

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE GEORGIA
STATE BOARD OF VETERINARY MEDICINE RULE 700-8-.01
UNPROFESSIONAL CONDUCT AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Veterinary Medicine (hereinafter “Board”) proposes to adopt amendments to the Georgia State Board of Veterinary Medicine Rule, Rule 700-8-.01 *Unprofessional Conduct* (hereinafter “proposed amended rule”).

This notice, together with an exact copy of the proposed amended rule and a synopsis of the proposed amended rule, is being forwarded to all persons who have requested, in writing, that they be placed on an interested parties list. A copy of this notice, an exact copy of the proposed amended rule, and a synopsis of the proposed amended rule may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia State Board of Veterinary Medicine’s web page at www.sos.ga.gov/plb/veterinary/. Copies may also be requested by contacting the Board office at 478-207-2440.

A public hearing is scheduled to begin at 10 a.m. on February 27, 2013 at 237 Coliseum Drive, Macon, GA 31217 to provide the public an opportunity to comment upon and provide input into the proposed amended rule. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments may be received prior to February 20, 2013. Written comments should be addressed to Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Veterinary Medicine, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-314-9159. You may email your comments via the PLB website at the following address: <http://sos.georgia.gov/plb/contact.htm>.

The proposed amended rule will be considered for adoption by the Georgia State Board of Veterinary Medicine at its meeting scheduled to begin at 10:05 a.m. on February 27, 2013, at 237 Coliseum Drive, Macon, GA 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Veterinary Medicine has the authority to adopt this proposed amended rule pursuant to authority contained in O.C.G.A. §§ 43-1-19, 43-1-25, 43-50-21, and 43-50-41.

At its meeting on December 5, 2012, the Board voted that the formulation and adoption of this amendment does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amended rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19, 43-1-25, 43-50-21, and 43-50-41.

Also, at its meeting on December 5, 2012, the Board voted that it is not legal or feasible to meet the objectives of §§ 43-1-19, 43-1-25, 43-50-21, and 43-50-41 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and

adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of veterinary medicine.

For further information, contact the Board office at 478-207-2440.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 23rd day of January, 2013.

Lisa W. Durden
Division Director
Professional Licensing Boards

Posted: January 23, 2013

**SYNOPSIS OF PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF VETERINARY MEDICINE RULE 700-8-.01
UNPROFESSIONAL CONDUCT.**

Purpose of Rule: The purpose of this rule amendment amends the rule regarding patient records by deleting language regarding the ownership of patient records and by providing that copies of patient record must be made available to the owner of an animal upon written request to the treating veterinarian or the facility where treatment was provided.

Main Features: The main feature of this rule is to amend the rule regarding patient records by deleting language regarding ownership of patient records and by providing that copies of patient records must be made available to the owner of an animal upon written request to the treating veterinarian or the facility where treatment was provided.

**DIFFERENCES OF THE EXISTING RULE AND THE
PROPOSED AMENDMENTS TO BOARD RULE 700-8-.01
UNPROFESSIONAL CONDUCT.**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

700-8-.01 Unprofessional Conduct.

Within the meaning of Ga. Code subsection 43-50-21(a)(7), unprofessional conduct means:

(a) Advertising – defined: Advertising shall mean any information communicated in a manner designed to attract public attention to the practice of the licensee or registrant. Advertising shall include but not be limited to, a communication, published or displayed through the use of newspaper, internet, telephone directory, pamphlets or handouts, radio, television, signs, billboard, window display or any other means of medium.

1. A licensee or registrant shall not make any false, misleading or deceptive communication in any form of advertising.
2. Advertisement of prices must contain a complete description of veterinary services included in any advertised price and disclosure of any extra charges that may be required to serve the consumer's needs.

(b) Professional Relationships:

1. It shall be unprofessional conduct for a licensee or registrant without just cause and in bad faith or for the purpose of soliciting patronage or personal pecuniary gain to disparage the profession or professional capabilities of another licensee or registrant.
2. It shall be unprofessional conduct to aid any person, firm, or corporation to engage in the unauthorized practice of veterinary medicine.
3. It shall be unprofessional conduct for a licensee or registrant to guarantee a cure or to offer his name in a commercial setting in a testimonial as to virtues of proprietary remedies or foods.
4. Consultation by an attending veterinarian with other veterinarians expert in the particular matter on which consultation is sought is in the public interest and thus is expected of the attending veterinarian when the need arises. But such consultation is discouraged if the consulting veterinarian employs the relationship so created to disparage the attending veterinarian or to solicit business; such practices are not in the public interest.

(i) It shall therefore be unprofessional conduct for a licensee called as a consulting veterinarian to disparage in the presence of the client the competence of the attending veterinarian. The Board does,

however, expect any incompetence or negligence to be reported to it and nothing in this rule prohibits such reports or the giving of testimony in public or private litigation.

(ii) It shall be unprofessional conduct for a consulting veterinarian to assume unauthorized control of the case or to utilize the consulting relationship to solicit business for himself or others.

5. It shall be unprofessional conduct for a licensee employed to render professional advice by one party in negotiations concerning the sale of an animal to accept a fee from the other party.

(c) Failure to Maintain Patient Records:

1. A veterinarian shall prepare and maintain a record reflecting the care and treatment of animals treated.

2. These records shall contain clinical information sufficient to justify the diagnosis and warrant treatment and shall, if applicable, include but not be limited to the following information:

(i) Name, address and telephone number of the animal's owner;

(ii) Name of attending veterinarian and staff rendering care;

(iii) Patient identification, including name, ages, sex and breed;

(iv) Dates of examination, treatment and custody of the animal;

(v) Patient history;

(vi) Presenting complaint;

(vii) Vaccination history;

(viii) Findings from physical examination, including temperature and weight;

(ix) Clinical lab reports, if applicable;

(x) Medication and treatment, including frequency;

(xi) Anesthetic, including type and amount, if applicable;

(xii) Details of surgical procedure with complications and/or abnormalities noted, if applicable;

(xiii) Progress and disposition of the case;

(xiv) Differential diagnoses; and

(xv) X-rays if applicable.

3. All records shall be kept in a readily retrievable form, shall be recorded contemporaneously, and shall be filed promptly following treatment.

4. Patient records shall be kept by a veterinarian for three (3) years after a patient's last visit, notwithstanding any other provisions of law.

5. ~~All records are the sole property of the veterinarian; however,~~ eCopies of patient records must be made available to the owner of the animal upon their written request to the veterinarian who treated the animal or to the veterinarian facility where the treatment was provided. Such records must be made available within ten (10) business days from request. The veterinarian may charge a reasonable charge for the search, retrieval, duplication and, if applicable, mailing of the patient records.

6. Failure to keep records as required by this subparagraph shall constitute a failure to conform to the minimal standards of acceptable and prevailing veterinary medical practice.

(d) Failure to have an appropriate Veterinarian/Client/Patient Relationship. An appropriate veterinarian/client/patient relationship will exist when:

1. The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment, and the client (owner or other caretaker) has agreed to follow the instructions of the veterinarian;

2. There is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has seen the animal within the last twelve (12) months and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) are kept; and

3. When the practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.

(e) Prescription Drugs:

1. After a valid veterinary/client/patient relationship has been established, a veterinarian must make available, upon request, at a reasonable cost, a written prescription.
2. It is unlawful for a veterinarian to release, prescribe, and/or dispense any prescription drugs without having examined the animal and established a valid veterinary/client/patient relationship.

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-50-21, and 43-50-41.