

APA-1  
07/04

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. \_\_\_\_\_ Department or Agency: Alabama State Board of Veterinary Medical Examiners  
Rule No. 930-X-1-.10  
Rule Title: Rules of Professional Conduct / Grounds for Discipline  
\_\_\_\_ New  Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly  
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's  
Police power and the protection of the public health,  
Safety, or welfare? Yes

Is there another, less restrictive method of regulation  
Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or  
Indirectly increasing the costs of any goods or services  
Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public  
Than the harm that might result from the absence of  
The proposed rule? No

Are all facets of the rulemaking process designed solely  
For the purpose of, and so they have, as their primary  
Effect, the protection of the public? Yes

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Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by  
a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama,  
1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the  
requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all  
applicable filing requirements of the Administrative Procedure Division of the Legislative  
Reference Service.

Signature of certifying officer 

Date: August 7, 2012

(DATE FILED)  
(STAMP)

APA-2  
07/04

**Alabama State Board of Veterinary Medical Examiners**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Veterinary Medical Examiners

RULE NO. & TITLE: 930-X-1-.10 Rules of Professional Conduct / Grounds of Discipline.

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correctly site statutory authority and clarify language.


TIME, PLACE, MANNER OF PRESENTING VIEW: Written comments, views, or arguments will be received by the Alabama State Board of Veterinary Medical Examiners at 9:00 a.m. on October 10, 2012. Comments should be directed to Tammy Wallace, Executive Director, at 8 Commerce Street, Suite 910, Montgomery, AL 36130-5330, or via fax at 334-262-8716. A public hearing will be held at 9:00 a.m. on October 10, 2012 at 8 Commerce Street, Suite 910, Montgomery, AL 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 10, 2012

CONTACT PERSON AT AGENCY:

Tammy Wallace, Executive Director  
8 Commerce Street – Suite 910  
Montgomery, AL 36130-5330  
(334) 262-8068

  
Tammy Wallace, Executive Director  
Alabama State Board of Veterinary Medical  
Examiners

**Alabama State Board of Veterinary Medical Examiners**

NOTICE OF INTENDED ACTION

RULE NUMBER: 930-X-1-.10

TITLE OF RULE: RULES OF PROFESSIONAL CONDUCT / GROUNDS OF DISCIPLINE

- (1) It is unprofessional and a violation of the administrative code to represent conflicting interests; except by express consent of all concerned, given after a full disclosure of the facts. Within the meaning of this rule, a member represents conflicting interests if employed by a buyer to inspect an animal for soundness when he or she accepts a fee from the seller. Acceptance of a fee from both the buyer and the seller is prima facie evidence of fraud.
- (2) It is the right of any veterinarian without fear or favor to give proper advice to those seeking relief against unfaithful or negligent veterinary services, generally after communication with the veterinarian of whom the complaint is made. However, any deceptive disparagement of the practice of a veterinarian is a violation of the administrative code.
- (3) Veterinarians shall expose without fear or favor before the proper tribunal of the Alabama State Board of Veterinary Medical Examiners corrupt or dishonest conduct in the profession.
- (4) A veterinarian upon his or her own responsibility must decide what employment he or she will accept in his or her professional capacity and what course of treatment will be followed once he or she has accepted employment. The responsibility for advising questionable or unusual treatment rests upon the veterinarian. No veterinarian shall give any service or advice involving disloyalty to the law. A veterinarian must also observe and advise his or her client to observe the state and federal law. A veterinarian shall not give any service or advice directly towards the corruption of any person or persons exercising a public office or private trust or deception or betrayal of the public.
- (5) Each veterinarian shall have posted or displayed in his or her office or place of employment in full view of his or her clients, his or her original Alabama license to practice veterinary medicine, current year's display license and premise permit. Alabama State Controlled Substance Registration shall be posted in or near controlled substance cabinet or safe for inspection by state and federal representatives.
- (6) Veterinarians shall exercise the same degree of care, skill and diligence in treating patients as are ordinarily used in the same or similar circumstances by members of the veterinary medical profession in good standing in the locality or community in which they practice or in similar communities.
- (7) A licensed veterinarian shall not use or display any college degree, certificate or title granted by any institution not approved by the Alabama State Board of Veterinary Medical Examiners.
- (8) A licensed veterinarian shall not use any certificate, college degree, or title to which he or she is not entitled.
- (9) A licensed veterinarian shall not promote, aid, or abet the practice of veterinary medicine by an unlicensed person or promote, aid, or abet any illegal or unethical act on the part of any veterinarian.
- (10) Except as otherwise provided by law, a licensed veterinarian shall not allow a person not licensed under the Alabama Veterinary Practice Act to issue certificates with the veterinarian's signature affixed thereto, nor shall he or she permit a person not licensed under the Alabama Veterinary Practice Act to vaccinate or treat animals unless under the immediate supervision of the licensed veterinarian.

- (11) A licensed veterinarian in this state shall not issue a certificate of health unless he or she shall know of his or her own knowledge by actual inspection and appropriate test of the animals that said animals meet the requirements of the issuance of such certificate.
- (12) It is professionally dishonest for licensed veterinarians to guarantee a cure. A veterinarian must avoid bold and confident assurances to a client, especially where the employment may depend upon such assurance.
- (13) A licensed veterinarian shall treat all animals entrusted to him or her by his or her clients in keeping with the professional standards of humane treatment and care.
- (14) A licensed veterinarian shall conduct his or her practice on the highest plane of honesty, integrity, and fair dealing with his or her clients, in time and services given, and the amount charged for his or her services, facilities, appliances and drugs.
- (15) A licensed veterinarian shall not violate the confidential relationship between himself or herself and his or her client.
- (16) A veterinarian is obligated to report to the proper authorities any grossly inhumane treatment to animals of which he or she has direct knowledge.
- (17) Advertising. A veterinarian may advertise his or her services, facilities, training, and fees provided he or she follows the current "Principles of Veterinary Medical Ethics on Advertising" as adopted by the American Veterinary Medical Association.
- (18) Any veterinarian who uses a present or past position or office of trust to deceptively create for him or herself any individual professional advantage or to coerce or to deceive the public shall be in violation of the Rules of Professional Conduct. This is not to prohibit a licensed veterinarian from providing educational information to the public as a practitioner or a member of a veterinary association.
- (19) A licensed veterinarian is required to maintain his or her entire premises in such a state of sanitation as to comply with the public health requirements of the city and county in which it is located, the public health laws of the State of Alabama, and the Board's requirements for maintenance of a premise permit.
- (20) Upon complaint and within its discretion, the Board may revoke or suspend the license of or otherwise discipline any licensed veterinarian under this rule. Grounds for disciplinary action shall include, but not be limited to, the following:
- (a) Practicing veterinary medicine without holding an active license to practice veterinary medicine.
  - (b) Using the name or title "licensed veterinarian" if the person has not been licensed pursuant to this chapter.
  - (c) Presenting as his or her own the license of another.
  - (d) Giving false or forged information to the Board or a member thereof for the purpose of getting a license.
  - (e) Using or attempting to use a veterinary license which has been suspended or revoked.
  - (f) Knowingly employing unlicensed persons in the practice of veterinary medicine.

- (g) Knowingly hiding information relative to violations of this chapter.
- (h) The employment of fraud, misrepresentation or deception in getting a license.
- (i) Adjudication of insanity or incompetency.
- (j) Chronic inebriation or habitual use of drugs.
- (k) The use of advertising or solicitation, which is false, misleading or deceptive.
- (l) Conviction of a felony or other public offense involving moral turpitude.
- (m) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.
- (n) Having professional association with or knowingly employing any person practicing veterinary medicine unlawfully.
- (o) Fraud or dishonesty in the application or reporting of any test for disease in animals.
- (p) Failure to keep veterinary premises and equipment in a clean and sanitary condition.
- (q) Failure to report as required by laws and regulations of the state or the false reporting of any contagious or infectious disease.
- (r) Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates.
- (s) Willful failure to display a license.
- (t) Fraud, deception, misrepresentation, dishonesty or illegal practices in or connected with the practice of veterinary medicine.
- (u) Conviction of cruelty to animals.
- (v) Revocation of a license to practice veterinary medicine by another state, territory or district of the United States, but only if the grounds for revocation in such other jurisdiction would also result in revocation of the practitioner's license in this state.
- (w) A violation of the Rules of Professional Conduct as prescribed in the Alabama Veterinary Practice Act or the Administrative Code.
- (x) Performing or prescribing unnecessary treatment.
- (y) Permitting or allowing another to use
- (z) Refusing to permit the Board's authorized representative(s) to inspect the business premises of the licensee during regular business hours or failure to comply with Board recommendations for mandatory facility requirements after notification and elapse of a reasonable grace period.
- (aa) Failure to pay an administrative fine imposed by the Board in a timely manner.

(bb) Failure to obey a disciplinary order of the board.

(cc) Practicing veterinary medicine in a premise without a premise permit or which is not up to premise permit standards as prescribed by the Veterinary Practice Act and the Administrative Code.

(dd) Failure to relinquish state or federal controlled substance registration upon the retirement or discontinuance of practice.

(ee) Failure to use childproof packaging or special packaging in accordance with all state and federal codes.

(ff) Misrepresenting continuing education hours to the Board.

(gg) Failure to comply with the State Prescription Drug Monitoring Program (PDMP).

(hh) Failure to comply with the recommendations of the Alabama Veterinary Professional's Wellness Committee (AVPWP).

(ii) Providing veterinary drugs and medicines for resale to veterinary practitioners and other veterinary wholesalers without a Wholesale Veterinary Drug Distributor's permit issued by the Alabama Board of Pharmacy.

(21) Partnership or employment in practice of veterinary medicine not to be for non-licensed persons; exceptions.

(a) Whenever the practice of veterinary medicine is carried on by a partnership, all partners shall be either licensed or holders of temporary licenses to practice veterinary medicine in the State of Alabama.

(b) It shall be unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person or other entity not engaged primarily in the practice of veterinary medicine or for any person that is the owner or owners of an active veterinary practice to be other than a veterinarian or veterinarians duly licensed in the State of Alabama.

(c) The following shall be exempt from this section:

1. A veterinarian employed by a person treating his or her employer's animals.

2. A veterinarian employed by an official agency of the federal or state government or any subdivision thereof.

3. A veterinarian employed by any licensed research facility.

4. An heir or heirs inheriting under the terms of a will or by intestate succession for a period of two years following the death of the licensee.

(22) No person shall practice veterinary medicine unless the person holds an active license to practice veterinary medicine in the state of Alabama.