

Dear Senators GUTHRIE, Den Hartog, Jordan, and
Representatives BOYLE, Troy, Toone:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - Veterinary Medicine, State of Idaho Board of:
IDAPA 24.38.01 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No.
24-3801-2000F).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/21/2020. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/18/2020.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: October 02, 2020

SUBJECT: Division of Occupational and Professional Licenses - Veterinary Medicine, State of Idaho Board of

IDAPA 24.38.01 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 24-3801-2000F)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses - State of Idaho Board of Veterinary Medicine, submits notice of proposed fee rule. According to the division, the proposed rulemaking republishes the following existing temporary rule chapter previously submitted to and reviewed by the Idaho Legislature under IDAPA 46.01.01, now indexed as 24.38.01, rules of the Board of Veterinary Medicine: IDAPA 24.38.01, Rules of the State of Idaho Board of Veterinary Medicine.

The division states that the fee rule does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Legislature in the prior rules. The division adds that the board's fees for veterinarians, certified veterinary technicians, certified euthanasia technicians, and certified euthanasia agencies include original licensing fees, license renewal fees, fines, and miscellaneous service fees.

Negotiated Rulemaking/Fiscal Impact

The division notes that negotiated rulemaking was not conducted because engaging in negotiated rulemaking for all previously existing rules would inhibit the agency from carrying out its ability to protect health, safety, and welfare. The division also confirms that the rulemaking is not anticipated to have any fiscal impact on the general fund.

Statutory Authority

The rulemaking appears to be authorized pursuant to Section 54-2105, Idaho Code.

cc: Division of Occupational and Professional Licenses - Veterinary Medicine, State of Idaho Board of
Russ Barron

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
www.legislature.idaho.gov

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.38.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 24-3801-2000F (FEE RULE)

NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2105, Idaho Code.

PUBLIC HEARING SCHEDULE: Opportunity for presentation of oral comments concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 46.01.01, now indexed as 24.38.01, rules of the Board of Veterinary Medicine:

IDAPA 24.38

- 24.38.01, *Rules of the State of Idaho Board of Veterinary Medicine.*

FEE SUMMARY: This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. The Board's fees for veterinarians, certified veterinary technicians, certified euthanasia technicians, and certified euthanasia agencies include original licensing fees, license renewal fees, fines, and miscellaneous service fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2021 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jeremy Brown at (208) 332-8588.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of August, 2020.

Jeremy Brown
Executive Director
Division of Occupational and Professional Licenses
Board of Veterinary Medicine
2230 Old Penitentiary Road
PO Box 7249
Boise, ID 83714
Phone: (208) 332-8588 / Fax: (208) 332-8645

24.38.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 54, Chapter 21, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is the “Rules of the State of Idaho Board of Veterinary Medicine,” hereinafter referred to in these rules as the Board. ()

02. Scope. These rules govern the licensing procedures, supervision requirements, standards of practice, inspections, and grounds for discipline of veterinarians, veterinary technicians, Committee on Humane Euthanasia members, and certified euthanasia technicians and agencies. The official citation of this chapter is IDAPA 24.38.01, et seq. For example, this Section’s citation is IDAPA 24.38.01.001. ()

002. -- 004. (RESERVED)

005. INCORPORATION BY REFERENCE.

The Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA), as adopted and revised April 2016, is incorporated herein by reference in accordance with the provisions of Section 67-5229, Idaho Code. ()

006. -- 009. (RESERVED)

010. LICENSE.

Change of address. It is the responsibility of each licensed veterinarian to notify the Board office of any change of address. Failure to receive a renewal form from the Board does not constitute an excuse for failure to pay the renewal fee and fulfill the requirements of Section 54-2112, Idaho Code. ()

011. FEES.

Fees for licensure and certification are established, as authorized under Title 54, Chapter 21, Idaho Code, by action of the Board. All fees must be paid prior to training, examination, or the approval of applications. Fees are non-refundable unless Section 54-2107(10), Idaho Code, allows a refund. ()

01. Fee Schedule.

	New	Temporary Permit	Active Renewal	Inactive Renewal	Late/ Reinstatement	Inactive to Active Fee
Veterinary License	\$275	\$150	\$175	\$50	\$200	\$150
Certified Veterinary Technician	\$125	\$50	\$75	\$25	\$50	\$50
Certified Euthanasia Agency	\$100	-	\$200	-	\$50	-
Certified Euthanasia Technician	\$100	-	\$100	-	\$50	-

()

02. Administrative Services.

Duplicate Wall License/Certificate	\$25
Veterinary License Verification	\$20

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012. MANDATORY CONTINUING VETERINARY EDUCATION.

01. Statement of Purpose. It is of primary importance to the public that veterinarians continue their

veterinary education throughout the period of their active practice of veterinary medicine. These rules establish the minimum continuing veterinary education requirements necessary for veterinarians to maintain a license to engage in the practice of veterinary medicine in the state of Idaho. ()

02. Approved Courses. Courses and providers accredited by the American Association of Veterinary State Board’s Continuing Education Registry and courses and providers approved by the Board. ()

03. Education Requirements. ()

a. Minimum requirement. Beginning July 1 after the initial license is issued all active veterinarian in the state of Idaho shall complete a minimum of ten (10) credit hours in every two-year period following the date of their admission to the practice of veterinary medicine in this state. ()

b. Credit requirements. The following are the minimum and maximum credits that may be earned for each reporting period and the number of credits that may be obtained by participating in on-line or correspondence courses. ()

i. A minimum of seven (7) hours of continuing education in veterinary medicine, surgery, and dentistry. ()

ii. A maximum of three (3) hours of continuing education in management. ()

c. Retention of Original Documentation. The supporting documentation for compliance with continuing education requirements shall not be submitted with the report. Rather, the veterinarian needs to retain original documentation of attendance or completion of ten (10) credit hours of approved courses at least until December 31 following the two-year (2) renewal period covered by the courses. ()

d. Audit. Within thirty (30) days of notification of an audit, a veterinarian shall provide to the Board all documentation supporting attendance or completion of the courses reported. ()

04. Credit for Attendance. ()

a. Credits can be earned by the active member in attendance at an accredited, domestic or foreign, course. No credit will be given for: ()

i. Time spent in introductory remarks, coffee and lunch breaks, business meetings or other activities not involving the educational aspects of the course. ()

ii. Any course attended before admission to practice veterinary medicine in Idaho. ()

iii. Journal and magazine articles, videos or correspondence courses, unless specially approved by the Board. ()

b. In cases of solo presentation, the presenter of an approved course shall be entitled to claim one (1) credit hour for each fifty (50) minutes of actual course instruction. By way of limitation, in no case shall the presenter be allowed more than eight (8) credit hours for any particular course or substantially related topic during the applicable two (2) year reporting period, regardless of how many times the course is offered or given. ()

c. In cases of panel presentations, the number of continuing credit hours each panel member is entitled to claim shall be calculated by multiplying the actual number of course hours by two (2) and dividing that number by the number of panel members involved. ()

d. Carryover Credit. No credit for attending approved courses in continuing veterinary education shall be applicable to any reporting period other than that during which the credit is actually earned. ()

013. -- 099. (RESERVED)

100. CERTIFICATION OF VETERINARY TECHNICIANS.

01. Certificate Required. Any person representing themselves as a veterinary technician, licensed veterinary technician, registered veterinary technician, or certified veterinary technician, shall hold a valid, unexpired certificate to practice veterinary technology in Idaho. ()

02. Application for Certification -- Contents -- Examinations. An individual desiring to be certified as a veterinary technician shall make written application to the Board upon a form furnished by the Board. Applicants for certified veterinary technician in Idaho should be of good moral character and reputation. A complete application is valid for a period of one (1) year, contain the applicant's notarized signature, and include: ()

a. A copy of a birth certificate or current passport proving that the applicant is eighteen (18) years of age or older. ()

b. Documentation of education/training/experience as follows: ()

i. A certified copy of a diploma or transcript, or a letter verifying graduation from a veterinary technology program, accredited by the American Veterinary Medical Association; ()

ii. A certified copy of a diploma or transcript, or a letter verifying the award of a D.V.M. or V.M.D. degree or equivalent, from an accredited school of veterinary medicine; or ()

iii. If a foreign veterinary graduate, a letter from the Educational Commission for Foreign Veterinary Graduates (ECFVG) certifying completion of the ECFVG program or a copy of the ECFVG certificate. ()

c. Verification of a criterion-referenced passing score reported by the Professional Examination Service or its designee, or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards on the Veterinary Technician National Examination (VTNE) or other national examination approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board. If such a score is not available, the passing score shall be as reported by the Professional Examination Service or its designee, or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards or by the Board and shall be considered equal to or greater than one and five-tenths (1.5) standard deviation below the mean score of the examination. ()

i. The VTNE or other national examination approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board may have been taken at any time. ()

ii. Scores for the VTNE or other national examination approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board are to be provided to the Board by the Professional Examination Service or its designee or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards. ()

d. A passing score for the jurisprudence examination, which should be ninety percent (90%) or such score as deemed appropriate by the Board. The jurisprudence examination, as prepared by the Board or its designee, may be taken more than once, at three-month intervals. ()

e. A completed application, other required documents, and first year's certification fee in the amount established by the Board shall be received at the Board office by the first day of January or June. All application and certification fees are nonrefundable. ()

101. TEMPORARY CERTIFICATION.

The Board may, at its discretion, issue a temporary certification. The temporary certification shall be valid for one (1) year or until the next certification review by the Board, whichever comes first, and under no circumstances can a second temporary certification be issued to the same person. A temporary certification will not be issued to any applicant whose certification, license or registration has been revoked in any state for a reason other than nonpayment of fees or failure to fulfill the renewal requirements. An applicant granted a temporary certification shall provide notarized verification of twelve (12) months of active practice during the past year as a veterinary technician in

another state or perform all veterinary technology procedures under the direct supervision of an Idaho licensed veterinarian. ()

01. Certification Requirements. Requirements for a temporary certification shall be the same as for the original certification. ()

02. Responsibility. Nothing herein shall be construed to relieve the temporary certificate holder of any responsibility or liability for any of their own acts and omissions. ()

102. MANDATORY CONTINUING EDUCATION FOR CERTIFIED VETERINARY TECHNICIANS.

01. Statement of Purpose. It is of primary importance to the public that certified veterinary technicians continue their veterinary technology education throughout the period of their active practice of veterinary technology. These rules establish the minimum continuing veterinary technology education requirements necessary for certified veterinary technicians to maintain a license to engage in the practice of veterinary technology in Idaho. ()

02. Approved Courses. Includes courses and providers listed on the American Association of Veterinary State Board's Continuing Education Registry and courses and providers approved by the Board. ()

03. Education Requirements. ()

a. Minimum requirement. Each active certified veterinary technician in Idaho shall complete a minimum of seven (7) credit hours of accredited continuing veterinary technology education activity in each and every two-year period following the date of their admission to the practice of veterinary technology in Idaho. ()

b. Credit requirements. The following are minimum and maximum credits that may be earned for each reporting period and the number of credits that may be obtained by participating in on-line or correspondence courses. ()

i. A minimum of five (5) hours of continuing education in veterinary technology. ()

ii. A maximum of two (2) hours of continuing education in management. ()

c. Attendance period. The attendance period is based upon the fiscal year (July 1 through June 30). ()

i. Retention of original documentation. The supporting documentation for compliance with continuing education requirements shall not be submitted with the report but rather, retained with the certified veterinary technician at least until December 31 following the two-year (2) renewal period covered by the course. ()

ii. Within thirty (30) days of notification of an audit, a certified veterinary technician shall provide to the Board all documentation supporting completion of the courses reported. ()

04. Credit for Attendance. Continuing veterinary technology education credits may be earned by attending or presenting approved continuing veterinary technology education. ()

a. Credits. One (1) credit hour will be given for each fifty (50) minutes actually spent by the active certificant in attendance at an accredited, domestic or foreign, course. No credit will be given for: ()

i. Time spent in introductory remarks, coffee and lunch breaks, business meetings or other activities not involving the educational aspects of the courses; ()

ii. Any course attended before admission to practice veterinary technology in Idaho; or ()

iii. Journal and magazine articles, videos or correspondence courses, unless specially approved by the Board. ()

b. In cases of solo presentation, the presenter of an approved course shall be entitled to claim one (1) credit hour for each fifty (50) minutes of actual course instruction. By way of limitation, in no case shall the presenter be allowed more than eight (8) credit hours for any particular course or substantially related topic during the applicable two-year reporting period, regardless of how many times the course is offered or given. ()

c. In cases of panel presentations, the number of continuing credit hours each panel member is entitled to claim shall be calculated by multiplying the actual number of course hours by two (2) and dividing that number by the number of panel members involved. ()

d. Carryover Credit. No credit for attending approved courses in continuing veterinary technology education is applicable to any reporting period other than that during which the credit is actually earned. ()

103. SUPERVISING VETERINARIANS.

01. Statement of Purpose. Veterinarians licensed under the provisions of Title 54, Chapter 21, Idaho Code, are responsible for all temporary licensees and temporary certification holders, certified euthanasia technicians, certified veterinary technicians, veterinary assistants, or any others to whom they delegate the performance of acts pertaining to the practice of veterinary medicine. ()

02. A Supervising Veterinarian Shall: ()

a. Provide direct supervision for all procedures pertaining to the practice of veterinary medicine that are delegated to a certified veterinary technician, a veterinary technician working under a temporary certification, an assistant or any others with the exception of: ()

i. Routine procedures in the practice of veterinary technology that include, but are not limited to, taking radiographs, weight and temperature, or as determined by the standard of practice for the area. These routine procedures may be performed under the indirect supervision of the veterinarian. ()

ii. Previously prescribed antibiotics and medications, which may be administered, dispensed, and delivered under the indirect supervision of the veterinarian. Previously prescribed antibiotics and medications does not include injectable controlled substances, injectable tranquilizers, injectable sedatives, and injectable or inhalant anesthetics, which may only be administered under the direct supervision of the veterinarian. ()

iii. Emergency situations. In these situations, in order to stabilize the animal, the veterinarian, while en route to the location of the distressed animal, may prescribe treatment and delegate appropriate procedures pertaining to the practice of veterinary medicine under indirect supervision. ()

b. Be available to supervise and direct all procedures pertaining to the practice of veterinary medicine that are delegated to others. ()

c. Bear legal responsibility for the health, safety and welfare of the animal patient that the temporary licensee, temporary certification holder, certified veterinary technician, assistant, or any others serves. ()

d. Not delegate an animal health care task to an unqualified individual. ()

e. Make all decisions relating to the diagnosis, treatment, management, and future disposition of an animal patient. ()

f. Have examined the animal patient prior to the delegation of any animal health care task to a certified veterinary technician, temporary certification holder, or assistant. The examination of the animal patient shall be conducted at such times as acceptable veterinary medical practice dictates, consistent with the particular delegated animal health care task. ()

g. Diagnose and perform operative dentistry, oral surgery, and teeth extraction procedures. Operative dentistry and oral surgery are considered to be any dental procedure which invades the hard or soft oral tissue including, but not limited to, a procedure that alters the structure of one (1) or more teeth or repairs damaged and diseased teeth, or the deliberate extraction of one (1) or more teeth. Operative dentistry and oral surgery do not include, removal of calculus, soft deposits, plaque, stains, floating to shape the teeth, or smoothing, filing or polishing of tooth surfaces above the gum line. ()

03. Limitations on Supervising Veterinarians. Unless otherwise provided by law or rule, a supervising veterinarian shall not authorize a certified veterinary technician, a veterinary technician working under a temporary certification, an assistant or anyone else, other than a licensed veterinarian or a veterinarian holding a valid temporary permit to perform the following functions: ()

a. Surgery; ()

b. Diagnosis and prognosis of animal disease; ()

c. Prescribing drugs, medicines and appliances; or ()

d. Diagnosis and performance of procedures that constitute operative dentistry/oral surgery as defined by Section 54-2103(13)(b), Idaho Code. ()

104. VETERINARY TECHNICIAN CERTIFICATION -- RENEWAL.

Change of address. It is the responsibility of each certified veterinary technician to notify the Board office of any change of address. Failure to receive a renewal form from the Board does not constitute an excuse for failure to pay the renewal fee and completion of the prescribed form. ()

105. GROUNDS FOR DISCIPLINE OF VETERINARY TECHNICIANS.

In addition to the provisions of Section 54-2118, Idaho Code, the Board may refuse to issue, renew, or reinstate the certification of a veterinary technician, or may deny, revoke, suspend, sanction, place on probation, or require voluntary surrender of the certification of a veterinary technician, or may impose other forms of discipline, and enter into consent agreements and negotiated settlements with certified veterinary technicians pursuant to the procedures set forth in Title 67, Chapter 52, Idaho Code, for any of the following reasons: ()

01. Fraud, Misrepresentation, or Deception. The employment of fraud, misrepresentation or deception in obtaining certification. ()

02. Unethical or Unprofessional Conduct. Unethical or unprofessional conduct is conduct that includes, but is not limited to, any of the following: ()

a. False or misleading advertising or solicitation; ()

b. Providing any procedure to an animal that constitutes the practice of veterinary medicine or veterinary technology and which has not been delegated by the supervising veterinarian, except in the case of an emergency as defined by Section 54-2103(16), Idaho Code; ()

c. Working in conjunction with any unlicensed or uncertified person who is practicing veterinary medicine or veterinary technology; ()

d. Failing to apply sanitary methods or procedures in the treatment of any animal; ()

e. Physically abusing a patient or failing to conform to the currently accepted standards of care in the field of veterinary technology for any animal under their care; ()

f. Practicing veterinary technology in a manner that endangers the health and welfare of the patient or the public. A certified veterinary technician shall not practice veterinary technology if their ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance, or as a result of any mental or physical disability; ()

g. Gross ignorance, incompetence or inefficiency in the practice of veterinary technology as determined by, but not limited to, the practices generally and currently followed and accepted by persons certified to practice veterinary technology in Idaho and the current teaching at accredited programs in veterinary technology; ()

h. Intentionally performing a duty, task or procedure in the field of veterinary technology for which the individual is not qualified; ()

i. Swearing falsely in any testimony or affidavits relating to, or in the course of, the practice of veterinary technology. ()

j. Engaging in conduct of a character likely to deceive or defraud the public. ()

03. Conviction of Violating Any Federal or State Statute, Rule or Regulation. Conviction of a charge of violating any federal or state statute or rule or regulation regulating narcotics, dangerous drugs or controlled substances. ()

04. Conviction of a Charge or Crime. Being found guilty, convicted, placed on probation, having entered a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure a defendant's appearance, or having received a withheld judgment or suspended sentence by a court of competent jurisdiction in Idaho or any other state of one (1) or more of the following: ()

a. Any felony, as defined by Title 18, Chapter 1, Idaho Code; or ()

b. Any other criminal act that in any way is related to the practice of veterinary technology as defined by Section 54-2103(47), Idaho Code. ()

05. Medical Incompetence. Medical incompetence in the practice of veterinary technology, which means lacking in sufficient medical knowledge or skills or both to a degree likely to endanger the health of patients. ()

06. Physical or Mental Incompetence. Physical or mental incompetence, which means the individual's ability to practice veterinary technology with reasonable skill and safety is impaired by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other substance, or as a result of any physical or mental disability. ()

07. Malpractice or Negligence. Malpractice or negligence, in the practice of veterinary technology, which includes, but is not limited to: ()

a. Treatment in a manner contrary to accepted practices in veterinary technology and with injurious results; ()

b. Any professional misconduct or unreasonable lack of professional skill or fidelity in the performance of an act that is part of the practice of veterinary technology; ()

c. Performance of an act that is part of the practice of veterinary technology without adequate supervision; except in the case of an emergency as defined by Section 54-2103(16), Idaho Code; or ()

d. The negligent practice of veterinary technology, as determined by the standard of practice for the area, that results in injury, unnecessary suffering or death. ()

08. Cruelty to Animals. Cruelty to animals, including, but not limited to, the intentional and malicious infliction of pain, physical suffering, injury or death, performance of experimental treatments without the owner's consent, deprivation of necessary sustenance, withholding of appropriate pain medications or levels of pain medications, or the administration of unnecessary procedures and treatment. Infliction of pain on any animal in self-defense, or to prevent physical harm to others, or in accordance with local custom and culture in moving, handling,

treating, dehorning, castrating or performing other procedures on livestock, shall not be considered cruel or physically abusive unless done in an unnecessary or intentionally malicious manner. This provision does not alter Section 25-3514, Idaho Code. ()

09. Revocation, Suspension, Limitation or Subjection. The revocation, suspension, limitation, or subjection of a license, certificate or registration or any other disciplinary action by another state or U.S. jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice veterinary technology in that state or jurisdiction on grounds other than nonpayment of the renewal fee. ()

10. Continuing Education. Failure to comply with the continuing education requirements outlined by Board rules. ()

11. Failure to Cooperate. ()

a. Failure of any applicant or certificate holder to cooperate with the Board during any investigation, even if such investigation does not personally concern the applicant or certificate holder. ()

b. Failure to comply with the terms of any order, negotiated settlement or probationary agreement of the Board. ()

c. Failure to comply with the terms for certification renewal or to timely pay certification renewal fees as specified by Section 104 of these rules. ()

12. Aiding or Abetting. Knowingly aiding or abetting an unlicensed or uncertified person to practice veterinary medicine or veterinary technology. ()

13. Current Certification. Practicing as a certified veterinary technician without a current certification. ()

14. Acceptance of Fees. Accepting fees for veterinary technician services from a client. ()

15. Unlawful Practice. Representing oneself as a doctor of veterinary medicine, which constitutes the unauthorized practice of veterinary medicine in violation of Title 54, Chapter 21, Idaho Code. ()

16. Violation of Law, Rules or Order. Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation or conspiracy to violate any of the provisions of the veterinary law or rules or a written order of the Board issued pursuant to Title 54, Chapter 21, Idaho Code. ()

106. -- 149. (RESERVED)

150. VALID VETERINARIAN/CLIENT/PATIENT RELATIONSHIP.
An appropriate veterinarian/client/patient relationship will exist when: ()

01. Responsibility. The veterinarian has assumed the responsibility for making medical judgements regarding the health of the animal and the need for medical treatment, and the client (owner or other caretaker) has followed the instructions of the veterinarian. ()

02. Medical Knowledge. There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has seen the animal within the last twelve (12) months or is personally acquainted with the keeping and care of the animal, either by virtue of an examination of the animal, or by medically appropriate visits to the premises where the animals are maintained within the last twelve (12) months. ()

03. Availability. The practicing veterinarian or designate is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy. ()

151. UNPROFESSIONAL CONDUCT.

Any violation of the Principles of the Veterinary Medical Ethics of the American Veterinary Medical Association, these rules, Chapter 21, Title 54, Idaho Code, constitutes unprofessional conduct. Unprofessional conduct includes, but is not limited to: ()

01. Unsanitary Methods or Procedures. Failure to apply sanitary methods or procedures in the treatment of any animal, contrary to Board rules. ()

02. Association with Illegal Practitioners. Includes, but is not limited to: ()

a. Having a professional relationship or connection with, lending one's name to, or otherwise aiding and abetting any illegal or unlicensed practice or practitioner of veterinary medicine and the various branches thereof; ()

b. Rendering professional service in association with a person who is not licensed and does not hold a temporary permit; or ()

c. Sharing fees with any person, except a licensed veterinarian, for services actually performed. ()

03. False Testimony. Swearing falsely in any testimony or affidavits relating to, or in the course of, the practice of veterinary medicine, surgery or dentistry. ()

04. Gross Ignorance, Incompetence or Inefficiency. In determining gross ignorance, incompetence or inefficiency in the profession, the Board may take into account all relevant factors and practices including, but not limited to, the practices generally and currently followed and accepted by the persons licensed to practice veterinary medicine in Idaho, the current teaching at accredited veterinary schools, relevant technical reports published in recognized veterinary medical journals, and the desirability of reasonable experimentation in the furtherance of the art of veterinary medicine. ()

05. Improper Supervision. Includes, but is not limited to: ()

a. Permitting, allowing, causing or directing any individual to perform a duty, task or procedure that they are not qualified to perform. ()

b. Providing, permitting, allowing, causing or directing any individual to perform inadequate anesthetic monitoring. Evidence of this monitoring shall be documented in written form and contained within the medical record. ()

06. Association with Others. Accepting fees from the providers of animal services or products when referring clients to such providers. ()

152. CODE OF PROFESSIONAL CONDUCT.

The Board's code of professional conduct includes, but is not limited to, the following standards of conduct. A veterinarian shall: ()

01. Veterinarian/Client/Patient Relationship. Not dispense or prescribe controlled substances, prescription or legend drugs except in the course of their professional practice and after a bona fide veterinarian/client/patient relationship as defined by Section 150 of these rules has been established. ()

02. Health Certificate. Not issue a certificate of health unless they have personal knowledge by means of actual examination and appropriate testing of the animal that the animal meets the requirements for issuance of such a certificate. ()

03. DEA and Controlled Substance Registration. Notify the Board of the suspension, revocation, or voluntary surrender of their federal Drug Enforcement Administration (DEA) registration and their state controlled substance registration. ()

04. Ability to Practice. Not practice veterinary medicine as to endanger the health and welfare of their patients or the public. A veterinarian shall not practice veterinary medicine if their ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance or as a result of any mental or physical disability. ()

05. Conflicting Interests. Not represent conflicting interests except by the express consent of all the parties after full disclosure of all the facts. A conflict of interest includes, but not be limited to, accepting a fee from a buyer to inspect an animal for soundness and accepting a fee from the seller. ()

06. Confidentiality. Maintain a confidential relationship with their clients, except as otherwise provided by law or required by considerations related to public health and animal health. ()

a. The information contained in veterinary medical records is considered confidential. It is unethical for a veterinarian to release this information except by court order or consent of the patient's owner or other caretaker at the time treatment was rendered. ()

b. Without express permission of the practice owner, it is unethical for a veterinarian or certified veterinary technician to remove, copy, or use the medical records or any part of any record belonging to the practice or its owner for any purpose other than the business of the practice. ()

07. Physical Abuse-Patient. Not physically abuse a patient or fail to conform to the currently accepted standards of care in the veterinary profession for any animal under their care. ()

08. Preservation of Patient's Body. Where possible preserve for twenty-four (24) hours the body of any patient that dies while in the veterinarian's care until the owner can be contacted, except as otherwise provided by law. The time of contact or attempted contact with the owner shall be documented in the medical record. The veterinarian is allowed to use the usual manner of disposal if the owner has not made pick-up arrangements within twenty-four (24) hours of the documented contact time. ()

09. Consent for Transporting. Obtain written consent from a patient's owner or other caretaker before transporting a patient to another facility for veterinary medical care or any other reason, unless circumstances qualifying as an emergency do not permit obtaining such consent. ()

10. Patient Record. Maintain a patient record for each animal or herd that accurately reflects the veterinary problems and interventions and conforms to the standards set forth in Section 154 of these rules. ()

11. Supervision. Provide the proper form of supervision required for persons to whom veterinary functions are delegated or assigned. ()

12. Cooperation with Authorities. Cooperate with authorities in the investigation of the incompetent, unethical or illegal practice of veterinary medicine by any individual including another veterinarian. ()

13. Refusal to Render Services. Have the right to refuse to render veterinary medical services for any reason, or refuse an owner's request to euthanize a healthy or treatable animal. ()

14. Improper Disposal of Controlled Substances. Dispose of all controlled substances and the containers, instruments and equipment used in their administration in conformance with the requirements of the Code of Federal Regulations and the Idaho Board of Pharmacy law and rules. ()

153. STANDARDS OF PRACTICE. Veterinarians shall adhere to the standards of practice including, but not limited to: ()

01. Practice Procedures. A licensed veterinarian shall exercise at least the same degree of care, skill, and diligence in treating patients that is ordinarily used in the same or similar circumstances by members of the veterinary medical profession of similar training and experience in the community in which he practices. ()

02. Immunization. When the primary objective is to protect the patient’s health and a professionally acceptable immunization procedure is being sought, an examination of the animal by the veterinarian is required prior to each and every immunization procedure, unless the animal has been examined in the last ninety (90) days, except in the practice of large animal medicine where mass immunizations of animal herds is involved or when immunization is performed by the patient’s owner. For the purpose of this subsection, the definition of “owner” in addition to ownership as defined by the laws of the ownership of property, non-profit organizations dedicated to the care and treatment of animals is considered the owners of animals in their custody if such organizations are the primary care giver for the animal or if the true owner of such animal cannot be immediately determined. ()

03. Relationship. A veterinarian shall establish a valid veterinarian/client/patient relationship as defined by Section 150 of these rules, prior to dispensing, using, prescribing, or selling any controlled substance or legend drug, or the prescribing of an extra-label use of any drug. ()

04. Dispense and Distribute in Good Faith. A veterinarian dispensing or distributing any drug or medicine shall dispense or distribute such drug or medicine in good faith, within the context of a valid veterinarian/client/patient relationship as defined by Section 150 of these rules, and shall, except in the case of any drugs and medicines that are in containers that bear a label of the manufacturer with information describing their contents and that are in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act, 21 CFR 201.105, affix or cause to be affixed to the container containing the drug or medicine a label indicating: ()

- a. The date on which such drug or medicine is dispensed; ()
- b. The name of the owner and patient; ()
- c. The last name of the person dispensing such drug or medicine; ()
- d. Directions for use thereof, including dosage and quantity; and ()
- e. The proprietary or generic name of the drug or medicine. ()

05. Anesthesia Standards. All anesthetized animals shall be appropriately monitored and under supervision. ()

154. RECORD KEEPING STANDARDS.

Every veterinarian shall maintain detailed daily medical records of the animals treated that meet the professional standards set out in Section 153 of these rules. These records may be computerized and shall be readily retrievable to be inspected, duplicated, or submitted when requested by the Board. All records, including electronic records, shall be safeguarded against loss, defacement, tampering, and use by unauthorized personnel. If changes are made to any records (either hard-copy or electronic), the records must clearly reflect what the change is, who made the change, when the change was made, and why. In the case of electronic records, the veterinarian shall keep either a duplicate hard-copy record or a back-up electronic record. Records shall be maintained for a period of three (3) years following the last treatment or examination. Patient medical records shall be maintained for every animal accepted and treated as an individual patient by a veterinarian, or for every animal group (for example, herd, litter, and flock) treated by a veterinarian. ()

- 01. Medical Records.** Medical records shall include, but not be limited to: ()
 - a. Name, address and phone number of the animal’s owner or other caretaker. ()
 - b. Name and description, sex (if readily determinable), breed and age of animal; or description of group. ()
 - c. Dates (beginning and ending) of custody of the animal. ()
 - d. A short history of the animal’s condition as it pertains to the animal’s medical status. ()

e. Results and notation of each examination, including the animal’s condition and diagnosis suspected. ()

f. All medications, treatments, prescriptions or prophylaxis given, including amount, frequency, and route of administration for both inpatient and outpatient care. ()

g. Diagnostic and laboratory tests or techniques utilized, and results of each. ()

h. All anesthetized animals shall be appropriately monitored and under supervision at all times. Evidence of this monitoring shall be documented in writing in the medical record. ()

02. Consent Forms. Consent forms, signed by the patient’s owner or other legal caretaker for each surgical or anesthesia procedure requiring hospitalization or euthanasia, shall be obtained, except in emergency situations, for each animal and be maintained on file with the practitioner. ()

03. Postoperative Instructions. Postoperative home-care instructions shall be provided in writing and be noted in the medical record. ()

04. Treatment Records. Veterinarians who practice with other veterinarians shall indicate by recognizable means on each patient’s or animal group’s medical record any treatment the veterinarian personally performed and which treatments and procedures were delegated to a technician or assistant to perform. The patient’s record must also include a notation indicating when the animal was handed-off to another veterinarian or a treatment or procedure delegated to a technician or assistant along with a summary of the animal’s condition and diagnosis at the time of the hand-off. ()

05. Ownership of Medical Records. Medical records are the personal property of the hospital or the proprietor of the practice that prepares them. Other veterinarians, including those providing subsequent health needs for a patient, and the patient’s owner may receive a copy of the patient’s medical record, upon the request of the patient’s owner or other caretaker. Records shall be supplied within three (3) business days, counting the day of the request if a business day. ()

06. Diagnostic Image Identification and Ownership. All diagnostic images shall be labeled in the emulsion film or digitally imprinted to identify the veterinarian or premise, the patient, the owner, the date, and anatomical orientation. A diagnostic image is the physical property of the hospital or the proprietor of the practice that prepares it, and it shall be released upon the request of another veterinarian who has the authorization of the owner of the animal to whom it pertains or to the Board. Such diagnostic images shall be returned within a reasonable time to the veterinarian who originally ordered them to be prepared. ()

07. Estimates. A veterinarian shall make available to each client a written estimate on request. ()

08. Controlled Substances and Prescription or Legend Drugs. A controlled substance is any substance classified by the federal Food and Drug Administration or the Idaho Board of Pharmacy in Schedules I through V of the state or federal Controlled Substances Act, Title 37, Chapter 27, Idaho Code, or 21 CFR 1308. A prescription or legend drug is any drug that under federal law is required, prior to being dispensed or delivered, to be labeled with one (1) of the following statements: “Caution federal law prohibits dispensing without a prescription”; or “RX Only”; or “Caution: Federal law restricts this drug to used by or on the order of a licensed veterinarian”; or a drug which is required by any applicable federal or state law or regulation or rule to be dispensed on prescription only, or is restricted to use by practitioners only. A veterinarian shall only dispense or distribute a controlled substance or prescription or legend drug within the context of a valid veterinarian/client/patient relationship as defined by Section 150 of these rules. ()

a. Records shall be kept in compliance with all federal and state laws and be recorded in the patient records along with the initials of the veterinarian who authorized the dispensing or distribution of the controlled substances, prescription, or legend drugs. ()

b. A separate inventory record shall be kept for each controlled substance by name and strength including: ()

i. Records of the receipt, which include all information required by federal law, the date of the receipt, the amount received, the source of receipt, and the invoice number. ()

ii. Records of dispensing, which include the date the controlled substance was dispensed, the amount dispensed, the animal's name, identification of the patient record, identification of the person who dispensed the drug, identification of the veterinarian who supervised the dispensing and any other information required by federal law. ()

c. Records for all dispensed or distributed prescription or legend drugs shall be maintained in the individual patient or herd record and include the date the drug was dispensed or distribution was authorized, the amount dispensed or distributed, identification of the person who dispensed or authorized distribution of the drug, identification of the veterinarian who supervised the dispensing and any other information required by federal or state law, regulation or rule. ()

d. Prescription drug order means a lawful written or verbal order of a veterinarian for a drug. ()

i. When prescription drug orders are issued by a licensed veterinarian to be distributed to the animal's owner or legal caretaker by a retail veterinary drug outlet, all orders for prescription or legend drugs shall be written on an official numbered three (3) part order form available through the Idaho Department of Agriculture. The veterinarian shall retain the second copy in their medical record with the original and one (1) copy sent to the retail veterinary drug outlet. The retail veterinary drug outlet shall retain the original and attach the copy of the original to the order for delivery to the animal's owner or legal caretaker. ()

ii. Under no circumstances shall a prescription or legend drug be distributed by a retail veterinary drug outlet to an animal's owner or legal caretaker prior to the issuance of either a written or oral prescription drug order from the veterinarian: ()

(1) When a written prescription drug order from the veterinarian has been issued to a retail veterinary drug outlet, a copy of the veterinarian's original numbered prescription drug order shall be attached to the prescription or legend drugs that are delivered to the animal's owner or legal caretaker. ()

(2) When a retail veterinary drug outlet receives an oral prescription drug order from the veterinarian, the oral order shall be promptly reduced to writing on a Department of Agriculture unnumbered telephone drug order blank. A copy of this completed form shall be attached to the prescription or legend drugs that are delivered to the animal(s)'s owner or legal caretaker. ()

(3) When a veterinarian issues an oral prescription drug order to a retail veterinary drug outlet, the oral order shall be followed by a written prescription drug order signed by the veterinarian using the official numbered three (3) part order form and procedures required under these rules. The written order shall be sent promptly by the veterinarian so that it is received by the retail veterinary drug outlet no later than seven (7) days after the retail veterinary drug outlet receives the oral order. The written confirmation order may be hand-delivered, mailed, faxed, attached to an e-mail, or otherwise properly delivered to the retail veterinary drug outlet. ()

e. When prescription or legend drugs are dispensed, the labeling on all containers shall be in compliance with the requirements of Paragraph 153.01.d. of these rules. ()

f. When controlled substances are dispensed, all containers shall be properly labeled with: ()

i. The clinic's name, address, and phone number; ()

ii. The name of the client and patient; ()

iii. The drug name and quantity; and ()

iv. The directions for use, including dosage and quantity. ()

g. All controlled substances shall be stored, dispensed, and disposed of in accordance with the requirements of the Uniform Controlled Substances Law and Code of Federal Regulations. ()

09. Return or Disposal of Expired Pharmaceuticals and Biologicals. Except for controlled substances, which shall be disposed of in accordance with Paragraph 154.08.g. of these rules, all pharmaceuticals and biologicals that have exceeded their expiration date shall be removed from inventory and disposed of appropriately. ()

155. -- 199. (RESERVED)

200. COMMITTEE ON HUMANE EUTHANASIA.

Pursuant to Section 54-2105(8), Idaho Code, a Committee on Humane Euthanasia (COHE) is established for the purpose of training, examining, and certifying euthanasia agencies and euthanasia technicians. The COHE will consist of no fewer than five (5) members appointed by the Board. At its discretion, the Board may appoint itself as the COHE. New members will be nominated by either the Board or the COHE and be confirmed by the Board. Applicants for a COHE position shall be certified euthanasia technicians (CETs) as defined by Section 54-2103(9), Idaho Code, and employed by a certified euthanasia agency as defined by Section 54-2103(8), Idaho Code, or be an Idaho licensed veterinarian ()

01. Term. Each member will serve for three (3) years, at the pleasure of the Board. A COHE member may be eligible for reappointment. If there is a vacancy for any cause, the COHE or the Board shall nominate and confirm a successor to fill the unexpired term. ()

02. Duties. The duties of COHE members include, but are not limited to, the following: ()

a. Coordinate and provide euthanasia training classes as needed. ()

b. Inspect and certify agencies. ()

c. Review the applications, records, performance, methods and procedures used by agencies and persons seeking to be certified or to renew their certification as a Certified Euthanasia Agency (CEA) or Certified Euthanasia Technician (CET). ()

d. Conduct written and practical examinations for applicants applying for certification and authorize certification through the Board. ()

e. Recommend suspension or revocation of a certification when necessary. ()

03. Compensation. Members of the COHE will be compensated as provided by Section 59-509(n), Idaho Code. ()

201. METHODS OF EUTHANASIA, PRE-EUTHANASIA SEDATION, AND CHEMICAL CAPTURE.

Methods approved by the COHE and used for the purpose of humanely euthanizing, sedating, or remote chemical capturing injured, sick, homeless, or unwanted pets and animals: ()

01. Euthanasia Drugs. Any Schedule II non-narcotic or Schedule III non-narcotic euthanasia drug covered by the Controlled Substances Act that has first been approved in writing by the COHE and the Board. A list of approved euthanasia drugs is on file at the Board office. ()

02. Pre-Euthanasia Sedation Drugs. Any Schedule III or Schedule IV narcotic or non-narcotic controlled substance as defined by the Controlled Substances Act, or other legend drugs that have been approved for use by CEAs or CETs at a CEA facility. Such pre-euthanasia sedation drugs shall be limited to those approved in writing by the COHE and the Board. A list of approved pre-euthanasia sedation drugs is on file at the Board office. ()

03. Remote Chemical Capture Restraint Drugs. Any Schedule III or Schedule IV narcotic or non-narcotic controlled substance as defined by the Controlled Substances Act, or other legend drugs that have been

approved for use by CEAs or CETs. Such remote chemical capture restraint drugs shall be limited to those approved in writing by the COHE and the Board. A list of approved remote chemical capture restraint drugs is on file at the Board office. Use of remote chemical capture is limited to CEAs and CETs who are classified as law enforcement agencies or law enforcement personnel who have successfully completed a Board-approved course in remote chemical capture. ()

202. PROCUREMENT AND ADMINISTRATION OF APPROVED DRUGS.

In order for a certified euthanasia agency to obtain approved drugs for euthanizing animals and a certified euthanasia technician to administer such drugs, the following procedure shall be followed: ()

01. DEA Registration. A certified euthanasia agency (CEA) shall appoint a person who will be responsible for ordering the approved drugs and who shall submit an application for the agency's registration as a Euthanasia Agency Practitioner-A.S. to the Drug Enforcement Agency (DEA). The CEA shall also designate a certified euthanasia technician (CET) who will be responsible for the security of the agency's approved drugs. ()

02. Controlled Substance Registration. Each CET employed by the agency shall apply for a controlled substance registration from the Idaho Board of Pharmacy under their individual name and using the CEA's DEA registration number. ()

03. Purchase of Approved Drugs. After the certified euthanasia agency has received a DEA registration number and the CETs at that agency have received their Idaho Board of Pharmacy controlled substance registrations, the designated individual for the agency may on behalf of the agency purchase approved drugs for storage at the CEA location. Approved drugs shall only be obtained from a drug wholesaler. ()

04. Administration of Approved Drugs. Certified euthanasia technicians employed by certified euthanasia agencies and registered with the Idaho Board of Pharmacy may perform euthanasia by the administration of approved drugs. ()

203. (RESERVED)

204. CERTIFIED EUTHANASIA AGENCY.

A certified euthanasia agency is a law enforcement agency, an animal control agency, a humane society, or an animal shelter that has been inspected and certified by the COHE or the Board, Section 54-2103(8), Idaho Code. In order to be certified to purchase and store approved drugs, certified euthanasia agencies shall be inspected by the COHE or the Board and meet the following criteria: ()

01. Approved Drugs. Approved drugs shall be kept in a locked cabinet securely attached to the building in which it is housed. ()

a. Each agency shall maintain a current written list of CET(s). ()

b. Access to the drug storage cabinet shall be limited to licensed veterinary supervisors and assigned CET. Such persons shall be responsible for the security of the approved drugs and allow withdrawal of the approved drugs only to a person certified by the Board and registered with the Idaho Board of Pharmacy to administer such drugs. ()

c. All approved drugs shall be prepared according to the manufacturer's instructions. ()

d. Needles in a range of sizes that are the appropriate gauge for the intended use. Needles shall be of medical quality, and not be used if they are dirty, clogged, barbed, or might otherwise cause unnecessary discomfort for the animal. ()

e. Needles and syringes shall not be reused. ()

f. Three (3) different syringe sizes are required: three (3), six (6), and twelve (12) cc. An agency may have other syringe sizes according to its needs. Syringes shall be of medical quality. ()

- g.** Spent needles and syringes shall be disposed of in a manner that makes their re-use impossible. ()
- 02. Proper Storage.** When no CET is on duty, proper storage for approved drugs is in a locked storage cabinet. ()

 - a.** The cabinet shall be of such material and construction that it will withstand strong attempts to break into it. A metal safe is preferred. ()
 - b.** The cabinet shall be securely attached to the building in which it is housed. ()
 - c.** The temperature and environment in the storage cabinet shall be adequate to assure the proper keeping of the drug. ()
- 03. Proper Labeling.** Upon removal from the shipment carton, each individual container of an approved drug shall be labeled with the drug name and strength, the date the drug was prepared, a drug hazard warning label and the name and address of the agency owning the drug. ()
- 04. Temporary Storage.** When a CET is on duty and when animals are being euthanized throughout the workday, approved drugs may be kept in a temporary storage cabinet. When approved drugs are transported in a vehicle, the temporary storage cabinet shall be securely bolted to the vehicle. The cabinet shall be constructed of any strong material and be securely locked when not in use. The key to this cabinet shall be secured by a licensed veterinary supervisor or the lead CET designated on the DEA controlled substance registration, and made available to the CET(s) performing euthanasia that day. ()
- 05. Record Keeping.** Proper record keeping of approved drugs shall include the following: ()

 - a.** Shipment records showing receipt of the approved drugs shall be maintained and include all information required by federal law, the date the shipment was received, the amount, the source, and the invoice number. ()
 - b.** Administration records showing the date an approved drug was: ()

 - i.** Administered; ()
 - ii.** Weight and species of animal; ()
 - iii.** Dosage of each drug administered for pre-euthanasia sedation, euthanasia, and remote chemical capture restraint; ()
 - iv.** Identification of the person who dispensed the approved drugs; and, if applicable; ()
 - v.** Identification of the veterinarian or CET who supervised the dispensing shall be maintained. ()
 - c.** Records of wastage shall be maintained and signed by the CET administering the approved drug and the CET responsible for security. ()
 - d.** A weekly record of the approved drugs on hand, minus the amounts withdrawn for administration, signed by the CET responsible for security. ()
 - e.** Disposal records of any expired or unwanted approved drugs shall be maintained. Disposal of unwanted drugs and the containers, instruments, and equipment used in the administration of the approved drugs shall be in conformance with the Idaho Board of Pharmacy law and rules and the Code of Federal Regulations. ()
 - f.** All records shall be filed in chronological order in a binder that is labeled with the name of the

- agency and be kept for a period of three (3) years from the calendar date on the record. ()
- 06. Proper Sanitation.** The euthanasia area shall be clean and regularly disinfected. ()
- 07. Other Site Conditions.** Other site conditions relevant to the proper euthanasia environment. ()
- a.** Each agency shall have a specific area designated for euthanasia that is: ()
- i. A separate room; or ()
- ii. An area that is physically separated from the rest of the agency by a wall, barrier or other divider; or ()
- iii. An area that is not used for any other purpose while animals are being euthanized. ()
- b.** The euthanasia area shall meet the following minimum standards: ()
- i. Lighting shall be bright and even; ()
- ii. The air temperature shall be within a reasonable comfort range for both the personnel and animals. A minimum sixty (60) degrees F and maximum ninety (90) degrees F is recommended; ()
- iii. The area shall have adequate ventilation that prevents the accumulation of odors. At least one (1) exhaust fan vented directly to the outside is recommended; and ()
- iv. The floor of the area shall provide dry, non-slip footing to prevent accidents. ()
- c.** The euthanasia area shall have the following equipment: ()
- i. A table or other work area where animals can be handled while being euthanized. ()
- ii. A cabinet, table or work bench where the drugs, needles, syringes and clippers can be placed. ()
- d.** The following items and materials shall either be kept in the euthanasia area or brought to the area each time an animal is euthanized: ()
- i. A first aid kit that meets minimum first aid supply standards; ()
- ii. One (1) or more tourniquets; ()
- iii. Standard electric clippers with No. 40 blade; ()
- iv. Animal control stick for dogs and animal net for cats (if the agency handles cats); ()
- v. Stethoscope; ()
- vi. Disinfectant. ()
- vii. The current certification cards for the CEA and all CETs working at the CEA, which shall be kept together. The CEA is strongly encouraged to keep all DEA and Idaho Board of Pharmacy registration cards together with the certification cards. ()
- e.** All equipment shall be in good working order. ()
- 08. Equipment Stored.** All equipment shall be stored so that it does not create a safety hazard for the

personnel. All drugs and other chemical agents used in the euthanasia area shall be clearly labeled as specified by Subsection 204.03 of these rules. ()

09. Certification Renewal. Certifications may be renewed upon successful completion of a facility inspection by a COHE member, a member of the Board or other individual appointed by the COHE and payment of the annual renewal fee. ()

205. CERTIFIED EUTHANASIA TECHNICIAN.

01. Training and Examinations. The COHE or the Board will develop training sessions and materials that include, but are not limited to, the following topics: ()

- a. Euthanasia:** ()
 - i. Animal anatomy; ()
 - ii. Proper animal handling to ease trauma and stress; ()
 - iii. Dosages of chemical agents, record keeping and documentation of usage, storage, handling, and disposal of out-dated drugs and their containers, instruments and equipment used in their administration in accordance with the Idaho Board of Pharmacy law and rules and the Code of Federal Regulations; ()
 - iv. Proper injection techniques; and ()
 - v. Proper use and handling of approved euthanasia drugs and equipment; ()
 - vi. Examination. Following the euthanasia training, a written examination covering the training topics will be given. ()

- b. Remote Chemical Capture:** ()
 - i. An overview of remote chemical capture; ()
 - ii. Description and basic mechanism of action of approved drugs; ()
 - iii. Laws, regulations and rules governing remote chemical capture; ()
 - iv. Post-injection care; ()
 - v. Proper use and handling of approved restraint drugs and equipment; ()
 - vi. Human safety; ()
 - vii. Tactics and strategy; and ()
 - viii. Delivery systems and equipment. ()

02. Certification Standards. Applicants for certification as a CET shall be eighteen (18) years of age or older and demonstrate proficiency in compliance with the following standards: ()

- a. Demonstrate competency in euthanasia techniques in the presence of a COHE or Board member, or a person approved by the Board:** ()
 - i. CETs are fully responsible for all actions that take place in the euthanasia area when an animal is brought to the area including, but not limited to, animal handling, use of the proper restraint technique, the proper drug dosage, and drug handling; ()

ii. CETs shall be able to competently perform intravenous injections on dogs and intraperitoneal injections on both dogs and cats. Intravenous injections on cats shall not be required as part of the certification process, but when performed, meet the standards listed in Subparagraph 205.02.a.ii.(1) of these rules. Intracardiac injections on dogs and cats shall not be required as part of the certification process, but when performed, are restricted to the limitations listed in Subparagraph 205.02.a.ii.(3) of these rules. ()

(1) Intravenous Injections: The CET shall be able to competently insert the needle into an animal's vein when an animal is injected by this method. A minimum of two (2) people shall be required for any IV injection. One (1) person shall be a CET and one (1) or more people shall be the handler. The handler does not need to be a CET, but the handler should be trained in human safety and animal handling techniques; ()

(2) Intraperitoneal Injections: The CET shall be able to competently insert the needle into the proper area of the peritoneal cavity when an animal is injected by this method. It is recommended that animals injected by this method be placed into a cage or carrier with no other animals. The cage or carrier shall be covered with cloth or other material that can keep the injected animal isolated from the normal activities in the euthanasia area. Intraperitoneal injections may be administered by a CET without a handler. ()

(3) Intracardiac Injections: Intracardiac injection shall be performed only on an anesthetized animal. CETs shall be able to competently insert the needle into the heart of an anesthetized animal, and intracardiac injections may be administered by a CET without a handler. ()

iii. No other euthanasia injection procedures are permitted in any type of animal with the exception of intramuscular and subcutaneous injections for pre-euthanasia sedation; ()

iv. Oral administration of approved euthanasia drugs is permitted for any animal that cannot be captured or restrained without serious danger to human safety; ()

b. Demonstrate proper record keeping. A record of all approved drugs received and used by the agency shall be kept containing the following information: ()

i. A weekly verification of the drug stock on hand, minus the amounts withdrawn for administration, signed by the CET responsible for security; ()

ii. An entry of the date that a new bottle of any approved drug is opened and the volume of the bottle, signed by the CET responsible for security; ()

iii. The species and approximate weight of each animal administered a drug; ()

iv. The amount of the drug that was administered; ()

v. The date the drug was administered; ()

vi. The signature of the CET who administered the drug; ()

vii. A record of the amount of the drug wasted, if any, signed by the CET administering the drug and the CET responsible for security; and ()

viii. A record of any disposal of expired or unwanted approved drugs, other chemical agent or the containers, instruments and equipment used in their administration, signed by the CET and disposed of in accordance with the Idaho Board of Pharmacy law and rules and the Code of Federal Regulations. ()

c. Demonstrate understanding and concern for the needs and humane treatment of individual animals: ()

i. All animals shall be handled in a manner that minimizes stress to the animal and maximizes the personal safety of the CET and the handler. Each animal shall be handled with the least amount of restraint necessary,

but human safety is always the primary concern. Handling includes all aspects of moving an animal from one (1) area to another; ()

ii. The use of control sticks and other similar devices shall be limited to fractious or potentially dangerous animals; and ()

iii. Animals shall not be placed in cages or kennels with other breeds or species that are incompatible with the animal in question or be overcrowded in a cage or kennel. ()

d. Demonstrate ability to verify death. The animal should become unconscious and show terminal signs within sixty (60) minutes of drug administration. If any animal does not show any of these signs within the designated time period, the CET shall re-administer the drug. An animal that has received an approved drug orally may be injected with the same or another approved drug after it has become unconscious. Verification is the responsibility of the CET and shall be made by physical examination of the individual animal. One (1) of the following two (2) standards for death shall be met: ()

i. Rigor mortis; or ()

ii. Complete lack of heartbeat (as checked with a stethoscope), complete lack of respiration, and complete lack of corneal and palpebral reflexes. ()

e. Demonstrate ability to communicate with handlers during the euthanasia process. ()

03. Certification. ()

a. An individual shall not be certified as a CET until such time as he has successfully passed all of the following: ()

i. A euthanasia written examination; ()

ii. A practical or clinical examination; and ()

iii. An Idaho euthanasia jurisprudence examination. ()

b. The euthanasia written examination is the “written examination” referenced in Subparagraph 205.01.a.vii. of this rule. The practical examination will test the individual’s knowledge and skills in the hands-on application of euthanasia procedures and practices in a clinical setting under the direction of a COHE member, a Board member, or a designee of either the COHE or Board. The Idaho euthanasia jurisprudence examination (which can either be a separate written test or combined with the euthanasia written examination) will be an examination testing the individual’s understanding of Idaho laws and Board rules addressing the practice of euthanasia. Both the euthanasia written examination and the euthanasia jurisprudence examination will be developed by the Board, the COHE, or a designee of either the Board or the COHE. ()

c. A passing score for the euthanasia written examination is eighty percent (80%), or such other score as deemed appropriate by the Board or the COHE. A passing score for the euthanasia jurisprudence examination is ninety percent (90%), or such other score as deemed appropriate by the Board or the COHE. A failed euthanasia jurisprudence examination may be retaken multiple times upon making arrangements acceptable to the Board. ()

d. Initial certification and certification renewal training sessions and examinations will be conducted at least once per year prior to July 1, and at such other times deemed necessary by the COHE, the Board, or a designee of either the COHE or the Board. Upon approval of the Board, a COHE member, or the designee of either the Board or the COHE, an individual may take the euthanasia written examination, the practical examination, and the euthanasia jurisprudence examination in any order. ()

e. An individual who has passed the written examination, but has not attended a training session and has not passed the practical examination, may serve as a probationary euthanasia technician under the direct

supervision of a currently certified CET until such time as the next training course, practical examination and certification are conducted by a COHE member, a Board member, or the designee of either the COHE or the Board. ()

f. An individual who has not passed the written examination may not serve as a euthanasia technician. ()

g. An individual who attends a training session and passes the written examination but fails the practical examination may serve on probation until he has been re-examined. If the individual fails to pass the practical examination a second time and wishes to apply again, the individual shall attend the next regular training session and written examination. ()

h. Upon termination from an agency as defined in Section 204 of these rules, a CET's certification immediately becomes invalid and the CET shall not perform animal euthanasia until employed by another certified euthanasia agency, at which time the certification may be reinstated. ()

i. The agency shall notify the Board office in writing within thirty (30) days from the date the CET's employment at that agency is terminated. ()

j. If a CET is employed again by a CEA prior to the expiration of their certification, the CEA employer may request reinstatement of the CET's certification. If a CET has not attended a euthanasia training in the three (3)-year period preceding recertification, the CET may not be recertified and will need to reapply for certification, at COHE discretion. ()

k. All certifications expire on July 1 of each year. ()

04. Certification Renewal. ()

a. Certifications may be renewed each year by payment of the annual renewal fee, provided that, every third year following the date of certification, the CET will need to attend a euthanasia training and pay the current training and certification fee prescribed by Section 014 of these rules. ()

b. In addition to the above euthanasia training recertification requirement, CETs classified as law enforcement personnel who use chemical capture must recertify in remote chemical capture every third year following their original remote chemical capture certification. ()

05. Duties. The duties of a CET include, but are not limited to: ()

a. Preparing animals for euthanasia; ()

b. Accurately recording the dosages for drugs that are administered and amounts for drugs wasted; ()

c. Ordering supplies; ()

d. Maintaining the security of all controlled substances and other approved drugs; ()

e. Directly supervising probationary CET; ()

f. Reporting to the Board violations or suspicions of a violation of these rules or any abuse of drugs; ()

g. Humanely euthanizing animals; and ()

h. Proper and lawful disposal of euthanized animals and expired or unwanted drugs, other chemical agent or the containers, instruments and equipment used in the administration of approved drugs. ()

206. GROUNDS FOR DISCIPLINE -- CEAS AND CETS.

The Board may refuse to issue, renew, or reinstate the certification of a CEA or CET, or may deny, revoke, suspend, sanction, place on probation, or require voluntary surrender of the certification of a CEA or CET, impose other forms of discipline, and enter into consent agreements and negotiated settlements with CEAs and CETs pursuant to the procedures set forth in Title 67, Chapter 52, Idaho Code, for any of the following reasons: ()

- 01. Failure to Carry Out Duties.** Failure to carry out the duties of a CEA or CET. ()
- 02. Abuse of Chemical Substances.** Abuse of any chemical substance by: ()
 - a.** Selling or giving chemical substances away; or ()
 - b.** Stealing chemical substances; or ()
 - c.** The diversion or use of any chemical substances for other than legitimate chemical capture or euthanasia purposes; or ()
 - d.** Abetting anyone in the foregoing activities. ()
- 03. Euthanizing of Animals Without Proper Supervision.** Allowing uncertified individuals or probationary CETs to euthanize animals or personally euthanizing animals without proper supervision. ()
- 04. Administration of Approved Drugs Without Proper Supervision.** Allowing uncertified individuals or probationary CETs to administer approved drugs or personally administering approved drugs without proper supervision. ()
- 05. Euthanizing of Animals Without Proper Certification.** Allowing individuals or probationary CETs to euthanize animals or personally euthanizing animals without being properly certified to do so. ()
- 06. Fraud, Misrepresentation, or Deception.** The employment of fraud, misrepresentation of a material fact, or deception by an applicant or certificate holder in securing or attempting to secure the issuance or renewal of a certificate. ()
- 07. Unethical or Unprofessional Conduct.** Unethical or unprofessional conduct means to knowingly engage in conduct of a character likely to deceive or defraud the public and includes, but is not limited to: ()
 - a.** Working in conjunction with any agency or person illegally practicing as a CEA or CET; ()
 - b.** Failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal; ()
 - c.** Euthanizing animals in a manner that endangers the health and welfare of the public. A CET shall not euthanize animals if their ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance or as a result of any mental or physical disability; ()
 - d.** Gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by, but not limited to, the practices generally and currently followed and accepted by persons certified to practice as CETs in Idaho; ()
 - e.** Intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not qualified; and ()
 - f.** Swearing falsely in any testimony or affidavits relating to practicing as a CEA or CET. ()
- 08. Conviction of Violating Any Federal or State Statute, Rule or Regulation.** Conviction of a charge of violating any federal or state statute or rule or regulation regulating narcotics, dangerous drugs or controlled substances. ()

- 09. Conviction of a Charge or Crime.** Being found guilty, convicted, placed on probation, having entered a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure a defendant's appearance, or having received a withheld judgment or suspended sentence by a court of competent jurisdiction in Idaho or any other state of one (1) or more of the following: ()
- a.** Any felony, as defined by Title 18, Chapter 1, Idaho Code; or ()
 - b.** Any crime constituting or having as an element the abuse of any drug, including alcohol. ()
 - c.** Any other criminal act that in any way is related to practicing as a CEA or CET as defined by Section 54-2103(8) and (9), Idaho Code. ()
- 10. Improper Record Keeping.** Failure to follow proper record keeping procedures as outlined in Board rules. ()
- 11. Improper Security for Approved Drugs.** Failure to provide and maintain proper security for approved euthanasia and restraint drugs as outlined in Board rules. ()
- 12. Improper Storage of Equipment and Approved Drugs.** Failure to properly store equipment or approved drugs as outlined in Board rules. ()
- 13. Improper Disposal of Approved Drugs and Equipment.** Failure to properly dispose of approved drugs and the containers, instruments and equipment used in their administration as outlined in Board rules. ()
- 14. Improper Labeling of Approved Drugs.** Failure to properly label approved euthanasia and restraint drugs as outlined by Board rules. ()
- 15. Revocation, Suspension, Limitation or Restriction.** The revocation, suspension, limitation, or restriction of a license, certificate or registration or any other disciplinary action by another state or U.S. jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice as a CEA or CET in that state or jurisdiction on grounds other than nonpayment of the renewal fee. ()
- 16. Failure to Cooperate.** ()
- a.** Failure of any applicant or certificate holder to cooperate with the Board during any investigation, even if such investigation does not personally concern the applicant or certificate holder; or ()
 - b.** Failure to comply with the terms of any order, negotiated settlement, or probationary agreement of the Board; or ()
 - c.** Failure to comply with the terms for certification renewal or to timely pay certification renewal fees. ()
- 17. Aiding and Abetting.** Knowingly aiding or abetting an uncertified agency or person to practice as a CEA or CET. ()
- 18. Current Certification.** Practicing as a CEA or CET without a current certification. ()
- 19. Improper Drug Preparation.** Preparing approved drugs, contrary to manufacturer's instructions. ()
- 20. Violation of any Law, Rules or Orders.** Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation or conspiracy to violate any provisions of the veterinary law and rules or a written order of the Board issued pursuant to Title 54, Chapter 21, Idaho Code, the Idaho Board of Pharmacy law and rules, or the Code of Federal Regulations. ()

207. INSPECTION DEFICIENCIES.

If there are inspection deficiencies with either a CEA or CET, a COHE member or the Board will document in writing areas for correction. The CEA or CET, or both, shall make corrections within the time period specified in the notice of deficiency, and correction will be verified by a COHE or Board member as recorded on the deficiency documentation. If the deficiency has not been corrected, the certification may be revoked by the Board, and the Idaho Board of Pharmacy will be notified. ()

208. -- 999. (RESERVED)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Dept. of Occupational & Professional Licensing - Board of Veterinary Medicine

Agency Contact: Jeremy Brown

Phone: 208-332-8588

Date: 8/21/2020

IDAPA, Chapter and Title Number and Chapter Name:

[IDAPA 24.38.01, Title 54, Chapter 21 VETERINARIANS](#)

Fee Rule Status: Proposed Temporary

Rulemaking Docket Number: 24-3801-2000F

STATEMENT OF ECONOMIC IMPACT:

The fees will remain the same from the previous year's temporary fee rule.

	New	Temporary Permit	Active Renewal	Inactive Renewal	Late/ Reinstatement	Inactive to Active Fee
Veterinary License	\$275	\$150	\$175	\$50	\$200	\$150
Certified Veterinary Technician	\$125	\$50	\$75	\$25	\$50	\$50
Certified Euthanasia Agency	\$100	-	\$200	-	\$50	-
Certified Euthanasia Technician	\$100	-	\$100	-	\$50	-

Duplicate Wall License/Certificate	\$25
Veterinary License Verification	20