

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-.37

Rule Title: Rules of Professional Conduct for Veterinary Technicians/Grounds of Discipline.
_____ New X 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

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.

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 Tammie B. Waller

Date: August 7, 2012

REC'D & FILED

(DATE FILED)
(STAMP)

AUG 08 2012

LEGISLATIVE REFERENCE SERVICE

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-.37 Rules of Professional Conduct for Veterinary Technicians/
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-.37

TITLE OF RULE: RULES OF PROFESSIONAL CONDUCT FOR LICENSED VETERINARY TECHNICIANS/
GROUNDS OF DISCIPLINE.

- (1) The following conduct is unprofessional and violates Section 34-29-94 (j) of the Alabama Veterinary Practice Act and is grounds for disciplinary action by the board.
- (a) Practicing or offering to practice as a licensed veterinary technician without being employed and supervised by a licensed veterinarian;
 - (b) Accepting payment for services rendered as a licensed veterinary technician from someone other than the licensed veterinary technician's employer;
 - (c) Compromising the confidentiality of the veterinarian-client-patient relationship;
 - (d) Failing to acknowledge that the licensed veterinary technician is not a licensed veterinarian or that the licensed veterinary technician is an employee of a veterinarian;
 - (e) Undertaking procedures or performing treatment that has not been authorized by the supervising veterinarian;
 - (f) Undertaking procedures or performing treatment that the licensed veterinary technician is not trained or competent to perform;
 - (g) Soliciting patients for any practitioner of veterinary medicine;
 - (h) Willfully or negligently divulging professional information or discussing a veterinarian's diagnosis or treatment without the express permission of the veterinarian;
 - (i) Being unable to practice as a licensed veterinary technician with reasonable skill and safety to patients because of the use of drugs, alcohol, narcotics, chemicals or as a result of any mental or physical condition;
 - (j) Fraud or misrepresentation in applying for or procuring a license to practice as a licensed veterinary technician in the State of Alabama, or for any other purpose;
 - (k) Impersonating another person licensed as a licensed veterinary technician or allowing any person to use the licensee's license;
 - (l) Aiding or abetting the practice of veterinary medicine or veterinary technology by a person not licensed by the board;
 - (m) Gross negligence or malpractice in the performance of duties, tasks or functions assigned to a licensed veterinary technician by a licensed veterinarian;
 - (n) Demonstrating incapacity or incompetence to perform as a licensed veterinary technician,

(o) Giving false sworn information in testimony or affidavit about the content of clinical records or the rendering of patient care in the course of practice as a licensed veterinary technician;

(p) Cruelty to animals;

(q) Any conduct unbecoming a person identified as a licensed veterinary technician, reflecting negatively on the veterinary medical profession or detrimental to the best interests of the public;

(r) Conviction of a felony or conviction of any offense punishable by incarceration in either a state or federal penitentiary. A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence of such punishment;

(s) Failure of a licensed veterinary technician to annually renew the license to practice veterinary technology or to satisfy the annual continuing education requirement;

Author: Alabama State Board of Veterinary Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-29-69.