

## 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.]*

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#### 1.1 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; Amended June 12, 2014, Effective August 14, 2014)*

- A. "Dentistry," pursuant to section 12-315-104(20), 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 12-315-105(1)(j), C.R.S., and limited as provided in Rule 1.1(B) and Rule 1.6.
  3. The practice of dentistry requires:
    - a. Establishing and maintaining a veterinarian-client-patient relationship (VCPR), as defined in section 12-315-104(19), C.R.S., and Rule 1.3(A)(7);
    - b. Creating and maintaining an animal patient record pursuant to section 12-315-119(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 12-315-105(1)(j), C.R.S., is "direct supervision" as defined in section 12-315-104(6), 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 12-315-104(21), C.R.S.) without being on the premises and shall not be construed to allow the establishment of a veterinary-client patient relationship (VCPR) solely by telephonic or other electronic means 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 12-315-104(19), 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 12-315-122, 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. The practice of "teeth floating" or "floating of teeth" as defined in section (E)(1) of this Rule below may also occur under the indirect supervision of a licensed veterinarian, except that paragraph (d) of subsection 1 of this Rule shall not apply.
  4. The practice of "teeth floating" or "floating of teeth" as defined in section (E)(2) of this Rule below must occur under the direct supervision of a licensed veterinarian, and sedation must be provided by the licensed veterinarian as part of the procedure.
  5. Notwithstanding the provisions of subsections 1, 2, 3, and 4 of this Rule, the State Board of Veterinary Medicine (the "Board") may determine in any instance or case that the provisions of sections 12-315-112(1)(ee), C.R.S., or Rule 1.3(A)(7) have not been met.
- C. "Emergency" as applied in Rule 1.5 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 procedure is limited to the use of instruments in order to reduce or eliminate sharp or uneven edges on teeth. Instruments may include:
1. Non-powered, hand tools under indirect supervision.
    - a. The use of an oral sedative prescribed by a licensed veterinarian to the owner is permitted.
  2. Motorized, high speed tools (sedation required) under direct supervision.

## **1.2 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 thirty 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.
    - (1) The Division of Registrations maintains one contact address for each licensee, regardless of the number of different professional licenses the licensee may hold.
    - (2) All communication from the Board to a licensee will be to the contact address maintained with the Division of Professions and Occupations.
  - b. The Board requires one of the following forms of documentation to change a licensee's name or social security number:
    - (1) Marriage license;
    - (2) Divorce decree;
    - (3) Court order; or
    - (4) 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 12-315-101 *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 thirty-two hours of Board-approved veterinary continuing education accrued during the two-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 applying to renew, reinstate, or reactivate an expired or inactive license is required to fulfill the substance use prevention training requirements set forth in section (G) of this Rule.
9. A licensed veterinarian in inactive status shall not practice veterinary medicine in this state while his or her license is inactive.
10. A licensed veterinarian with an expired license shall not practice veterinary medicine in this state while his or her license is expired.
11. Any person whose license to practice is revoked will be ineligible to apply for any license under the Veterinary Practice Act for at least two 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.
12. 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.
13. All documents required as part of a licensure application, except for license renewal, must be received within one 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 one (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 one year if the application is not completed within one year of receipt of the application before they are also destroyed if a new application is not filed before that time.

14. 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.
15. 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.
16. A veterinarian applying for a license is required to be at least twenty-one years of age.
17. Education, training, or service gained in military services outlined in section 24-34-102(8.5), C.R.S., 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.
18. Regulation of Military Spouses.
  - a. Pursuant to Article 20 of Title 12, a person need not obtain authority to practice veterinary medicine during the person's first year of residence in Colorado if:
    - (1) The person is a military spouse, as defined in section 12-20-304(3), C.R.S., who is authorized to practice veterinary medicine in another state;
    - (2) 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
    - (3) 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 1.2, 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:
    - (1) A final official transcript showing proof of degree or
    - (2) 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:
    - (1) Educational Commission for Foreign Veterinary Graduates (ECFVG) or
    - (2) 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:
    - (1) Graduated within the twelve 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;
    - (2) Earned a certificate from either ECFVG or PAVE within the twelve months immediately preceding the date the application is received;
    - (3) Engaged in the active licensed clinical practice of veterinary medicine in another jurisdiction for at least three years of the five 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);
    - (4) Engaged in teaching veterinary medicine in an accredited program for at least three years of the five years immediately preceding the date the application is received;
    - (5) Engaged in service as a veterinarian in the military for at least three (3) years of the five years immediately preceding the date the application is received;
    - (6) Passed the NAVLE within one year of the date the application is received; or

- (7) Successfully completed a Board approved evaluation by an AVMA accredited institution within one 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:

- (1) Practice under a probationary or otherwise restricted license for a specified period of time;
- (2) Successful completion of courses approved by the Board; or
- (3) 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 two years, then the applicant is required to submit proof of fulfilling the requirements of section (F) of this Rule for the two-year period in which his or her license was last active as well as the two-year period in which the license was expired or inactive.
3. If the license has been expired or inactive for two or more years, then the requirements in section (B)(2) of this Rule apply.
4. All applicants for reinstatement and reactivation are required to fulfill the substance use prevention training requirements set forth in section (G) of this Rule.

**F. Continuing Education Requirements**

1. Each licensed veterinarian or academic veterinarian with an active license in Colorado is required to attend thirty-two hours of educational study per renewal period as set forth in section 12-315-110(3), 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 sixteen 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 six 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.



**G. Substance Use Prevention Training for License Renewal, Reactivation, or Reinstatement**

1. Pursuant to section 12-30-114, C.R.S., every veterinarian, including every academic veterinarian, is required to complete at least one (1) hour of training per renewal period in order to demonstrate competency regarding the topics/areas specified in section 12-30-114(1)(a), C.R.S.
2. Training for the purpose of this section includes, but is not limited to, relevant and verifiable continuing education courses, conferences, or presentations, and distant learning. All such training must cover or be related to the topics specified in section 12-30-114(1)(a), C.R.S., and be in accordance with section (F) of this Rule.
3. A veterinarian is statutorily exempt from the requirements of this section if the qualifies for either exemption set forth in section 12-30-114(1)(b), C.R.S.
4. This section shall apply to any applicant for reinstatement or reactivation of an expired or inactive license pursuant to section (E) of this Rule.
5. Applicants for license renewal, reactivation, or reinstatement shall attest during the application process to either their compliance with this substance use training requirement or their qualifying for an exemption, as specified in section (G)(3) of this Rule.
6. The Board may audit compliance with this section. Veterinarians should be prepared to submit documentation of their compliance with this substance use training requirement or their qualification for an exemption, upon request by the Board.
7. Subject to the approval of the Board, completed substance use prevention training hours that also meet the requirements for continuing education, as specified in section (F) of this Rule, may be applied towards the minimum continuing education hours required in section (F) of this Rule.
8. The statutorily required training for veterinarians includes the following topics/areas: best practices for veterinary opioid prescribing; recognition of human substance use disorder; use of the electronic prescription drug-monitoring program; and referral of human beings with suspected substance use disorders for treatment.

To the extent the statutorily required training pertains to the practice of human medicine, this training does not authorize veterinary medicine practitioners to engage in the practice of human medicine nor does it require the veterinary medicine practitioner to refer human beings to treatment for suspected substance abuse disorders.

**1.3 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 twenty-four hour care to clients must ensure that such care is provided on a twenty-four hour basis. Staff must be available on site throughout the twenty-four 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.

**1.4 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.

**1.5 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 one 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 1.1(C) is limited in application to this Rule.

## **1.6 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 12-315-116, C.R.S.
- B. Pursuant to section 12-315-105(1)(j), C.R.S., veterinary personnel that do not include a “licensed veterinarian” as defined in section 12-315-104(11), C.R.S., or a “veterinary student” as defined under section 12-315-104(22), 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 12-315-104(10), C.R.S.
  - 2. Veterinary personnel assisting with dentistry require “direct supervision” as defined in section 12-315-104(6), C.R.S.

## **1.7 FINING SCHEDULE FOR VIOLATIONS OF THE VETERINARY PRACTICE ACT AND BOARD RULES**

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

- A. Pursuant to section 12-315-112(6), 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 first violation
    - b. \$500 for the second violation
    - c. Up to \$1,000 for the third or subsequent violation
  - 2. Failure to Provide Records
    - a. \$250 for the first violation
    - b. \$500 for the second violation
    - c. Up to \$1,000 for the third or subsequent violation
  - 3. Failure to Provide a Written Prescription
    - a. \$250 for the first violation
    - b. \$500 for the second violation
    - c. Up to \$1,000 for the third 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 first violation
  - b. \$500 for the second violation
  - c. Up to \$1,000 for the third 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 first violation
  - b. \$500 for the second violation
  - c. Up to \$1,000 for the third 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

## **1.8 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.

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- 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 section 12-315-101, *et seq.*, C.R.S.
  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 (section 24-4-105(8), C.R.S.) 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 section 24-4-106, C.R.S.
- 1.23 Temporary Licensure of Veterinarians pursuant to the Governor's Executive Order D 2020 158**
- A. Basis. Through Executive Order D 2020 158, Governor Jared Polis governor temporarily suspended the emergency rulemaking authorities for the State Board of Veterinary Medicine ("Board") set forth in section 24-1-122(3)(y), C.R.S. and directed the Executive Director of DORA, through the Director of the Division of Professions and Occupations (Division Director), to promulgate and issue temporary emergency rules consistent with the Executive Order. The basis for these emergency rules is Executive Order D 2020 158 issued by Governor Jared Polis pursuant to the State of Emergency Declaration found in Executive Orders D 2020 003, D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109 and D 2020 125, Article IV, Section 2 of the Colorado Constitution, and the Colorado Disaster Emergency Act, sections 24-33.5-701, *et. seq.*, C.R.S.
- B. Purpose. These Emergency Rules are adopted by the Executive Director of the Department of Regulatory Agencies, through the Division Director, to effectuate Executive Order D 2020 158 directing the immediate expansion of the workforce of trained medical personnel available to provide healthcare services within inpatient facilities due to the coronavirus disease 2019 (COVID-19) pandemic in Colorado.
- C. Temporary Licensure. The Board may issue a temporary license to an applicant that is a new graduate of an approved school of veterinary medicine as set forth in section 12-315-107(2)(a), C.R.S., and who meets all qualifications for licensure with the exception of successful completion of the required examination as set forth in section 12-315-107(2)(b), C.R.S.
1. Veterinary Medicine new graduates must submit an application for temporary licensure.



2. A temporary license issued from May 1, 2020, through August 29, 2020, is effective from the date of issuance through December 31, 2020.
  - a. New graduates issued a temporary license between May 1, 2020 through August 29, 2020 may apply for a second temporary license to expire 60 days after the applicant is scheduled to sit for the examination subject to the following terms:
    - (1) The applicant shall submit documentation of registration for the required examination and a statement by the examination vendor affirming the applicant is registered for the next available examination; and,
    - (2) The applicant shall attest that the scheduled examination in section (C)(2)(a)(1) of this rule is the applicants first attempt to successfully complete the examination.
  - b. On January 1, 2021, if a full license to practice veterinary medicine in Colorado has not been issued, the temporary licensee shall cease practice immediately and until such time as full licensure to practice veterinary medicine in Colorado has been granted or another temporary license has been issued pursuant to this Rule 1.23.
3. An initial temporary license issued to a new graduate on or after August 30, 2020 is effective from the date of issuance through March 31, 2021.
  - a. On April 1, 2021, if a full license to practice veterinary medicine in Colorado has not been issued, the temporary licensee shall cease practice immediately and until such time as full licensure to practice veterinary medicine in Colorado has been granted.
4. Veterinary medicine applicants granted this temporary licensure shall practice under the direct supervision of a Colorado licensed veterinarian in good standing during the entire term of the temporary licensure.
5. For the purpose of this emergency rule, "direct supervision" means the Colorado licensed veterinarian must be on the premises with the temporary veterinary medicine licensee and immediately available to respond to an emergency or provide assistance.
6. For the purpose of this emergency rule, "premises" means within the same building, office or facility and within the physical proximity to establish direct contact with the patient should the need arise.
7. Once the temporary licensee successfully completes the statutorily required examination, the temporary licensee must submit an application and the required fee for full licensure within 15 business days of receipt of examination score.
8. This temporary license is not renewable and does not create a property interest for the holder of the temporary license.
9. The temporary licensee may be subject to discipline by the Board as defined in section 12-315-101, *et seq.*, C.R.S.

**1.24 Expanded Scope of Practice for Veterinarians pursuant to the Governor's Executive Order D 2020 038**

- A. Basis. Through Executive Order D 2020 038, Governor Jared Polis governor temporarily suspended the rulemaking authorities for the State Board of Veterinary Medicine ("Board") set forth in section 24-1-122(3)(y), C.R.S, and directed the Executive Director of DORA, through the Director of the Division of Professions and Occupations (Division Director), to promulgate and issue temporary emergency rules consistent with the Executive Order. The basis for these emergency rules is Executive Order D 2020 038 issued by Governor Jared Polis pursuant to the State of Emergency Declaration found in Executive Orders 2020 003, 2020 027 and 2020 032, Article IV, Section 2 of the Colorado Constitution, and the Colorado Disaster Emergency Act, sections 24-33.5-701, *et. seq.*, C.R.S.
- B. Purpose. These Emergency Rules are adopted by the Executive Director of the Department of Regulatory Agencies, through the Division Director, to effectuate Executive Order D 2020 038 directing the immediate expansion of the workforce of trained medical personnel available to provide healthcare services within inpatient facilities due to the coronavirus disease 2019 (COVID-19) pandemic in Colorado.
- C. Expanded Scope of Practice. Veterinarians may perform services while working in a hospital or inpatient facility as delegated by physicians, physician assistants, advanced practice registered nurses, certified registered nurse anesthetists, professional nurses and respiratory therapists.
1. Veterinarians are authorized to perform delegated services upon adequate cross-training as determined necessary by the hospital or inpatient facility.
  2. Veterinarians shall not accept delegation of a service for which the licensee does not possess the knowledge, skill or training to perform.
  3. Veterinarians shall not perform a delegated service for which the licensee does not possess the knowledge, skill or training to perform.
  4. Delegated services shall not be re-delegated to another person or licensee by the delegatee
  5. Veterinarians shall not prescribe or select medications, perform surgical or other invasive procedures or perform anesthesia services outside of statutory scope of practice regardless of delegation.

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**Editor's Notes**

**History**

Rules 1.00, 4.00 eff. 09/30/2007.

Rule 4.00 eff. 01/30/2008.

Entire rule eff. 12/30/2011.

Rule I.B eff. 08/30/2012.

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.

Rule I eff. 08/14/2014.

Rules 1.2 A.8-18, 1.2 E.4, 1.2 G eff. 11/30/2019.

Rule 1.23 emer. rule eff. 05/01/2020; expired 08/29/2020.

Rule 1.24 emer. rule eff. 05/11/2020.

Rule 1.23 emer. rule eff 08/30/2020.