

OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 875
VETERINARY MEDICAL EXAMINING BOARD

FILED
05/04/2021 11:28 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Definitions

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/20/2021 3:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Brenda Biggs

503-995-3121

OVMEB.Inspector@Oregon.gov

800 NE Oregon Street

Suite 407

Portland, OR 97232

Filed By:

Brenda Biggs

Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/20/2021

TIME: 10:30 AM

OFFICER: Brenda Biggs

ADDRESS: Oregon Veterinary Medical
Examining Board

800 NE Oregon Street

Suite 407

Portland, OR 97232

SPECIAL INSTRUCTIONS:

Per Governor Kate Brown's Executive
Order 20-12, the Portland State Office
Building remains closed to the public.

The public hearing will be held virtually
via zoom meeting only.

Please contact the Hearings Officer for
details on attending the public hearing
or to register to speak at the public
hearing.

NEED FOR THE RULE(S):

Amended to include definition of Principal, Facility Owner, Licensee Portal, satellite unit, and Facility Registration; Put in alphabetical order; renumbered; Clarified definitions of Veterinary Medical Facility to include "Fixed Location Facility", "Mobile Facility" and "House Call Facility".

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OAR 875

Available on the OVMEB Website: <https://www.oregon.gov/ovmeb/Pages/practice-act.aspx>

Available on the Oregon Secretary of State Website:

<https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=875>

FISCAL AND ECONOMIC IMPACT:

Clarifying existing definitions; Adding new definitions; No fiscal or economic Impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Clarifying existing definitions; Adding new definitions; No fiscal or economic Impact.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

None - Clarifying existing definitions; Adding new definitions; No fiscal or economic Impact.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Clarifying existing definitions; Adding new definitions; No fiscal or economic Impact.

AMEND: 875-005-0005

RULE SUMMARY: Amended to include definition of Principal, Facility Owner, Licensee Portal, satellite unit, and Facility Registration; Put in alphabetical order; renumbered; Clarified definitions of Veterinary Medical Facility to include "Fixed Location Facility", "Mobile Facility" and "House Call Facility".

CHANGES TO RULE:

875-005-0005

Definitions ¶¶

- (1) "Agency": Any animal control department, humane society, or facility which contracts with a public agency or arranges to provide animal sheltering services and is registered by the Oregon State Board of Pharmacy.¶¶
- (2) "Board": The Oregon State Veterinary Medical Examining Board (OVMEB).¶¶
- (3) "Board of Pharmacy": The Oregon State Board of Pharmacy (BOP).¶¶
- (4) "Certified Euthanasia Technician-" or "(CET-)": A person who is employed by, or a volunteer at, a humane society or animal control agency and is certified by the Board pursuant to ORS 475.190(4). Any person who was trained prior to October 15, 1983 in euthanasia methods, in the course provided by Multnomah County Animal Control and the Oregon Humane Society, and who has been subsequently certified by the Board.¶¶
- (5) "Client": An entity, person, group, or corporation that has entered into an agreement with a veterinarian for the purpose of obtaining veterinary medical services.¶¶
- (6) "Comprehensive": Pertaining to all animal species.¶¶
- (7) "Conviction of Cruelty to Animals": ~~f~~For purposes of ORS 686.130(11), is defined to include but not limited to animal abuse in the first or second degree, aggravated animal abuse in the first degree, and animal neglect in the first degree.¶¶
- (8) "Designated Agent": A CET who is responsible for the withdrawal and return of sodium pentobarbital from the drug storage cabinet.¶¶
- (9) "Diagnostics": Imaging, testing, and samples collected used to provide information for patient care.¶¶

(10) "Facility Owner": Any person, corporation, partnership, or other similar organization, private, or not-for-profit, holding title to a facility where licensed veterinarian(s) practice or where the practice of veterinary medicine occurs.¶

(11) "Facility Registration": A registration issued by the Board to operate a veterinary medical facility when the premises meet minimum standards established by the Board. Premises includes, but is not limited to, any building, structure, unit, office, land, vehicle, motor or mobile home, utilized in the practice of veterinary medicine or where the practice of veterinary medicine occurs. ¶

(12) "Good Standing and Repute": As used in ORS 686.045(1), means:¶

(a) A university accredited by the American Veterinary Medical Association (AVMA); or

(b) A foreign school listed by the AVMA whose graduates are eligible to apply for a certificate through the Educational Commission for Foreign Veterinary Graduates (ECFVG) committee of the AVMA, or other programs approved by the Board.

(103) "Herd or Flock Animal": Animals, (four or more, of the same species), managed as a group, including, but not limited to, breeding, sale, show, food production, or racing.-The veterinarian shall have the discretion to determine 'herd or flock' status for provision of veterinary medical care and recordkeeping.¶

(11) "Mobile Clinic": A vehicle, including but not limited to a camper, motor home, trailer, or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm call

4) "Licensee Portal": Licensee access point for maintaining personal and facility information and for processing registrations and renewals. Located on the Oregon Veterinary Medical Examining Board website.¶

(15) "Managing Veterinarian": An Oregon veterinarian, licensed in good standing, who has been designated by the facility owner to be accountable to the Board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state. Designation of a Managing Veterinarian shall be according to the procedures in OAR 875-010-0031(3).¶

(16) "Medical Records": Systematic documentation of a single patient or patients' medical history, physical examination, diagnosis, treatment, notes, and care across time, pursuant to OAR 875-015-0030. ¶

(17) "Principal": A person who has controlling authority over the licensed facility, including but not limited to: ¶

(a) Managers or other persons who have decision-making authority and whose primary duties include control over the operation of the licensed facility;

(b) Officers or directors who have some degree of responsibility for the operation of the licensed facility;

(c) General Partners, limited and joint ventures;

(d) Sole proprietors;

(e) Stockholders holding a majority of outstanding shares of stock; and

(f) Members of a Limited Liability Company.

(18) "Mobile Clinic": A vehicle, including but not limited to a camper, motor home, trailer, or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls. "Satellite Unit" A mobile or house call facility operated under the license of a registered fixed location facility. Satellite Units do not require individual facility registration. A mobile satellite unit must maintain sufficient capacity to address medical emergencies.¶

(129) Surgery Procedure:¶

(a) "Aseptic Surgery": Aseptic surgical technique exists when everything that comes in contact with the surgical field is sterile and precautions are taken to ensure sterility during the procedure.

(b) "Antiseptic Surgery": Antiseptic surgical technique exists when care is taken to avoid bacterial contamination.

(1320) "Supervision" means that each act shall be performed by any employee or volunteer in the practice only after receiving specific directions from a licensed veterinarian.¶

(a) "Direct" ~~Supervision~~: Under this provision means both the certified veterinary technician and the licensed veterinarian are on the premises at the same time;

(b) "Immediate" ~~Supervision~~: Under this provision means that the supervising veterinarian is in the immediate vicinity of where the work is being performed and is actively engaged in supervising this work throughout the

entire period it is being performed;¶

(c) "~~Indirect~~ Supervision": Under this provision means that a CVT may, after receiving specific direction from an Oregon-licensed veterinarian, perform duties permitted under OAR 875-030-0040 at a client's home or other location where the animal is kept. A valid VCPR must exist in order for a CVT to perform duties under indirect supervision.¶

(~~214~~) "Veterinary Client Patient Relationship (VCPR)": Except where the patient is a wild or feral animal or its owner is unknown; a VCPR shall exist when the following conditions exist: The veterinarian must have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has seen the animal within the last year and is personally acquainted with the care of the animal by virtue of a physical examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept.¶

(~~1522~~) "Veterinary Medical Facility": Any premises, unit, structure, or vehicle where any animal is received and/or confined and veterinary medicine is practiced, except when used for the practice of veterinary medicine pursuant to an exemption under ORS 686.040.¶

(~~16a~~) "Veterinary Technician": a person licensed by the Board as a Certified Veterinary Technician.¶

(~~17~~) "Facility Registration": A registration issued by the Board to operate a veterinary medical facility when the premises meet minimum standards established by the Board.¶

(a) "~~Premises~~": Any veterinary facility where a licensed veterinarian practices or Fixed Location Facility: A veterinary medical facility including but not limited to a building, unit or structure, at a fixed location, where animals are received and/or confined, and where the practice of veterinary medicine occurs. Premises include buildings, land, equipment, supplies, pharmaceuticals and the policies and practices that relate is practiced.¶

(b) "Mobile Facility": A veterinary medical facility including but not limited to minimum facility standards.¶

(b) "Facility Owner": Any person, corporation or other similar organization, private, or not-for-profit, holding title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.¶

(c) "Managing Veterinarian": An Oregon veterinarian licensed in good standing who has been designated by the facility owner to be accountable to the Board for the facility's compliance with the laws and rules governing the any vehicle, trailer, camper, motor, or mobile home, used in the practice of veterinary medicine. Mobile facilities must maintain sufficient capacity to address medical emergencies.¶

(c) "House Call Facility": A veterinary medical facility with a designated location for drug and record storage where veterinarian(s) practice of veterinary medicine in this state. Designation of a Managing Veterinarian shall be according to the procedures in OAR 875-010-0031(3) that occurs at a non-fixed location.¶

(~~23~~) "Veterinary Technician": a person licensed by the Board as a Certified Veterinary Technician.¶

(~~1824~~) For purposes of meeting work experience eligibility requirements for intern, veterinarian and Certified Veterinary Technician licensure, a year is defined as at least 2,000 hours in any 52-week period.

Statutory/Other Authority: ORS 686.210, ORS 475.190, 609.405, 686.130, 686.255, 686.510

Statutes/Other Implemented: ORS 475.190, 609.405, 686.130, 686.255, 686.510