pharmacological; Emergency Treatment.

A. General Requirements.

- (1) All areas of the premises shall be maintained in a clean, offensive-odor free and orderly condition at all times.
- (2) All required equipment must be in satisfactory working order.
- (3) The minimum standards for all facilities shall include:
 - (a) Adequate heating and cooling for the comfort of the animals;
 - (b) Sufficient ventilation in all areas;
 - (c) Proper lighting in all rooms;
 - (d) Hot and cold running water from an approved source;
 - (f) Adequate toilets and lavatories for personnel and clients;
 - (g) Sanitary storage which is adequate for the size of the facility;
 - (h) Interior and exterior receptacles for waste disposal which shall comply with state and local regulations;
 - (i) A procedure for the prompt, sanitary and aesthetic disposal of dead animals which complies with state and local regulations;
- (4) Examination Areas. The facility examination area shall have:
 - (a) Waste receptacles or chutes;
 - (b) A table with impervious top surface; and
 - (c) Proper lighting.

B. Laboratory Services.

(1) A facility where examination, diagnosis and treatment of or surgery on animal patients is provided by a veterinarian shall have an in-house laboratory or the services of a consultant laboratory for blood chemistries, cultures and antibiotic sensitivity examinations, complete blood counts, histopathological examinations, occult heartworm determination, and complete necropsies.

(2) Laboratory facilities must have a minimum capability to conduct:

- (a) standard urinalysis;
- (b) micro-hematocrit determination;
- (c) fecal flotation tests for ova of internal parasites;
- (d) dermal scrapings for external parasite diagnosis;
- (e) examination for microfilaria and occult heartworm detection; and
- (f) feline leukemia and feline immunodeficiency virus testing.

(3) In-house laboratory facility standards:

- (a) Clean and orderly;
- (b) Ample storage;
- (c) Ample refrigeration.

C. Surgical Facilities.

(1) Surgery shall be performed in a room that can be easily sanitized and is free of unnecessary traffic flow during surgical procedures.

(2) Sterilization must include a steam pressure sterilizer, gas sterilizer, autoclave equipment or cold sterilization. Cold sterilization must be used in conjunction with a steam pressure sterilizer, gas sterilizer or autoclave equipment.

(3) Surgical instruments and equipment shall be consistent with the surgical service being provided.

(4) Storage in the surgery area shall be limited to surgical items.

(5) Emergency drugs must be available to the surgery area.

(6) Sterilized instruments, gowns, towels, drapes, gloves, caps and masks shall be available for surgery.

(7) Positive pressure and oxygen shall be available in medical facility environments.

D. Pharmacological Facilities.

(1) A veterinarian shall not prescribe, dispense or administer any drug or biological agent that bears the legend "Caution: Federal Law restricts this drug to the use by or on the order of a licensed veterinarian," or any other term which specifies the medication as a legend drug, without the establishment of a veterinarian/client/patient relationship.

(2) The supervising veterinarian shall:

(a) maintain all drugs and biological agents in compliance with state and federal laws;

(b) ensure that any legend drugs and biological agents prescribed for use in the veterinary facility are properly administered;

(c) maintain accurate records to include the strength, dosage and quantity of all medications used or prescribed;

(d) instruct clients on the administration of drugs when applicable.

(3) Repackaged Legend Drugs.

(a) Repackaged legend drugs shall be dispensed in approved safety closure containers, where applicable.

(b) Repackaged legend drugs dispensed shall be labeled with the following:

(i) name, address and telephone number of the facility;

(ii) client's last name;

(iii) patient's name;

(iv) date dispensed;

(v) directions for use;

(vi) name of the drug and its strength (if more than one dosage form exists) and the amount of the drug dispensed; and

(vii) name of the prescribing veterinarian.

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(4) The veterinarian shall maintain records of all medications prescribed and dispensed for any animal in that animal's file. The pharmaceutical record information may be transferred, in whole or in part, from one veterinarian to another, in writing or by telephone, when necessary to continue treatment or disease prevention by medication started by the original attending veterinarian.

(5) Federal Drug Enforcement Administration Registration. A veterinarian who has a Federal Drug Enforcement Administration (DEA) number and uses, dispenses, administers or prescribes controlled substances shall comply with the federal and state laws pertaining to the dispensing, prescribing, storage and usage of controlled substances. All controlled substances dispensed or prescribed shall be recorded in a controlled substance register. Each veterinarian who maintains a DEA registration shall maintain a controlled substance register in compliance with DEA requirements.

E. Emergency Treatment Facilities.

(1) Emergency treatment may be provided by:

(a) a veterinarian on the premises at all times to receive and manage emergency cases; or

(b) a veterinarian who is on-call and available to receive and manage emergency cases as requested.

(2) Public Notice. The public shall be informed of the available emergency services by a "Notice to the Public" posting. The notice shall be prominently located and easily accessible to clients. The posting shall include contact information for the on-call veterinarian or other veterinary facilities offering additional emergency services.

120-11. Limited Veterinary Services Facilities; Multiple Practice Facilities; Mobile Veterinary Facilities.

A. Limited Veterinary Services Facilities. Limited veterinary services facilities shall:

(1) Adhere to requirements as set forth in Section 120.10(A).

(2) Establish veterinarian-client-patient relationship.

(3) Notify the public of available services through a posted "Notice to the Public" prominently posted at sites available to clients, and reference veterinary facilities offering services not available in the facility.

B. Multiple Practice Facilities. Two or more practices occupying the same facility shall post a notice of services provided by each practice.

C. Mobile Veterinary Facilities.

(1) Mobile Veterinary Facilities Defined: Any mobile facility or similar form of clinical veterinary practice that may be transported or moved from one location to another for delivery of services.

(2) Mobile veterinary facilities shall maintain a permanent office location that can be contacted by telephone and other appropriate communication channels.

(3) Telephone, fax, and or e-mail contact information shall be prominently posted in a place easily accessible to clients or shall be provided to clients individually in writing.

120-12. Veterinary Medicine and Animal Shelters.

A. The Board does not regulate the activities of shelter owners.

B. Veterinarians who provide services to animals in shelters are not required to keep client-patient records as otherwise required by these regulations.

C. Where a shelter or a licensed veterinarian in conjunction with a shelter provides veterinary services, the licensed veterinarian is subject to requirements as set forth under Section 40-69, et seq. and this chapter.

120-13. Facility Inspection.

An agent of the Department of Labor, Licensing and Regulation shall enter during normal business hours and have the right to inspect the facility for compliance. A written report of the inspection shall be prepared and a copy shall be provided to the facility.

Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Rationale:

The purpose of the regulations is to repeal existing regulations and add new Regulations 120-1 through 120-13 in conformance with and to implement the provisions of 2006 Act 294.