

DEPARTMENT OF REGULATORY AGENCIES

State Board of Veterinary Medicine

VETERINARY MEDICINE RULES AND REGULATIONS

4 CCR 727-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

RULE I. DEFINITIONS

(Amended and Re-numbered November 3, 2011, Effective December 30, 2011; Amended June 22, 2012, Effective August 30, 2012; Temporary February 8, 2013, Effective February 8, 2013; Amended April 19, 2013, Effective May 30, 2013; Amended August 1, 2013, Effective September 30, 2013)

- A. "Dentistry," pursuant to section 12-64-103(16), C.R.S., is considered the practice of veterinary medicine.
1. Dentistry means the diagnosing, treating, correcting, changing, relieving, or preventing abnormalities of the oral cavity or associated structures, including surgical, non-surgical, or related procedures, and includes:
 - a. The application or use of any instrument or device to any portion of an animal's tooth, gum, or any related tissue for the prevention, cure, or relief of any wound, fracture, injury, or disease of an animal's tooth, gum, or related tissue; and
 - b. Preventive dental procedures including, but not limited to the removal of calculus, soft deposits, plaque, stains, or the smoothing, filing, or polishing of tooth surfaces.
 2. The practice of dentistry may be delegated to veterinary personnel under the direct supervision of a licensed veterinarian pursuant to section 12-64-104(1)(j), C.R.S., and limited as provided in Rule I.B and Rule VI.
 3. The practice of dentistry requires:
 - a. Establishing and maintaining a veterinarian-client-patient relationship (VCPR), as defined in section 12-64-103(15.5), C.R.S., and Rule III.A.7;
 - b. Creating and maintaining an animal patient record pursuant to section 12-64-120(3)(b), C.R.S.; and
 - c. Documenting that informed consent from the owner, agent, or party responsible for the patient was obtained. If anesthesia-free dentistry/dental cleaning is being considered as a dental treatment option, then its limited efficacy in addressing periodontal disease as compared to preventive and therapeutic dental procedures completed under the utilization of general anesthesia must be thoroughly discussed with the owner, agent, or party responsible for the patient as part of obtaining and documenting informed consent.
 4. Dentistry does not include teeth cleaning or preventive dental procedures that are limited to the utilization of cotton swabs, gauze, dental floss, dentifrice, or toothbrushes on an animal's teeth.

- B. "Direction and supervision" as applied in section 12-64-104(1)(j), C.R.S., is "direct supervision" as defined in section 12-64-103(5), C.R.S. However, it may also include "indirect supervision" under limited circumstances.
1. "Indirect supervision" means the licensed veterinarian may direct or supervise the authorized delegated treatment or collecting of diagnostic information of a patient at a "veterinary premises" or "premises" (as defined in section 12-64-103(17), C.R.S.) without being on the premises under the following criteria:
 - a. The licensed veterinarian is a practicing member of the veterinary staff on the premises with responsibilities for the patient for which the "indirect supervision" of veterinary personnel is being given;
 - b. A veterinarian-client-patient relationship (VCPR), as defined in section 12-64-103(15.5), C.R.S., has been previously established;
 - c. The licensed veterinarian must be readily available for consultation by telephone or other form of immediate communication;
 - d. The patient must be hospitalized or the patient must be undergoing outpatient treatment for a previously diagnosed medical condition;
 - e. Orders for treatment, either written or verbal, to persons who are providing veterinary medical care under "indirect supervision" must be entered into the patient's medical record; and
 - f. A suitable written protocol for "indirect supervision" must be established by the licensed veterinarian designated as responsible pursuant to section 12-64-123, C.R.S., for each "veterinary premise".
 2. In a life-threatening emergency, the supervising licensed veterinarian may provide verbal instructions necessary for stabilizing the patient prior to examining the patient provided the supervising licensed veterinarian subsequently and timely examines the patient and documents the instruction provided in the patient's record.
 3. "Indirect supervision" shall not be construed to allow the establishment of a VCPR solely by telephonic or other electronic means.
 4. Notwithstanding the provisions of subsections 1 and 2 of this rule, the State Board of Veterinary Medicine (the "Board") may determine in any instance or case that the provisions of sections 12-64-111(1)(gg), C.R.S., or Rule III.A.7 have not been met.
- C. "Emergency" as applied in Rule V of these rules refers to a situation when failure to acquire the medication immediately threatens the health or wellbeing of the patient.
- D. "Patient" as applied in these rules means an animal that is examined or treated by a licensed veterinarian and includes herds, flocks, litters, and other groups of animals.
- E. "Teeth floating" or "floating of teeth" by persons experienced in that practice and limited by this rule is deemed an act that may be delegated by a licensed veterinarian pursuant to section 12-64-104(1)(j), C.R.S., Rule I.B, and Rule VI. For the purpose of this rule, "floating of teeth" is limited to the use of instruments in order to reduce or eliminate sharp or uneven edges on teeth. "Floating teeth" without the direct supervision of a licensed veterinarian is considered the unauthorized practice of veterinary medicine and is subject to penalties pursuant to section 12-64-114, C.R.S.

RULE II. LICENSURE AND APPLICATION PROVISIONS

(Eff. 9/30/2007; Eff. 1/30/2008; Amended and Re-numbered November 3, 2011, Effective December 30, 2011; Amended August 1, 2013, Effective September 30, 2013)

A. General Requirements for Veterinarians

1. Any person who practices or offers or attempts to practice veterinary medicine without an active license issued under the Veterinary Practice Act or Board Rules commits a class 2 misdemeanor for the first offense and a class 6 felony for the second or any subsequent offense.
2. Change of name and address
 - a. A licensee shall inform the Board in clear, explicit, and unambiguous written statement of any name or address change within 30 days of the change. The Board will not change the licensee's information without explicit written notification from the licensee. Notification by fax or email is acceptable.
 - i. The Division of Registrations maintains one contact address for each licensee, regardless of the number of different professional licenses the licensee may hold.
 - ii. All communication from the Board to a licensee will be to the contact address maintained with the Division of Registrations.
 - b. The Board requires one of the following forms of documentation to change a licensee's name or social security number:
 - i. Marriage license;
 - ii. Divorce decree;
 - iii. Court order; or
 - iv. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Director of Support Services.
 - c. Any notification by the Board to a licensee or applicant, required or permitted, under section 12-64-101 et seq., C.R.S. or the State Administrative Procedure Act, found at section 24-4-101 et seq., C.R.S., shall be served personally or by first class mail to the last address of record provided in writing to the Board. Service by mail shall be deemed sufficient and proper upon a licensee or applicant.
3. A graduate from a non-approved school of veterinary medicine is required to complete the Educational Commission for Foreign Veterinary Graduates (ECFVG) program or the Program for the Assessment of Veterinary Education Equivalence (PAVE) in order to be eligible for licensure in this state. The only exception is if a graduate from a non-approved school of veterinary medicine is eligible to apply for an academic license.
4. An academic license shall authorize the licensee to practice veterinary medicine only while engaged in the performance of his or her official duties as a university employee in Colorado. An academic licensee may not use an academic license to practice veterinary medicine outside of his or her academic responsibilities.

5. A licensed veterinarian is required to renew his or her license biennially and submit the applicable fee. A licensed veterinarian in inactive status will also be required to renew his or her license biennially and submit the applicable fee. A licensed veterinarian with an academic license is not eligible for inactive status.
6. In order to renew a license to active status a licensee is required to complete 32 hours of Board-approved veterinary continuing education accrued during the 2-year period between licensure renewals. This requirement is not applicable to a licensed veterinarian renewing an inactive license.
7. A licensed veterinarian applying to reinstate or reactivate an expired or inactive license may be required to submit proof of completing continuing education hours as described in paragraph 6 above as part of his or her application.
8. A licensed veterinarian in inactive status shall not practice veterinary medicine in this state while his or her license is inactive.
9. A licensed veterinarian with an expired license shall not practice veterinary medicine in this state while his or her license is expired.
10. Any person whose license to practice is revoked will be ineligible to apply for any license under the Veterinary Practice Act for at least 2 years after the date of revocation or surrender of the license. Any subsequent application for licensure shall be treated as an application for an original license.
11. It is unlawful for any person to file with the Board a forged document or credentials of another person as part of an application for licensure.
12. All documents required as part of a licensure application, except for license renewal, must be received within 1 year of the date of receipt of application. An application is incomplete until the Board receives all additional information requested or required in order to determine whether to grant or deny the application. If all required information is not submitted within the 1 year period, then the original application materials will be destroyed and the applicant will be required to submit a new application, fee, and all required documentation. The only exception to this are examination results; they will be maintained for an additional 1 year if the application is not completed within 1 year of receipt of the application before they are also destroyed if a new application is not filed before that time.
13. The Board may deny an application for licensure upon a finding that the applicant has violated any provisions of the Veterinary Practice Act or Board Rules.
14. An applicant for licensure may not begin practicing as a licensed veterinarian in this state until he or she has been issued an active license number.
15. A veterinarian applying for a license is required to be at least 21 years of age.
16. Education, training, or service gained in military services outlined in C.R.S. 24-34-102(8.5), to be accepted and applied towards receiving a license, must be substantially equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of receipt of application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case by case basis.
17. Regulation of Military Spouses.

- a. Pursuant to Article 71 of Title 12, a person need not obtain authority to practice veterinary medicine during the person's first year of residence in Colorado if:
 - i. The person is a military spouse, as defined in section 12-71-103(3), C.R.S., who is authorized to practice veterinary medicine in another state;
 - ii. Other than the person's lack of licensure, registration, or certification in Colorado, there is no basis to disqualify the person under Title 12 of the Colorado Revised Statutes; and
 - iii. The person consents as a condition of practicing veterinary medicine in Colorado, to be subject to the jurisdiction and disciplinary authority of the Board.
- b. To continue practicing veterinary medicine in Colorado after the person's first year of residence, the person must apply for licensure in accordance with all licensing laws and requirements in effect at the time of the application, including, but not limited to, the Colorado Veterinary Practice Act and Board Rule II, which may include demonstrating current clinical competency.

B. Original Licensure

1. Each applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify that he or she:
 - a. Graduated from a school of veterinary medicine accredited by the American Veterinary Medical Association (AVMA). The applicant must submit official documentation bearing the seal of the institution in the form of one of the following:
 - i. A final official transcript showing proof of degree or
 - ii. A letter from the Dean of the School/College of Veterinary Medicine or the College/University Registrar stating that the applicant has been awarded the degree Doctor of Veterinary Medicine.
 - b. Graduated from a non-approved school of veterinary medicine. The applicant must submit official certificate of completion from one of the following programs in lieu of school transcripts:
 - i. Educational Commission for Foreign Veterinary Graduates (ECFVG) or
 - ii. Program for the Assessment of Veterinary Educational Equivalence (PAVE).
 - c. Successfully completed the North American Veterinary Licensing Examination (NAVLE) administered by the National Board of Veterinary Medical Examiners (NBVME) after November of 2000 and subject to the examination retake policies of NBVME or an examination accepted by the Board prior to November of 2000.
2. Each applicant will also be required to verify that he or she:
 - a. Accurately and completely listed any acts that would be grounds for disciplinary action under the Veterinary Practice Act and provided a written explanation of the circumstances of such act, including supporting documentation if required.

- b. Accurately and completely provided any and all information pertaining to any final or pending disciplinary action by any state or jurisdiction in which the applicant is or has been previously licensed.
- c. Demonstrates current clinical competency and professional ability through at least one of the following:
 - i. Graduated within the 12 months immediately preceding the date the application is received with a DVM degree from an accredited school or college of veterinary medicine, which at the time of the applicant's graduation was accredited by the AVMA;
 - ii. Earned a certificate from either ECFVG or PAVE within the 12 months immediately preceding the date the application is received;
 - iii. Engaged in the active licensed clinical practice of veterinary medicine in another jurisdiction for at least 3 years of the 5 years immediately preceding the date the application is received (experience from postgraduate training, residency programs, internships, or research during this time will be evaluated on a case-by-case basis);
 - iv. Engaged in teaching veterinary medicine in an accredited program for at least 3 years of the 5 years immediately preceding the date the application is received;
 - v. Engaged in service as a veterinarian in the military for at least 3 years of the 5 years immediately preceding the date the application is received;
 - vi. Passed the NAVLE within 1 year of the date the application is received; or
 - vii. Successfully completed a Board approved evaluation by an AVMA accredited institution within 1 year of the date the application is received, which certifies the applicant's proficiency as equivalent to the current school graduate. An applicant must submit a proposed evaluation for pre-approval by the Board before it is begun. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.
- d. The Board may also consider applying one or more of the following towards demonstration of current clinical competency:
 - i. Practice under a probationary or otherwise restricted license for a specified period of time;
 - ii. Successful completion of courses approved by the Board; or
 - iii. Any other professional standard or measure of continued competency as determined by the Board, including successful completion of species-specific examination(s).

C. Licensure by Endorsement

1. In order to be eligible for licensure by endorsement, an applicant is required to demonstrate that he or she does not currently possess a revoked, suspended, restricted, or conditional

license to practice veterinary medicine, or is currently pending disciplinary action against such license, in another state or territory of the United States.

2. Each eligible applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify through the state in which he or she is seeking endorsement from that he or she meets the requirements listed under section B.1 of this rule.
3. The requirements in section B.2 of this rule apply.

D. Academic License

1. A veterinarian who is employed at a school of veterinary medicine in this state and who practices veterinary medicine in the course of his or her employment responsibilities and is applying for an academic license shall submit with the application and fee the following credentials and qualifications for review and approval by the Board:
 - a. Proof of graduation with a degree from a school of veterinary medicine located in the United States or another country.
 - b. Evidence of the applicant's employment by an accredited school of veterinary medicine in this state; actual practice is to commence only once licensure has been granted.
 - c. The requirements in section B.2 of this rule apply.

E. Reinstatement/Reactivation Requirements for Expired or Inactive Licenses

1. In order to reinstate or reactivate a license back into active status, each applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify that he or she:
 - a. Accurately and completely listed any acts that would be grounds for disciplinary action under the Veterinary Practice Act and provided a written explanation of the circumstances of such act, including supporting documentation, if required, since last renewing his or her license to an active or inactive status in this state.
 - b. Accurately and completely provided any and all information pertaining to any final or pending disciplinary action by any state or jurisdiction in which the applicant is or has been previously licensed since last renewing his or her license to an active or inactive status in this state.
2. If the license has been expired or inactive for less than 2 years, then the applicant is required to submit proof of fulfilling the requirements of section F of this rule for the 2-year period in which his or her license was last active as well as the 2-year period in which the license was expired or inactive.
3. If the license has been expired or inactive for 2 or more years, then the requirements in section B.2 of this rule apply.

F. Continuing Education Requirements

1. Each licensed veterinarian or academic veterinarian with an active license in Colorado is required to attend 32 hours of educational study per renewal period as set forth in section

12-64-110(4), C.R.S. Continuing education hours may only be applied to one renewal period.

2. If a renewal date occurs during the year of original Colorado licensure, continuing education will not be required for the first renewal. If the renewal date occurs the year after original licensure, the licensee shall obtain 16 hours of continuing education prior to the biennial renewal.
3. The Board automatically accepts any course approved by the Registry of Approved Continuing Education (RACE).
4. Subject to the final approval of the Board, the Secretary of the Board may rule in regard to the approval of other meetings, programs, or courses.
5. The Board may accept no more than 6 hours of continuing education credit per licensing period for non-technical competencies based presentations including, but not limited to leadership training, personnel management, client relations, communication training, and integrated resource management principles.
 - a. Those presentations dealing with financial based subjects including, but not limited to bookkeeping procedures, financial planning, retirement planning, and insurance programs will not be approved as accepted continuing education.
 - b. No presentation that is primarily promotional in nature regardless of subject material will be acceptable.

RULE III. VETERINARY MEDICAL ETHICS AND CODE OF CONDUCT

(Amended and Re-numbered November 3, 2011, Effective December 30, 2011)

- A. In order to safeguard the public health, safety, and welfare and to establish and maintain a high standard of ethics, professional conduct and integrity in the practice of veterinary medicine in this state, the Board hereby establishes the following code of ethical conduct applicable to all licensed veterinarians. Violations of this code may result in disciplinary action by the Board.

1. Primary Consideration

Veterinarians should place the needs of the patient first in their practice of veterinary medicine. This includes the needs to relieve disease, diminish suffering, minimize pain and fear, provide palliative care where appropriate and ensure patient care to the best of their abilities.

2. Care

Once a veterinarian has accepted a patient for care and established a veterinarian-client-patient relationship (VCPR), care must be provided as best as possible within the constraints of the agreed upon parameters of the VCPR. Veterinarians may decline a VCPR in individual cases, and are advised to do so in cases where they lack the appropriate expertise, environment, or experience to practice safely. In cases where the client limits payment, veterinarians are encouraged to clearly inform the client of the prognosis with and without treatment. Veterinarians should provide care only within their ability and competence.

3. Twenty-Four Hour Care

Veterinarians who advertise and offer 24 hour care to clients must ensure that such care is provided on a 24 hour basis. Staff must be available on site throughout the 24 hour period, and care given must be documented. If the veterinarian lacks the resources to treat such patients, then the client should be referred to a facility with the necessary resources. The veterinarian should also provide necessary supportive care prior to the transfer, and expedite transfer unless the referral is declined

4. Emergency Care

In emergency situations, veterinarians should provide essential services to patients when necessary to relieve suffering or to save life. If the veterinarian is unable to treat an emergency patient, then he or she should offer to refer the client to a facility with the necessary resources to treat the patient, provide necessary supportive care in the interim prior to transfer, and expedite the transfer unless the referral is declined. Veterinarians are encouraged to clearly inform the client of the prognosis with and without treatment.

5. Representations

Veterinarians should be honest, fair, and considerate in their dealings with clients and other colleagues. It is unethical for veterinarians to misrepresent their credentials, experience, expertise or academic degrees. Veterinarians must not engage in fraud, deceit or misrepresentation, nor become involved in situations where a conflict of interest may occur.

6. Influence on Judgment

The choice of treatments or patient care should consider the welfare of the patient, welfare and financial resources of the client, and the safety of the public.

7. VCPR

The veterinary-client-patient relationship is the basis for veterinary care. To establish such a relationship, the veterinarian should have sufficient knowledge of the patient to understand its current health and render at least a preliminary diagnosis. This would require that the veterinarian is personally acquainted with the patient either through office or home visits.

8. Prescription Drugs

Veterinarians may only prescribe medication when they have a VCPR with the patient. Under federal and state law, veterinarians may not sell, distribute, dispense or participate in or arrange for the sale of prescription medicines in any fashion except through a VCPR or in compliance with Rule V. Veterinarians are charged with knowledge of the pharmacy practice act provisions that apply to their practice, as well as the laws and regulations of the federal food and drug administration. When a client requests a copy of a prescription for their animal under current treatment, the veterinarian must provide it to the client.

9. Medical Records

Medical records must be kept by veterinarians in all cases in which they have a VCPR. Records must also be kept in any other situation where a veterinarian has provided care or prescribed or dispensed drugs. Clients have a statutory right to copies of the medical records of their animals, and copies must be provided in a reasonable length of time.

10. Communication

The veterinarian must communicate to the client the procedures, diagnoses, proposed treatments, estimated cost and prognosis for the patient. Such communication should be sufficient to enable the client to understand clearly the problem and the choices that must be made. If other staff is involved in the communication process, it is the responsibility of the veterinarian to ensure that such communications are appropriate.

11. Advertising

No veterinarian may advertise Specialty Board Certification without certification by the American Veterinary Medical Association in that specialty area. It is unethical to allow one's credentials to be used by any organization that engages in, or has members that engage in, the unauthorized practice of veterinary medicine. A veterinarian should only advertise information about their practice that is accurate and services that are actually provided.

12. Aiding and Abetting

No veterinarian may engage in acts that aid and abet the unlicensed practice of veterinary medicine. This includes situations where duties delegated to office staff include duties reserved for veterinarians. This also includes, but is not limited to, employment where non-veterinarians influence or engage in the practice of veterinary medicine.

13. Environment

All veterinarians must maintain a sanitary environment in which they care for patients. This includes, but is not limited to, sanitization, disinfection, disposal of water and any other activity required to address the cleanliness in which patients are treated. If veterinarians work in clinics they do not own, they are responsible for ensuring that their work is done in a clean environment and within the standards of care.

RULE IV. TRANSRECTAL PROCEDURES, EMBRYO TRANSFER, UTERINE LAVAGES, AND REPRODUCTIVE PROCEDURES

(Amended and Re-numbered November 3, 2011, Effective December 30, 2011)

A. General Provisions

1. Transrectal procedures including transrectal ultrasonography and transrectal palpation are the practice of veterinary medicine. Ova transplant, embryo transfer, oocyte collection, manipulation and transfer and embryo manipulation are the practice of veterinary medicine.
2. Semen collection in any species as it relates to and includes semen evaluation for the purpose of diagnosing and/or treating infertility is the practice of veterinary medicine.
3. Uterine lavage is the practice of veterinary medicine.

RULE V. WAIVER OF VETERINARIAN-CLIENT-PATIENT RELATIONSHIP FOR ADMINISTERING, DISTRIBUTING, DISPENSING, OR PRESCRIBING IN AN EMERGENCY SITUATION ONLY

(Adopted November 3, 2011, Effective December 30, 2011)

- A. If a licensed veterinarian who has an established veterinarian-client-patient relationship (VCPR) with a patient prescribes a prescription drug that the licensed veterinarian does not have in stock and is not available at a local pharmacy, then in an emergency situation ONLY another licensed veterinarian who does not have a VCPR with that same patient may administer, distribute, or

dispense a prescription drug to that patient based on the examining veterinarian's expertise and established VCPR with the patient as long as the following requirements are met:

1. The examining veterinarian with the VCPR must document the emergency and the immediate need for the prescription drug;
2. The examining veterinarian with the VCPR must document his or her efforts to obtain the prescription drug from a local pharmacy, including documentation of contact with at least 1 pharmacy in the general proximity of the examination location that does not have the prescription drug immediately available;
3. The examining veterinarian must provide a written prescription;
4. The examining veterinarian must have direct communication with the dispensing veterinarian; and
5. The licensed veterinarian who administers, distributes, or dispenses the prescription drug on behalf of the examining veterinarian must document the date the prescription is administered, distributed, or dispensed.

B. "Emergency" as defined in Rule I.C is limited in application to this rule.

RULE VI. SUPERVISED PRACTICE

(Adopted November 3, 2011, Effective December 30, 2011)

A. Only a licensed veterinarian may diagnose, prescribe, perform surgery, or initiate treatment.

1. These duties cannot be delegated to veterinary personnel other than a veterinary student.
2. These duties may be delegated to a veterinary student in compliance with section 12-64-116, C.R.S.

B. Pursuant to section 12-64-104(1)(j), C.R.S. veterinary personnel that do not include a "licensed veterinarian" as defined in section 12-64-103(9), C.R.S. or a "veterinary student" as defined under section 12-64-103(18), C.R.S. may perform veterinary medicine duties under the direction and supervision of a licensed veterinarian who shall be responsible for such person's performance under, but not limited to, the following conditions:

1. Veterinary personnel may assist in a surgical procedure under the "immediate supervision" of a licensed veterinarian as defined in section 12-64-103(6.5), C.R.S.
2. Veterinary personnel assisting with dentistry require "direct supervision" as defined in section 12-64-103(5), C.R.S.

RULE VII. FINING SCHEDULE FOR VIOLATIONS OF THE VETERINARY PRACTICE ACT AND BOARD RULES

(Adopted November 3, 2011, Effective December 30, 2011)

A. Pursuant to section 12-64-111(4), C.R.S. any person violating any provision of the Veterinary Practice Act or Board Rules may be fined not less than \$100 nor more than \$1,000 for any such violation. The Board will impose fines including, but not limited to the following violations:

1. Substandard Record Keeping

- a. \$250 for the 1st violation
 - b. \$500 for the 2nd violation
 - c. Up to \$1,000 for the 3rd or subsequent violation
- 2. Failure to Provide Records
 - a. \$250 for the 1st violation
 - b. \$500 for the 2nd violation
 - c. Up to \$1,000 for the 3rd or subsequent violation
- 3. Failure to Provide a Written Prescription
 - a. \$250 for the 1st violation
 - b. \$500 for the 2nd violation
 - c. Up to \$1,000 for the 3rd or subsequent violation
- 4. Practicing on an Expired or Inactive License
 - a. 0-12 months: \$0
 - b. 1-2 years: \$500
 - c. 2 or more years: \$1,000
- 5. Failure to Appropriately Supervise Veterinary Student or Personnel
 - a. \$250 for the 1st violation
 - b. \$500 for the 2nd violation
 - c. Up to \$1,000 for the 3rd or subsequent violation
- 6. Failure to Designate a Licensed Veterinarian as Responsible
 - a. Up to \$1,000 for each violation
- 7. Failure to Keep Veterinary Premises Clean and Sanitary
 - a. Up to \$1,000 for each violation
- 8. False Advertising
 - a. Up to a \$1,000 for each violation
- 9. Administering, Distributing, Dispensing, and Prescribing Outside of a VCPR
 - a. Up to a \$1,000 for each violation
- 10. Failure to Respond to a Board Complaint

- a. \$250 for the 1st violation
- b. \$500 for the 2nd violation
- c. Up to \$1,000 for the 3rd or subsequent violation

11. Violation of the Pharmacy Act

- a. Up to a \$1,000 for each violation

12. Other Violations

- a. Up to a \$1,000 for each violation

RULE VIII. DECLARATORY ORDERS

(Amended and Re-numbered November 3, 2011, Effective December 30, 2011)

- A. Any person may petition the Board for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.
- B. The Board will determine, in its discretion and without notice to petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the following matters, among others:
 - 1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision or rule or order of the Board.
 - 2. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner.
 - 3. Whether the petition seeks a ruling on a moot or hypothetical questions or will result in an advisory ruling or opinion.
 - 4. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colo. R. Civ. P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
- D. Any petition filed pursuant to this rule shall set forth the following:
 - 1. The name and address of the petitioner and whether the petitioner is licensed pursuant to the provisions of CRS 1973, 12-64-101, et seq., as amended.
 - 2. The statute, rule or order to which the petition relates.
 - 3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.
- E. If the Board determines that it will rule on the petition, the following procedures apply:

1. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case:
 2. Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 3. The Board may order the petitioner to file a written brief, memorandum or statement of position.
 4. The Board may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
 5. The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
 6. The Board may request the petitioner to submit additional facts, in writing. In such event, such additional fact will be considered as an amendment to the petition.
 7. The Board may take administrative notice of facts pursuant to the Administrative Procedure Act (CRS 1973, 24-4-105(8)) and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.
 8. If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
 9. The Board may, in its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire.
 10. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Board to consider.
- F. The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene may be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by section 4 of this rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Board.
- G. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to CRS 1973, 24-4-106.

Editor's Notes

History

Sections 1.00 and 4.00 eff. 9/30/2007.

Section 4.00 eff. 1/30/2008.

Entire rule eff. 12/30/2011.

Rule I.B eff. 8/30/2012.

Rule I.B emer. rule eff. 02/08/2013.

Rules I.A, 1.B, 1.E eff. 05/30/2013.

Rule I.A eff. 06/14/2013.

Rules I.B, II.A.17 eff. 09/30/2013.