Office of the Registrar of Regulations,
Legislative Council,
State of Delaware

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

3300 BOARD OF VETERINARY MEDICINE

Statutory Authority: 24 Delaware Code, Section 3306(a)(1) (24 **Del.C.** §3306(a)(1))
24 **DE Admin. Code** 3300

PROPOSED

PUBLIC NOTICE

Pursuant to 24 **Del.C.** §3306(a)(1), the Board of Veterinary Medicine has proposed revisions to its rules and regulations.

A public hearing will be held on January 12, 2012 at 1:15 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Board of Veterinary Medicine, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board proposes amendments to Rule 2.0, addressing Unprofessional Conduct for Veterinarians. Specifically, Rule 2.1.17 is added to provide that, upon request of the client, directed to the veterinarian, the veterinarian shall disclose common side effects of the medications prescribed by the veterinarian.

The Board will consider promulgating the proposed rules and regulations at its regularly scheduled meeting following the public hearing.

3300 Board of Veterinary Medicine

1.0 Supervision (24 Del.C. §3303(10) and (11))

1.1 Supervision refers to the oversight of any person performing non-licensed support activities and/or licensed veterinary technician activities by a licensed Delaware veterinarian. Oversight includes control over the work schedule of the person performing support and/or veterinary technician activities and any remuneration the person receives for performing such activities.Oversight does not include remuneration paid directly to support personnel or veterinary technicians by the public. Supervision of veterinary technicians and support personnel is based on the following:

1.1.1 The initial examination of the animal by the veterinarian is to be performed prior to the delegation of work to be performed by support personnel. The veterinarian may, however, authorize support or veterinary technician personnel to administer emergency measures prior to the initial examination.

1.1.2 The veterinarian shall develop a treatment plan to be referenced by support and/or veterinary technician personnel.

1.1.3 The veterinarian must authorize the work to be performed by support and/or veterinary technician personnel. Whether tasks are appropriate to be delegated may differ from case to case.

1.2 At no time may support personnel perform the following activities (24 **Del.C.** §3303(10)):

1.2.1 Diagnosing.

1.2.2 Prognosing

1.2.3 Prescribing.

1.2.4 Inducing Anesthesia

1.2.5 Performing Surgery.

1.2.6 Administration of Rabies vaccinations.

1.2.7 Operative dentistry and oral surgery.

1.2.8 Centesis of body structures (not to include venipuncture) in other than emergency situations.

1.2.9 The placement of tubes into closed body structures, such as chest tubes, in other than emergency situations (not to include urinary or IV catheters; see Section 1.5.1).

1.2.10 Splinting or casting of broken bones in other than emergency situations.

1.2.11 Euthanasia.

1.2.12 Issue health certificates.

1.3 At no time may licensed veterinary technicians perform the following activities (24 **Del.C.** §3303(11):

1.3.1 Diagnosing.

1.3.2 Prognosing.

1.3.3 Prescribing.

1.3.4 Performing Surgery (excluding the tacking/suturing of intravenous and urinary catheters and nasal cannulae to skin).

1.3.5 Administration of Rabies Vaccinations.

1.3.6 Operative dentistry and oral surgery.

1.3.7 Centesis of body structures (not to include venipuncture and cystocentesis) in other than emergency situations.

1.3.8 The placement of tubes into closed body structures, such as chest tubes, in other than emergency situations (not to include urinary or IV catheters; see Section 1.6.2).

1.3.9 Splinting or casting of broken bones in other than emergency situations.

1.3.10 Euthanasia.

1.3.11 Issue health certificates.

1.4 Levels of Supervision. All acts by support personnel and veterinary technicians not prohibited by Rule 1.2 and Rule 1.3 which constitute the practice of veterinary medicine under 24 **Del.C.** §3302 (6) must be performed under the supervision of a licensed veterinarian(s). Levels of supervision are to include:

1.4.1 Immediate Supervision - A licensed veterinarian is within direct eyesight and/or hearing range.

1.4.2 Direct Supervision - A licensed veterinarian is physically present on the premises and is readily available.

1.4.3 Indirect Supervision - A licensed veterinarian is not on the premises but is able to perform the duties of a veterinarian by maintaining communication with and is accessible to support personnel, such as by electronic means.

1.5 If the veterinarian concludes based on the initial examination (required by paragraph 1.1.1) that delegation is appropriate, support personnel may perform the following tasks only under the following supervision:

1.5.1 Immediate supervision: intubation, urethral catheterization (except in the case of known urinary blockage or pre-existing urethral or urinary bladder disease); dental extractions with no periosteal elevation, no sectioning of tooth and no resectioning of bone.

1.5.2 Direct supervision: anesthesia maintenance and dental procedures including, but not limited to, removal of calculus, soft deposits, plaque and stains, smoothing, filing, polishing of teeth.

1.6 If the veterinarian concludes based on the initial examination (required by paragraph 1.1.1) that delegation is appropriate, veterinary technicians may perform the following tasks only under the following supervision:

1.6.1 Immediate supervision: induction of anesthesia.

1.6.2 Direct supervision: intubation, anesthesia maintenance; arterial catheterization; urethral catheterization (except in the case of known urinary blockage or pre-existing urethral or urinary bladder disease); cystocentesis; dental extractions with no periosteal elevation, no sectioning of tooth and no resectioning of bone; and dental procedures including, but not limited to, removal of calculus, soft deposits, plaque and stains, smoothing, filing, polishing of teeth.

1.7 Veterinarians (24 **Del.C.** §3315(a)) and veterinary technicians (24 **Del.C**. §3320 (a)) who are temporarily licensed shall be under the direct supervision of a licensed veterinarian.

1.8 Activities that may be performed under emergency conditions. Under conditions of emergencies, the following activities, which would be otherwise prohibited in the absence of veterinary supervision, may be performed by veterinary technicians or support personnel prior to the veterinarian's initial examination:

1.8.1 application of tourniquets and/or pressure bandages to control hemorrhage,

1.8.2 administration of pharmacological agents, only to be performed after communication with a veterinarian authorized to practice in Delaware, and such veterinarian is either present or enroute to the distressed animal,

1.8.3 administration of parenteral fluids,

1.8.4 resuscitative procedures,

1.8.5 application of temporary splints or bandages to prevent further injury to bones or soft tissues,

1.8.6 application of appropriate wound dressings and external supportive treatment in severe wound and burn cases,

1.8.7 external supportive treatment in heat prostration cases,

1.8.8 and any other reasonable treatments necessary to an animal's welfare in an emergency situation.

10 DE Reg. 884 (11/01/06)

12 DE Reg. 1233 (03/01/09)

2.0 Unprofessional Conduct for Veterinarians (24 Del.C. §3313(a)(1))

2.1 Unprofessional conduct in the practice of veterinary medicine shall include, but not be limited to, the following;

2.1.1 Allowing support personnel to perform the acts forbidden under Section 1.2 or allowing licensed veterinary technicians to perform the acts forbidden under Section 1.3 of the Rules and Regulations.

2.1.2 Allowing support personnel to perform tasks in Section 1.5 of the Rules and Regulations without the specified supervision or allowing veterinary technicians to perform the tasks in Section 1.6 without the specified supervision.

2.1.3 Failing to be accessible to support or veterinary technician personnel by electronic means in a reasonable timeframe to provide off-site supervision for activities requiring indirect supervision as required by Section 1.4 of the Rules and Regulations.

2.1.4 Failing to arrange for supervision by another licensed veterinarian when not able to provide supervision as required by Section 1.4 of the Rules and Regulations.

2.1.5 Representation of conflicting interests except by express consent of all concerned. A licensee represents conflicting interests if while employed by a buyer to inspect an animal for soundness 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.

2.1.6 Use by a veterinarian of any certificate, college degree, license, or title to which he or she is not entitled.

2.1.7 Intentionally performing or prescribing treatment, which the veterinarian knows to be unnecessary, for financial gain.

2.1.8 Placement of professional knowledge, attainments, or services at the disposal of a lay body, organization or group for the purpose of encouraging unqualified groups or individuals to perform surgery upon animals or to otherwise practice veterinary medicine on animals that they do not own.

2.1.9 Destruction of any part of a patient's records before a minimum of three (3) years have elapsed from the last entry in the medical record shall be considered unprofessional conduct. Records are to include, but are not limited to, information such as written or electronic documentation, rabies records, radiographs, ultrasounds, laboratory, and histopathological results.

2.1.10 Cruelty to animals. Cruelty to animals includes, but is not limited to, any definition of cruelty to animals under 11 **Del.C.** §1325.

2.1.10.1 Animal housing (such as cages, shelters, pens and runs) should be designed with maintaining the animal in a state of relative thermal neutrality, avoiding unnecessary physical restraint, and providing sanitary conditions and convenient access to appropriate food and water. If animals are group housed, they should be maintained in compatible groups without overcrowding.

2.1.10.2 Housing should be kept in good repair to prevent injury to the animal.

2.1.10.3 Precautions should be taken to prevent the spread of communicable diseases in housing animals.

2.1.11 Improper labeling of prescription drugs. The package or label must contain the following information, either typed or in legible handwriting:

2.1.11.1 Name and address of the prescribing veterinarian;

2.1.11.2 Patient's first name and owner's last name;

2.1.11.3 Name, strength and quantity of the drug, and date dispensed;

2.1.11.4 Specific usage directions, describing the exact method by which the drug must be administered. A prescription without specific directions, or a prescription bearing the notation "as directed" without specific directions, may not be prepared or dispensed.

2.1.12 Failure to make childproof packaging available for prescription drugs upon the request of a client.

2.1.13 Misrepresenting continuing education hours to the Board.

2.1.14 Failure to obey a disciplinary order of the Board.

2.1.15 Prescribing medication without examining the animal(s) within a period of one year.

2.1.16 Advertising an emergency hospital or clinic or emergency services without including in the advertisement the hours during which such emergency services are provided and the availability of the veterinarian who is to provide the emergency services, or failing to provide such services during the hours advertised. The availability of the veterinarian who is to provide emergency service shall be specified as either “veterinarian on premises” or “veterinarian on call” The phrase “veterinarian on call” shall mean that a veterinarian is not present at the hospital, but is able to respond within a reasonable time to requests for emergency services and has been designated to so respond.

2.1.17 Failure to disclose common side effects upon request. Upon request of the client, directed to the veterinarian, the veterinarian shall disclose the common side effects of medications prescribed by the veterinarian. Such disclosure may be made verbally or in written or electronic format.

5 DE Reg. 1897 (4/1/02)
5 DE Reg. 1962 (5/1/02)
6 DE Reg. 273 (9/1/02)
6 DE Reg. 950 (2/1/03)
10 DE Reg. 884 (11/01/06)
12 DE Reg. 1233 (03/01/09)
12 DE Reg. 1357 (04/01/10)

3.0 Privileged Communications (24 Del.C. §3316(a)(7))

3.1 Privileged Communications.

Veterinarians must protect the personal privacy of patients and clients by not willfully revealing privileged communications regarding the diagnosis and treatment of an animal.

The following are not considered privileged communications:

3.1.1 The sharing of veterinary medical information regarding the diagnosis and treatment of an animal when required by law, subpoena, or court order or when it becomes necessary to protect the health and welfare of other individuals or animals.

3.1.2 The sharing of veterinary medical information between veterinarians or facilities for the purpose of diagnosis or treatment of animals.

3.1.3 The sharing of veterinary medical information between veterinarians and peace officers, humane society officers, or animal control officers who are acting to protect the welfare of individuals or animals.

10 DE Reg. 884 (11/01/06)

4.0 Veterinary Premises & Equipment (24 Del.C. §3313 (9))

4.1 The animal facility shall be kept clean. A regular schedule of sanitary maintenance is necessary, including the elimination of wastes.

4.2 Animal rooms, corridors, storage areas, and other parts of the animal facility shall be washed, scrubbed, vacuumed, mopped, or swept as often as necessary, using appropriate detergents and disinfectants to keep them free of dirt, debris, and harmful contamination.

4.3 Animal cages, racks, and accessory equipment, such as feeders and water utensils, shall be washed and sanitized as often as necessary to keep them physically clean and free from contamination. In addition, cages should always be sanitized before new animals are placed in them. Sanitizing may be accomplished either by washing all soiled surfaces with a cleaning agent having an effective bactericidal action or with live steam or the equivalent thereof.

4.4 Cages or pens from which animal waste is removed by hosing or flushing shall be cleaned and suitably disinfected one or more times daily. Animals should be removed from cages during servicing in order to keep the animals dry.

4.5 If litter or bedding such as paper is used in animal cages or pens, it shall be changed as often as necessary to keep the animals clean.

4.6 Waste disposal must be carried out in accordance with good public health practice and federal and state regulations. Waste materials should be removed regularly and frequently so that storage of waste does not create a nuisance.

4.7 Biomedical waste such as culture plates, tubes, contaminated sponges, swabs, biologicals, needles, syringes, and blades, must be disposed of according to federal and state guidelines. Before disposing of blood soiled articles, they shall be placed in a leak-proof disposable container such as a plastic sack or a plastic-lined bag.

4.8 Proper refrigeration and sterilization equipment should be available.

4.9 Adequate safety precautions must be used in disposing animal carcasses and tissue specimens. An animal carcass shall be disposed of promptly according to federal and state law and regulations. If prompt disposal of an animal carcass is not possible, it shall be contained in a freezer or stored in a sanitary, non-offensive manner until such time as it can be disposed. Livestock shall be disposed of by any acceptable agricultural method.

4.10 The elimination or effective control of vermin shall be mandatory.

10 DE Reg. 884 (11/01/06)

5.0 Qualification For Veterinary Licensure By Examination (24 Del.C. §3313) and by Reciprocity (4 Del.C. §3314)

5.1 The applicant shall file the following documents:

5.1.1 Completed application form obtained from the Board office. The application fee shall be set by the Division of Professional Regulation. The check for the application fee should be made payable to the State of Delaware.

5.1.2 Official transcript from an AVMA approved veterinary college or university. If an applicant is not a graduate of an AVMA-accredited veterinary school or college, the applicant must possess either a certificate issued by the Educational Commission for Foreign Veterinary Graduates (ECFVG), or its successor, or a Certificate of Qualification issued by the Canadian Veterinary Medical Association, or its successor.

5.1.3 Letters of good standing from any other jurisdictions in which the applicant is/or has been licensed.

5.1.4 North American Veterinary Licensing Examination (NAVLE) score or its successor or both the official National Board Examination (NBE) and Clinical Competency Test (CCT) scores, unless the reciprocity applicant meets the statutory exemptions in 24 **Del.C.** §3309.

5.1.5 Check or money order for the amount established by the Division of Professional Regulation. The license fee shall by set by the Division of Professional Regulation.Fees should be made payable to the "State of Delaware."

5.2 Only completed application forms will be accepted. Any information provided to the Board is subject to verification.

5.3 Applications for any licensure submitted by final year veterinary students enrolled in an AVMA accredited university for the purpose of taking the NAVLE exam will be considered complete only upon proof of the applicant's graduation. Such applicants must demonstrate probability of graduation and will not be considered for any licensure until proof of graduation is submitted to the Board.

10 DE Reg. 884 (11/01/06)

12 DE Reg. 1233 (03/01/09)

6.0 Character Of Examination for Veterinarians- North American Veterinary Licensing Examination (NAVLE) (24 Del.C. §3306)

6.1 Examination for licensure to practice veterinary medicine in the State of Delaware shall consist of the North American Veterinary Licensing Examination (NAVLE) or its successor.

6.1.1 The passing score for the NAVLE shall be the score as recommended by the National Board of Veterinary Medical Examiners or its successor.

10 DE Reg. 884 (11/01/06)

7.0 Reciprocity for Veterinarians (24 Del.C. §3314)

Applications for licensure by reciprocity shall be the same application used for licensure by examination and be subject to the application requirements set forth in 24 **Del.C.** §3314.

10 DE Reg. 884 (11/01/06)

12 DE Reg. 1233 (03/01/09)

8.0 Licensure - Renewal (24 Del.C. §3309)

8.1 All licenses are renewed biennially (every 2 years). A licensee may have his/her license renewed by submitting a renewal application to the Board by the renewal date and upon payment of the renewal fee prescribed by the Division of Professional Regulation along with evidence of completion of continuing education requirements. Continuing education requirements for renewal are specified in Section 9.0 for veterinarians and Section 14 for veterinary technicians. The failure of the Board to give, or the failure of the licensee to receive, notice of the expiration date of a license shall not prevent the license from becoming invalid after its expiration date.

8.2 Any licensee who fails to renew his/her license by the renewal date may still renew his/her license during the one (1) year period immediately following the renewal date provided the licensee pay a late fee established by the Division of Professional Regulation in addition to the established renewal fee and submit the continuing education requirements for renewal as specified in Section 9.0 for veterinarians and Section 14 for veterinary technicians.

10 DE Reg. 884 (11/01/06)

12 DE Reg. 1233 (03/01/09)

9.0 Continuing Education for Veterinarians (24 Del.C. §3309(b))

9.1 Any veterinarian actively licensed to practice in the State of Delaware shall meet the following continuing education requirements to the satisfaction of the Board.

9.1.1 Twenty-four (24) hours of approved certified continuing education credits must be completed for the immediate two year period preceding each biennial license renewal date.

9.1.2 The number of credit hours shall be submitted to the Board with each biennial license renewal application.

9.1.2.1 Proof of continuing education is satisfied with an attestation by the licensee that he or she has satisfied the requirements of Rule 9.1.1.

9.1.2.2 Attestation may be completed electronically if the renewal is accomplished online. In the alternative, paper renewal documents that contain the attestation of completion can be submitted;

9.1.2.3 Licensees selected for random audit are required to supplement the attestation with attendance verification as provided in 9.1.2.4.

9.1.2.4 A log of CE on a form approved by the Board shall be maintained during the licensure period to be submitted if the renewal application is selected for CE audit. Random audits will be performed by the Board to ensure compliance with the CE requirement. Licensees selected for the random audit shall submit the log and attendance verification.

9.1.2.5 The Board shall review all documentation submitted by licensees pursuant to the continuing education audit. If the Board determines that the licensee has met the continuing education requirements, his or her license shall remain in effect. If the Board determines that the licensee has not met the continuing education requirements, the licensee shall be notified and a hearing may be held pursuant to the Administrative Procedures Act. The hearing will be conducted to determine if there are any extenuating circumstances justifying the noncompliance with the continuing education requirements. Unjustified noncompliance with the continuing education requirements set forth in these regulations shall constitute a violation of 24 **Del.C.** §3316(a)(13) and the licensee may be subject to one of more of the disciplinary sanctions set forth in 24 **Del.C.** §3317.

9.1.3 Proration: Continuing education requirements shall be prorated for new licensees only.

9.1.3.1 No continuing education is required for fewer than six months of licensure.

9.1.3.2 Six hours of continuing education are required after at least six months but less than twelve months of licensure.

9.1.3.3 Twelve hours of continuing education are required after at least twelve months but less than twenty-four months of licensure.

9.1.3.4 Twenty-four hours of continuing education are required after twenty-four months of licensure.

9.1.4 A veterinarian may apply to the Board in writing for an extension of the period of time needed to complete the continuing education requirement for good cause such as illness, extended absence from the country, or unique personal hardship which is not the result of professional negligence. Application for extension shall be made in writing to the Board by the applicant for renewal and must be received by the Board no later than 60 days prior to the biennial license renewal date.

9.1.5 The Board has the power to waive any part of the entire continuing education requirement. Exemptions to the continuing education requirement may be granted due to prolonged illness or other incapacity. Application for exemption shall be made in writing to the Board by the applicant for renewal and must be received by the Board no later than 60 days prior to the biennial license renewal date.

9.2 Continuing Education Requirements for Reinstatement of Lapsed License

9.2.1 Any veterinarian whose license to practice in the State of Delaware has lapsed and who has applied for reinstatement shall meet the following continuing education requirements to the satisfaction of the Board.

9.2.1.1 *Lapse of 12 to 24 months.* Twenty-four (24) hours of continuing education credits must be completed. The 24 hours of continuing education credits must have been completed within 2 years prior to the request for reinstatement.

9.2.1.2 *Lapse of over 24 months.* Thirty-six (36) hours of continuing education credits must be completed. The 36 hours of continuing education credits must have been completed within 4 years prior to the request for reinstatement.

9.3 Continuing Education Requirements for Reinstatement of Inactive License

9.3.1 Twenty-four (24) hours of continuing education credits must be submitted for licensees on the inactive roster who wish to remove their license from inactive status. The 24 hours of continuing education credits must have been completed within 2 years prior to the request for removal from inactive status.

9.4 The Board may approve continuing education courses or sponsors upon written application on Board supplied forms. In addition, the Board may approve continuing education courses or sponsors on its own motion.

9.5 The following organizations are approved for formal continuing education activities.

9.5.1 AVMA.

9.5.2 AVMA accredited schools.

9.5.3 Federal/State/County Veterinary Associations & USDA.

9.5.4 *Compendium on Continuing Education for the Practicing Veterinarian*; NOAH; VIN.

9.5.5 Registry of Approved Continuing Education (RACE) courses.

9.6 Accreditation by the Board of continuing education courses will be based upon program content. Continuing education courses shall be directed toward improvement, advancement, and extension of professional skill and knowledge relating to the practice of veterinary medicine.

9.6.1 University course work, subject to Board approval.

9.6.2 Veterinary course work completed prior to graduation may be approved for continuing education credit for the first renewal period after graduation provided the course work was completed no more that 2 1/2 years before the renewal date.

9.6.3 Government Agencies.

9.6.4 Other forms of CE as long as the activity is approved by the Board.

9.7 The Board may at any time re-evaluate an accredited course or sponsor and withdraw future approval of a previously accredited continuing education course or sponsor.

10 DE Reg. 884 (11/01/06)

11 DE Reg. 88 (07/01/07)

12 DE Reg. 1233 (03/01/09)

10.0 Voluntary Treatment Option

10.1 If the report is received by the chairperson of the regulatory Board, that chairperson shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the chairperson of the regulatory Board, or that chairperson's designate or designates.

10.2 The chairperson of the regulatory Board or that chairperson's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.

10.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson's designate(s).

10.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the chairperson of the participating Board or that chairperson's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the chairperson of the participating Board.

10.5 Failure to cooperate fully with the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 10.8 of this section.

10.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:

10.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and

evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.

10.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Board or to that chairperson's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the chairperson of the participating Board or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.

10.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.

10.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.

10.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's chairperson or his/her designate or designates or to the Director of the Division of Professional Regulation or his/ her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.

10.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.

10.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.

10.8 The participating Board's chairperson, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.

10.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.

10.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.

11.0 Qualification for Licensure by Examination as a Veterinary Technician (24 Del.C. §3319)

11.1 The applicant shall file the following documents:

11.1.1 Completed application form obtained from the Board office. The application fee shall be set by the Division of Professional Regulation. The check for the application fee should be made payable to the State of Delaware.

11.1.2 Official transcript from an AVMA-accredited veterinary technician program or from a foreign veterinary program approved by the AVMA or documentation of completion of acceptable educational and/or experiential alternatives. For a period of seven years following the effective date of 24 **Del.C.** §3319(a(1), the following educational and/or experience qualifications shall be considered acceptable alternatives for the purpose of veterinary technician licensure provided that the Board may shorten this period. The following qualifications shall be considered acceptable alternatives only if the applicant’s application has been approved by the Board no later than October 1, 2013.

11.1.2.1 a baccalaureate degree in animal science-related field as approved by the Board and 2625 hours of practical experience related to animal care and handling under the direct supervision of a licensed veterinarian(s),

11.1.2.2 a degree from a veterinary technician program that is not accredited by the American Veterinary Medical Association, as approved by the Board, and 2625 hours of practical experience related to animal care and handling under the direct supervision of a licensed veterinarian,

11.1.2.3 a baccalaureate degree in biology, chemistry, psychology, physics, or similar scientific field of study as approved by the Board and 3500 hours of practical experience related to animal care and handling under the direct supervision of a licensed veterinarian(s),

11.1.2.4 completion of 60 credit hours of coursework in biology, chemistry, psychology, physics, or similar scientific field of study at the postsecondary educational level, as approved by the Board, and 5250 hours of practical experience related to animal care and handling under the direct supervision of a licensed veterinarian(s),

11.1.2.5 or a period of 7000 hours of practical experience related to animal care and handling under the direct supervision of a licensed veterinarian(s).

11.1.3 Letters of good standing from any other jurisdictions in which the applicant is/or has been licensed, certified or registered.

11.1.4 Veterinary Technician National Examination (VTNE) or its successor.

11.1.5 Check or money order for the license fee. The license fee shall by set by the Division of Professional Regulation. Fees should be made payable to the "State of Delaware."

11.2 Proof of education shall consist of a transcript sent directly from school to the Board.

11.3 Proof of practical experience in animal care and handling shall consist of a notarized letter of endorsement from the supervising veterinarian(s).

11.4 Only completed application forms will be accepted. Any information provided to the Board is subject to verification.

11.5 Applications for any licensure submitted by final year veterinary technician students enrolled in an AVMA-accredited program for the purpose of taking the VTNE exam will be considered complete only upon proof of the applicant's graduation. Such applicants must demonstrate probability of graduation and will not be considered for any licensure until proof of graduation is submitted to the Board.

10 DE Reg. 884 (11/01/06)

12 DE Reg. 1233 (03/01/09)

12.0 Character of Examination for Veterinary Technicians – Veterinary Technician National Examination (VTNE) (24 Del.C. §3306)

12.1 Examination for licensure to practice as a veterinary technician in the State of Delaware shall consist of the Veterinary Technician National Examination (VTNE) or its successor.

12.1.1 The passing score for the VTNE or its successor shall be the score as recommended by the American Association of Veterinary State Boards or its successor.

10 DE Reg. 884 (11/01/06)

13.0 Reciprocity for Veterinary Technicians (24 Del.C. §3320)

Applications for licensure by reciprocity shall be the same application used for licensure by examination and be subject to the application requirements set forth in 24 **Del.C.** §3320.

10 DE Reg. 884 (11/01/06)

14.0 Continuing Education for Veterinary Technicians (24 Del.C. §3309(b))

14.1 Any veterinary technician actively licensed to practice in the State of Delaware shall meet the following continuing education requirements to the satisfaction of the Board.

14.1.1 Twelve (12) hours of approved certified continuing education credits must be completed for the immediate two-year period preceding each biennial license renewal date.

14.1.2 The number of credit hours shall be submitted to the Board with each biennial license renewal application.

14.1.2.1 Proof of continuing education is satisfied with an attestation by the licensee that he or she has satisfied the requirements of Rule 14.1.1.

14.1.2.2 Attestation may be completed electronically if the renewal is accomplished online. In the alternative, paper renewal documents that contain the attestation of completion can be submitted;

14.1.2.3 Licensees selected for random audit are required to supplement the attestation with attendance verification as provided in 14.1.2.4.

14.1.2.4 A log of CE on a form approved by the Board shall be maintained during the licensure period to be submitted if the renewal application is selected for CE audit. Random audits will be performed by the Board to ensure compliance with the CE requirement. Licensees selected for the random audit shall submit the log and attendance verification.

14.1.2.5 The Board shall review all documentation submitted by licensees pursuant to the continuing education audit. If the Board determines that the licensee has met the continuing education requirements, his or her license shall remain in effect. If the Board determines that the licensee has not met the continuing education requirements, the licensee shall be notified and a hearing may be held pursuant to the Administrative Procedures Act. The hearing will be conducted to determine if there are any extenuating circumstances justifying the noncompliance with the continuing education requirements. Unjustified noncompliance with the continuing education requirements set forth in these regulations shall constitute a violation of 24 **Del.C.** §3316(a)(13) and the licensee may be subject to one of more of the disciplinary sanctions set forth in 24 **Del.C.** §3317.

14.1.3 Proration: Continuing education requirements shall be prorated for new licensees only.

14.1.3.1 No continuing education is required for fewer than six months of licensure.

14.1.3.2 Three hours of continuing education are required after at least six months but less than twelve months of licensure.

14.1.3.3 Six hours of continuing education are required after at least twelve months but less than twenty-four months of licensure.

14.1.3.4 Twelve hours of continuing education are required after twenty-four months of licensure.

14.1.4 A veterinary technician may apply to the Board in writing for an extension of the period of time needed to complete the continuing education requirement for good cause such as illness, extended absence from the country, or unique personal hardship which is not the result of professional negligence. Application for extension shall be made in writing to the Board by the applicant for renewal and must be received by the Board no later than 60 days prior to the biennial license renewal date.

14.1.5 The Board has the power to waive any part of the entire continuing education requirement. Exemptions to the continuing education requirement may be granted due to prolonged illness or other incapacity. Application for exemption shall be made in writing to the Board by the applicant for renewal and must be received by the Board no later than 60 days prior to the biennial license renewal date.

14.2 Continuing Education Requirements for Reinstatement of Lapsed License

14.2.1 Any veterinary technician whose license to practice in the State of Delaware has lapsed and who has applied for reinstatement shall meet the following continuing education requirements to the satisfaction of the Board.

14.2.1.1 *Lapse of 12 to 24 months.* Twelve (12) hours of continuing education credits must be completed. The 12 hours of continuing education credits must have been completed within 2 years prior to the request for reinstatement.

14.2.1.2 *Lapse of over 24 months.* Eighteen (18) hours of continuing education credits must be completed. The 18 hours of continuing education credits must have been completed within 4 years prior to the request for reinstatement.

14.3 Continuing Education Requirements for Reinstatement of Inactive License

14.3.1 Twelve (12) hours of continuing education credits must be submitted for licensees on the inactive roster who wish to remove their license from inactive status. The 12 hours of continuing education credits must have been completed within 2 years prior to the request for removal from inactive status.

14.4 The Board may approve continuing education courses or sponsors upon written application on Board supplied forms. In addition, the Board may approve continuing education courses or sponsors on its own motion.

14.5 The following organizations are approved for formal continuing education activities.

14.5.1 AVMA.

14.5.2 AVMA accredited schools.

14.5.3 Federal/State/County Veterinary Associations & USDA.

14.5.4 *The NAVTA Journal*, NAVTA-approved online continuing education

14.5.5 Registry of Approved Continuing Education (RACE) courses.

14.6 Accreditation by the Board of continuing education courses will be based upon program content. Continuing education courses shall be directed toward improvement, advancement, and extension of professional skill and knowledge relating to the practice of veterinary medicine.

14.6.1 University course work, subject to Board approval.

14.6.2 Veterinary technician program course work completed prior to graduation may be approved for continuing education credit for the first renewal period after graduation provided the course work was completed no more that 2 1/2 years before the renewal date.

14.6.3 Government Agencies.

14.6.4 Other forms of CE as long as and the activity is approved by the Board.

14.7 The Board may at any time re-evaluate an accredited course or sponsor and withdraw future approval of a previously accredited continuing education course or sponsor.

10 DE Reg. 884 (11/01/06)

11 DE Reg. 88 (07/01/07)

12 DE Reg. 1233 (03/01/09)

15.0 Unprofessional Conduct for Veterinary Technicians (24 Del.C. §3316(a)(1))

15.1 Unprofessional conduct as a veterinary technician shall include, but not be limited to, the following:

15.1.1 performing the acts forbidden under Section 1.3 of the Rules and Regulations.

15.1.2 performing the tasks in Section 1.6 of the Rules and Regulations without the specified supervision.

15.1.3 Cruelty to animals. Cruelty to animals includes, but is not limited to, any definition of cruelty to animals under 11 **Del.C.** §1325.

15.1.4 Misrepresenting continuing education hours to the Board.

15.1.5 Failure to obey a disciplinary order of the Board.

15.1.6 Use by a veterinary technician of any certificate, college degree, license, or title to which he or she is not entitled.

15.1.7 Placement of veterinary technical knowledge, attainments, or services at the disposal of a lay body, organization or group for the purpose of encouraging unqualified groups or individuals to perform surgery upon animals or to otherwise practice veterinary medicine on animals that they do not own.

10 DE Reg. 884 (11/01/06)

16.0 Crimes substantially related to the provision of Veterinary Medicine

16.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit the following crimes, is deemed to be a crime substantially related to the provision of Veterinary Medicine in the State of Delaware without regard to the place of conviction:

16.1.1 Reckless endangering in the first degree. 11 **Del.C.** §604

16.1.2 Abuse of a pregnant female in the second degree. 11 **Del.C.** §605

16.1.3 Abuse of a pregnant female in the first degree. 11 **Del.C.** §606

16.1.4 Assault in the second degree. 11 **Del.C.** §612

16.1.5 Assault in the first degree. 11 **Del.C.** §613

16.1.6 Terroristic threatening. 11 **Del.C.** §621 Felony

16.1.7 Unlawfully administering drugs. 11 **Del.C.** §625

16.1.8 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 **Del.C.** §626

16.1.9 Murder by abuse or neglect in the second degree. 11 **Del.C.** §633

16.1.10 Murder by abuse or neglect in the first degree. 11 **Del.C.** §634

16.1.11 Murder in the second degree. 11 **Del.C.** §635

16.1.12 Murder in the first degree. 11 **Del.C.** §636

16.1.13 Incest. 11 **Del.C.** §766

16.1.14 Unlawful sexual contact in the first degree. 11 **Del.C.** §769

16.1.15 Rape in the fourth degree. 11 **Del.C.** §770

16.1.16 Rape in the third degree. 11 **Del.C.** §771

16.1.17 Rape in the second degree. 11 **Del.C.** §772

16.1.18 Rape in the first degree. 11 **Del.C.** §773

16.1.19 Sexual extortion. 11 **Del.C.** §776

16.1.20 Bestiality. 11 **Del.C.** §777

16.1.21 Continuous sexual abuse of a child. 11 **Del.C.** §778

16.1.22 Dangerous crime against a child. 11 **Del.C.** §779

16.1.23 Female genital mutilation. 11 **Del.C.** §780

16.1.24 Unlawful imprisonment in the first degree. **11 Del.C.** §782

16.1.25 Kidnapping in the second degree. 11 **Del.C.** §783

16.1.26 Kidnapping in the first degree. 11 **Del.C.** §783A

16.1.27 Dealing in children. 11 **Del.C.** §1100

16.1.28 Endangering the welfare of a child. 11 **Del.C.** §1102

16.1.29 Sexual exploitation of a child. 11 **Del.C.** §1108

16.1.30 Unlawfully dealing in child pornography. 11 **Del.C.** §1109

16.1.31 Possession of child pornography. 11 **Del.C.** §1111

16.1.32 Sexual offenders; prohibitions from school zones. 11 **Del.C.** §1112

16.1.33 Sexual solicitation of a child. 11 **Del.C.** §1112A

16.1.34 Obstructing the control and suppression of rabies. 11 **Del.C.** §1248

16.1.35 Offenses against law-enforcement animals. 11 **Del.C.** §1250

16.1.36 Use of an animal to avoid capture. 11 **Del.C.** §1257A (Felony)

16.1.37 Hate crimes. 11 **Del.C.** §1304 (Felony)

16.1.38 Cruelty to animals. 11 **Del.C.** §1325

16.1.39 The unlawful trade in dog or cat by-products. 11 **Del.C.** §1325A

16.1.40 Animals; fighting and baiting prohibited. 11 **Del.C.** §1326

16.1.41 Maintaining a dangerous animal. 11 **Del.C.** §1327

16.1.42 Abusing a corpse. 11 **Del.C.** §1332

16.1.43 Promoting prostitution in the second degree. 11 **Del.C.** §1352

16.1.44 Promoting prostitution n the first degree. 11 **Del.C.** §1353

16.1.45 Possession of a weapon in a Safe School and Recreation Zone. 11 **Del.C.** §1457 (Felony)

16.1.46 Violations. 16 **Del.C.** §1136

16.1.47 Prohibited acts A; penalties. 16 **Del.C.** §4751

16.1.48 Prohibited acts B; penalties. 16 **Del.C.** §4752

16.1.49 Unlawful delivery of noncontrolled substance. 16 **Del.C.** §4752A

16.1.50 Prohibited acts C; penalties. 16 **Del.C.** §4753

16.1.51 Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, Lysergic Acid Diethylamide (L.S.D.), designer drugs, or 3, 4 methylenedioxymethamphetamine (MDMA). 16 **Del.C.** §4753A

16.1.52 Prohibited acts D; penalties. 16 **Del.C.** §4754

16.1.53 Possession and delivery of noncontrolled prescription drug. 16 **Del.C.** §4754A

16.1.54 Distribution to persons under 21 years of age; penalties. 16 **Del.C.** §4761

16.1.55 Purchase of drugs for minors; penalties. 16 **Del.C.** §4761A

16.1.56 Distribution, delivery, or possession of controlled substance within 1,000 feet of school property; penalties; defenses. 16 **Del.C.** §4767

16.1.57 Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship; penalties; defenses. 16 **Del.C.** §4768

16.1.58 Unauthorized Acts against a Service Guide or Seeing Eye Dog (class D felony). 7 **Del.C.** §1717

16.2 Crimes substantially related to the practice of Veterinary Medicine shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

8 DE Reg. 1105 (02/01/05)

10 DE Reg. 884 (11/01/06)

11 DE Reg. 88 (07/01/07)

15 DE Reg. 793 (12/01/11) (Prop.)