

RULES AND REGULATIONS
FOR THE
LICENSURE OF VETERINARIANS
(R5-25-VET)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health
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accordance with the provisions of
section 42-35-4.1 of the Rhode
Island General Laws, as amended)**

INTRODUCTION

These *Rules and Regulations for the Licensure of Veterinarians (R5-25-VET)* are promulgated pursuant to the authority conferred under section 5-25-6 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting minimum requirements for the licensure of veterinarians in this state.

Pursuant to the provisions of section 42-35-3 (c) of the General Laws of Rhode Island, as amended, consideration was given in arriving at the regulations to: (1) alternative approaches to the regulations; (2) duplication or overlap with state regulations; and (3) significant economic impact on small business as defined in Chapter 42-35 of the General Laws, which could result from the regulations. No known overlap or duplication, no alternative approach, nor any significant economic impact were identified.

These amended rules and regulations shall supersede any other *Rules and Regulations Pertaining to Licensure of Veterinarians* promulgated by the Department of Health and filed with the Secretary of State.

TABLE OF CONTENTS

	<i>Page</i>
PART I <i>Definitions and Licensing Requirements</i>	1
Section R5-25-VET	
1.0 Definitions	1
2.0 License Requirements	2
3.0 Qualifications for Licensure	2
4.0 Application/Fee	3
5.0 Examination	5
6.0 Issuance and Renewal of License/Fee	5
7.0 Students	6
8.0 Denial, Suspension or Revocation of License	6
 PART II <i>Veterinary Practice</i>	 8
Section R5-25-VET	
9.0 Emergency Services	8
10.0 Records of Animals Receiving Veterinary Services	8
11.0 Immunity from Liability	9
 PART III <i>Violations / Sanctions / Practices and Procedures / Severability</i>	 10
Section R5-25-VET	
12.0 Violations / Sanctions	10
13.0 Practices and Procedures	10
14.0 Severability	10

PART I **DEFINITIONS AND LICENSURE REQUIREMENTS**
(R5-25-VET)

Section 1.0 **Definitions**

Wherever used in these rules and regulations, the terms listed below shall be construed as follows:

- 1.1 **"Act"** refers to Chapter 5-25 of the General Laws of Rhode Island, as amended, entitled, "Veterinary Practice Act."
- 1.2 **"Animal"** means any animal other than man and includes, by the way of illustration, not limitation, fowl, birds, fish, livestock and reptiles, wild or domestic, living or dead.
- 1.3 **"Board"** refers to the Board of Veterinary Medicine established under the provisions of section 5-25-1 of the Act.
- 1.4 **"Department"** means the Rhode Island Department of Health.
- 1.5 **"Director"** refers to the Director, Rhode Island Department of Health.
- 1.6 **"Division"** refers to the Division of Professional Regulation, Rhode Island Department of Health.
- 1.7 **"License"** is synonymous with "registration", as used herein.
- 1.8 **"Practice of veterinary medicine"** means any person shall be regarded as practicing veterinary medicine, surgery and dentistry within the meaning of the Act who, either directly or indirectly, does any of the following:
 - (1) represents himself/herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches;
 - (2) diagnoses, prognoses, treats, administers, prescribes, operates on, manipulates or applies any drug, biologic or chemical or any apparatus or appliance for any disease, pain, deformity, defect, injury, wound or physical condition of any animal for the prevention of or to test the presence of any disease;
 - (3) cuts any tissue, muscle, organ or structure of any animal for the above-described purposes or for the purpose of altering the natural condition of any animal or for any other purpose, cause or reason whatsoever.
- 1.9 **"Veterinarian"** is a person who practices veterinary medicine and is licensed to practice veterinary medicine in this state pursuant to the provisions of Chapter 5-25 of the General Laws of Rhode Island, as amended.

- 1.10 ***“Veterinarian/client/patient relationship”*** means a relationship where all of the following conditions have been met:
- (a) 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 has agreed to follow the instructions of the veterinarian.
 - (b) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary (e.g., tentative) diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) are kept.
 - (c) The veterinarian is readily available for follow-up in cases of adverse reactions or failure of the regimen of therapy.
 - (d) The veterinarian maintains records which document patient visits, diagnosis, treatment, and other relevant information.
- 1.11 ***“Veterinary dentistry”*** means that part of veterinary science that deals with the prevention and treatment of diseases, developmental conditions and injuries of the teeth, gums and oral cavity in animals.

Section 2.0 ***License Requirements***

- 2.1 No person unless licensed to practice veterinary medicine in this state shall practice veterinary medicine or attempt to practice veterinary medicine or hold himself or herself out to the public as a practitioner of veterinary medicine, surgery or dentistry, whether by sign, words, advertisements, listing in directories, or use of the title "doctor" or any abbreviation thereof or any title including "VS" or by the use of any other means, implying a practitioner of veterinary medicine or any of its branches, or fraudulently uses or posts any degree, diploma or certificate implying a practitioner of veterinary medicine or who opens an office or maintains an establishment or facility for the purpose of or with the intention of practicing veterinary medicine.
- 2.1.1 Notwithstanding the provisions of section 2.1 above, excluded from the application of the term "practice of veterinary medicine" are those individuals who under given circumstances are excluded from the provisions of the Act as set forth in section 5-25-7(b) of the Act, and consequently excluded from the licensure requirements herein.

Section 3.0 ***Qualifications for Licensure***

3.1 ***Graduates of Schools Located in the U.S.A. and Canada***

An applicant seeking licensure to practice veterinary medicine in this state must:

- a) be of good moral character;
- b) have graduated from a school or college of veterinary medicine accredited by the American Veterinary Medical Association and the Division; and
- c) have satisfactorily passed the National Board Examination for Veterinary Medicine approved by the American Veterinary Medical Association;

and

- d) have satisfactorily passed the Clinical Competency Test approved by the American Veterinary Medical Association, if the applicant graduated from a school or college of veterinary medicine accredited by the American Veterinary Medical Association on and after 1 May 1979.
- e) the passing score for the National Board Examination (NBE) for Veterinary Medicine and the Clinical Competency Test (CCT) shall be minus one (-1.0) Standard Deviation of the median score as determined by the testing service for all applicants who were administered the NBE and the CCT prior to 1 December, 1992. For applicants administered the NBE and the CCT after 1 December 1992, the passing score shall be the criterion referenced passing score, as recommended by the National Board Examination Committee, Standard Setting Committee.

3.2 Graduates of Foreign Veterinary Medical Schools

An applicant seeking licensure to practice medicine in this state and who is a graduate of a foreign veterinary medical school must:

- a) be of good moral character;
- b) have graduated from an "AVMA-listed" or "AVMA-approved" institution.
- c) have obtained certification by the Educational Council (Commission) for Foreign Veterinary Graduates pursuant to section 5-25-10 of the Act;

and

have satisfactorily passed the National Board Examination for Veterinary Medicine and the Clinical Competency Test approved by the American Veterinary Medical Association, as indicated in section 3.1(e) herein.

Section 4.0 *Application for License and Fees*

4.1 Application for licensure shall be made on forms provided by the Division and shall be completed, notarized and submitted to the Board sixty (60) days prior to the scheduled date of the Board meeting by applicants seeking licensure.

4.2 Such application shall be accompanied by the following documents and fee (non-refundable and non-returnable);

a) **References:** three (3) letters of reference from reputable individuals other than relatives and at least two (2) of which shall be from licensed veterinarians;

b) **Birth Certificate:** For U.S. born veterinarians: a certified copy of birth certificate or naturalization documents;
For foreign born veterinarians: proof of lawful entry into the country.

c) **Photographs:** a recent identification photograph of the applicant, head and shoulder front view approximately 2 x 3 inches in size;

For **graduates of accredited schools in the U.S. and Canada:** the photograph shall be signed on the reverse side by the dean or registrar of the veterinary school attesting to the likeness of the photograph to that of the applicant;

For **graduates of foreign "listed or approved" schools:** the photograph shall be verified by the ECFVG attesting to the likeness of the photograph to that of the applicant;

d) **Resume:** a chronological resume of experience from the time of graduation from school of veterinary medicine to the present;

e) **Verification:** the Board of Veterinary Medicine in each state in which the applicant has held or holds licensure submitted directly to the Board of this state, a statement attesting to the licensure status of the applicant during the time period the applicant held licensure in said state;

f) **Transcripts:**

For graduates of accredited schools in the U.S. and Canada: supporting certified transcript of education credentials as required in the appropriate section of 3.0 herein, signed by the dean or registrar of the school of veterinary medicine, verifying the dates of attendance and completion of the veterinary program. Such documentation must consist of original statements and/or photocopies bearing the signature of the dean or registrar and the imprint of the school seal;

For graduates of foreign "listed or approved" schools: a letter from the ECFVG attesting to the satisfactory completion of evaluation of credentials and Veterinary knowledge.

- g) The result of the National Board Examination for Veterinary Medicine and of the Clinical Competency Test approved by the American Veterinary Medical Association must be submitted directly to the Board.
- h) **Fees:** the application fee of twenty-five dollars (\$25.00) made payable to the General Treasurer, State of Rhode Island (non-returnable nor non-refundable);
- i) **Initial Licensure Fee:** the initial licensure fee of two hundred fifty dollars (\$250.00) made payable to the General Treasurer, state of Rhode Island.
- j) **Interview:** the Board, at its discretion, reserves the right to require any or all applicants to appear before the Board for an interview and oral jurisprudence examination.
- k) **Other:** such other information as may be deemed necessary and appropriate by the Board.

Section 5.0 **Examination**

5.1 **By Examination**

Applicants shall be required to pass the following examination as the Board deems necessary to practice veterinary medicine in this state pursuant to the statutory and regulatory provisions herein;

- 5.1.1 for written examination, the Board requires applicants to successfully pass the National Board Examination for Veterinary Medicine and the Clinical Competency Test approved by the American Veterinary Medical Association;
- 5.1.2 the passing score for the National Board Examination for Veterinary Medicine and the Clinical Competency Test shall be -1.0 (minus one) Standard Deviation of the Median Score as determined by the testing service.

5.2 **Without Examination (By Endorsement)**

A license to practice veterinary medicine may be issued without examination to an applicant who has been duly licensed by examination as a veterinarian under the laws of another state or territory or District of Columbia provided:

- a) the Board of Veterinary Medicine in each state in which the applicant has held or holds licensure submits directly to the Board of this state, a statement attesting to the licensure status of the applicant during the time period the applicant held licensure in said state;
- b) the applicant meets the qualifications to practice veterinary medicine in this state in accordance with section 3.0 herein; and

- c) the applicant submits the licensure application form with supporting certified documentation of credentials in accordance with section 4.0 herein.

Section 6.0 ***Issuance and Renewal of License and Fee***

- 6.1 Upon completion of the aforementioned requirements and at the recommendation of the Board, qualified applicants which the Division may accept or reject, the Division may issue an initial license to those applicants found to have satisfactorily met all the requirements herein and upon submission of an initial licensure fee of two hundred fifty dollars (\$250.00) made payable to the General Treasurer, state of Rhode Island. Said license unless sooner suspended or revoked shall expire on the first day of May of each even numbered year and may be renewed upon submission of licensure renewal fee of two hundred fifty dollars (\$250.00) made payable to the General Treasurer, state of Rhode Island.
- 6.2 On or before the first day of March of each two-year period, the Administrator of the Division of Professional Regulation shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the current licensure period. Every person so licensed who desires to renew his or her license shall file with the Division of Professional Regulation such renewal application duly executed, together with a renewal fee of two hundred fifty dollars (\$250.00) on or before the thirty-first day of March of each even year.
- 6.3 Upon receipt of such application, and payment of said fee, the Administrator of Professional Regulation shall grant a renewal license effective the second day of May, and expiring on the first day of May of the next even-numbered year.
- 6.4 Any person who allows his or her license to lapse by failing to renew it on or before the thirty-first day of March of the next even year, may be reinstated by the Administrator of Professional Regulation on payment of the current renewal fee, plus an additional fee of sixty-two dollars and fifty cents (\$62.50) made payable to the General Treasurer, State of Rhode Island. Any person using the title "veterinarian" during the time that his/her license has lapsed shall be subject to the penalties provided for violations of the Act.

Section 7.0 ***Students***

- 7.1 Pursuant to section 5-25-7 (b)(6), the term "practicing veterinary medicine" does not apply to a person who is a regular student in a legally chartered college or school of veterinary medicine while in the performance of such duties and activities assigned by his or her instructor, and provided, there is a licensed veterinarian to supervise such acts.

Section 8.0 ***Denial, Suspension, Revocation of License***

- 8.1 The Division is authorized to deny, revoke or suspend any license issued under the statutory and regulatory provisions herein or otherwise discipline a licensee upon proof of the following:

- (1) Conviction of a crime involving moral turpitude; conviction of a felony; and conviction of a crime arising out of the practice of veterinary medicine;
- (2) Addiction to narcotics, habitual drunkenness or rendering professional services to a patient while the veterinarian is intoxicated or incapacitated by the use of drugs;
- (3) Rendering services while ill with disease in the communicable stage;
- (4) Fraud or misrepresentation in any phase of procuring or renewing a license;
- (5) Unprofessional conduct which shall include failure to comply with the statutory and regulatory provisions herein;
- (6) Advertising designed to mislead the public;
- (7) Representing certain procedures be performed with greater authority or expertise;
- (8) Fraud or misrepresentation of treatment procedures or statements regarding the ability to treat;
- (9) Fee splitting or kickbacks of any kind, except where services are provided jointly;
- (10) Failure to maintain acceptable sanitation standards;
- (11) Malpractice, gross negligence or wanton disregard of accepted professional standards;
- (12) Adjudication of mental incompetence; and
- (13) Lack of fitness to practice by reason of mental or physical impairment or otherwise.

PART II ***VETERINARY PRACTICE***

Section 9.0 ***Emergency Services***

- 9.1 When a practicing veterinarian is not available, he/she shall provide for referral for emergency veterinary services. Such referral, at the minimum, shall be a combination of a posted sign at the veterinary practice entrance and access to emergency veterinary services through the veterinary practice main telephone number.
- 9.2 A veterinarian who advertises veterinary emergency services shall include in all such emergency service advertisements the hours during which such emergency services are provided and the availability of the veterinarian who is to provide emergency service in his/her practice.
- 9.3 The availability of the veterinarian who is to provide emergency service shall be specified as either “veterinarian on premises” or “veterinarian on call.”
- 9.3.1 The phrase “veterinarian on premises” shall mean that there is a veterinarian actually present at the hospital, clinic or other type of veterinary practice, who is prepared to render emergency veterinary services.
- 9.3.2 The phrase “veterinarian on call” shall mean that a veterinarian is not present at the hospital, clinic or other type of veterinary practice but is able to respond within a reasonable time to a request for emergency veterinary services and has been designated to so respond.

Section 10.0 ***Record of Animals Receiving Veterinary Services***

- 10.1 A veterinarian subject to the provisions of the Act and the rules and regulations herein shall keep a written record, or a computerized record able to produce a printed copy, of all animals receiving veterinary services, and provide a summary of that record to the owner of animals receiving veterinary services, when requested.
- 10.2 The minimum amount of information which shall be included in written or computerized records and summaries shall include no less than the following:
- a) client’s name;
 - b) patient’s name;
 - c) patient’s species and breed;
 - d) patient’s age or date of birth;
 - e) patient’s gender and reproductive status;
 - f) patient’s color and/or markings;
 - g) dates(s) of treatment;
 - h) presenting problem;
 - i) pertinent history;
 - j) examination findings;
 - k) assessment;

- l) plan for treatment/care.
- 10.3 The minimum duration of time for which a licensed veterinarian or his/her designee shall retain the written or computerized record, including radiographs, shall be no less than five (5) years from the date of the last patient visit or, for deceased patients, no less than three (3) years from the date of death.
- 10.4 A radiograph is the property of the veterinary practice in which the veterinarian associated with that practice originally ordered it to be prepared, and it shall be released upon the written request of another veterinarian who has the authorization of the owner of the animal to whom it pertains and such radiograph shall be returned to the original veterinary practice within a reasonable time.
- 10.5 When a patient/owner requests in writing that his/her animal(s)' records and/or radiographs be transferred to another veterinarian, the original veterinarian shall promptly honor such request.
 - 10.5.1 The fee charged for the transfer shall not exceed the direct expense incurred to make copies for such veterinary records and/or radiograph(s).

Section 11.0 ***Immunity from Liability***

- 11.1 In accordance with section 5-25-17 of the Rhode Island General Laws, as amended, no veterinarian licensed under the provisions of the Act or members of the same profession duly licensed to practice in other states of the United States, who voluntarily and gratuitously renders emergency veterinary assistance to an animal in need thereof, shall be liable for civil damages for any injuries which result from acts or omissions by those persons in rendering the emergency care, which may constitute ordinary negligence.
- 11.2 The immunity granted by this section shall not apply to acts or omissions constituting gross negligence.

PART III ***VIOLATIONS / SANCTIONS / PRACTICES AND PROCEDURES / SEVERABILITY***

Section 12.0 ***Violations and Sanctions***

- 12.1 Pursuant to the provisions of the Act, the Division is authorized to deny, revoke or suspend licenses to any person found to have violated any provisions of the rules and regulations herein, and to impose such other sanction pursuant to section 5-25-8 of the Act. The procedure for the discipline of veterinarians shall be in accordance with the provisions set forth in section 5-25-15 of the Act.

Section 13.0 ***Rules and Regulations Governing Practices and Procedures***

- 13.1 All hearings and reviews required under the provisions of the Act and the rules and regulations herein, shall be held in accordance with the provisions of section 5-25-15 of the Act and the *Rules and Regulations of the Rhode Island Department of Health Regarding-Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section 14.0 ***Severability***

- 14.1 If any provision of the rules and regulations herein or the application to any facility or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end, the provisions of the rules and regulations are declared to be severable.