

Tennessee Board of Veterinary Medical Examiners



Newsletter



FALL 2008

A regulatory agency of the State of Tennessee

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(closed State and Federal holidays) <http://tennessee.gov/health>



Elizabeth "Libby" Miller

Health Related Boards Director

Elizabeth (Libby) Miller has been appointed as the new Director of Health Related Boards. Ms. Miller is a licensed attorney. As of January 1, 2008, she moved to the Department of Health from the Department of Revenue where she served as senior tax counsel. Prior thereto, she was a partner at Blackburn and McCune in downtown Nashville where she managed the firm's largest client and was responsible for a staff of attorneys.

Ms. Miller is not new to health related law, having spent a large portion of her career in the federal sector at the Office of Hearings and Appeals of the Social Security Administration where administrative appeals of disability cases are heard. She started her law career as a litigator, but she chose to make a change when her children were young. Her daughter is now preparing to enter law school, and her son is living in Munich, where she recently paid a visit.

LEGISLATIVE UPDATE

The following is a summary of bills relative to the practice of veterinary medicine in the state of Tennessee:

Public Acts 2008

Public Chapter 639 – Amends Tenn. Code Annotated, Title 44, Chapter 17, Part 3, known as

the "Non-livestock Animal Humane Death Act" to make it applicable to any licensed veterinarian, veterinary medical technician, employee, volunteer, whether compensated or otherwise, or any other person acting as an agent on behalf of a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals; requires that a non-livestock animal be tranquilized prior to euthanasia if the euthanasia is performed by intracardial injection by hypodermic needle; requires facility to hold the animal for at least three (3) full business days from the time it is brought to the facility before such animal may be euthanized, if the facility knows or should know, by identification or vaccination tags, personal knowledge or otherwise, that the animal has an owner. This requirement does not apply where an emergency situation exists that requires the immediate euthanasia of an injured, dangerous or severely diseased non-livestock animal.

Public Chapter 805 – Allows a Certified Animal Control Agency to authorize the chemical capture of companion animals by means of sedation using approved drugs and drug administering equipment without the presence of a veterinarian.

Public Chapter 864 – Creates the "Restroom Access Act" which requires any place of business that is open to the general public for the sale of goods or services ("retail establishment") that has an employee toilet facility to allow a customer to use such facility during normal business hours, if the customer has certain medical conditions. The bill also makes provisions for immunity from civil damages when allowing a customer to use an employee toilet facility that is not a public restroom. No physical changes to an employee toilet facility
(continued on page 2)

LEGISLATIVE UPDATE (continued from page 1)

are required under this act. A retail establishment or employee of a retail establishment in violation of this act commits a Class C misdemeanor and is subject to a fine of not more than fifty dollars (\$50.00).

Public Acts 2007

Public Chapter 298 – Primarily corrects some discrepancies between the Tennessee and DEA schedules for controlled substances.

Of interest to veterinary medicine, Carfentanil (Wildnil) is now classified as Schedule II which is consistent with DEA classification. The combination drug Tiletamine-Zolazepam (Telazol) is now listed as Schedule III in TN, consistent with DEA classification.

Public Chapter 410 - Creates the “Non-Smoker Protection Act” which prohibits smoking in all enclosed public places within the State of Tennessee including, but not limited to, the following places:

Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public including, but not limited to, banks, laundromats, factories, professional offices, and retail service establishments; and

Health care facilities (Nursing homes and long-term care facilities are exempted.)

The legislation requires offices and health care facilities to do the following:

Inform all existing employees and any prospective employees upon their application for employment of the prohibition on smoking.

“No Smoking” signs or the international “No Smoking” symbol, shall be clearly and conspicuously posted at every entrance to every public place and place of employment where smoking is prohibited.

The Department of Health shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Act. Information about these inspections will be communicated with the appropriate offices and/or health care facilities.

Public Chapter 529 – Prohibits the employment of illegal aliens. If the Commissioner of Labor and Workforce Development receives a complaint that a person, licensed by a state regulatory board, knowingly employs, recruits or refers for a fee for employment an illegal alien, that person is subject to an investigation and contested case hearing.

If there is proof a person knowingly employed, recruited, or referred for a fee for employment, an illegal alien, which occurred while acting within the scope of practice of his/her license, the regulatory board will be required to revoke, suspend, or deny the person’s license.

For the first violation, the regulatory board will be required to suspend the person’s license until they show they no longer employ, recruit or refer for a fee for employment, an illegal alien. This can be made by the person filing a sworn statement that they no longer employ illegal aliens.

If a second violation occurs within three (3) years from the first order, the regulatory agency will be required to suspend the person’s license for one (1) year.

Public Chapter 579 – Enacts the Uniform Emergency Volunteer Health Practitioners Act under which provisions are made to more easily move health care practitioners into the state from other states during an emergency.

The complete text of the Public Act, including provisions for any areas of exemption; enforcement of the Act; and action to be taken for violations of the Act, is available on the following website: <http://www.tennessee.gov/sos/acts/index.htm>

LICENSING ACTIVITY FOR 2007

New Licensees:

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|--|-----|
| Veterinarians: | 128 |
| Veterinary Medical Technicians: | 36 |
| Certified Animal Euthanasia Technicians: | 42 |
| Veterinary Facilities: | 47 |
| Certified Animal Control Agencies: | 5 |

Renewals:

| | |
|--|-----|
| Veterinarians: | 776 |
| Veterinary Medical Technicians: | 156 |
| Certified Animal Euthanasia Technicians: | 63 |
| Veterinary Facilities: | 224 |
| Certified Animal Control Agencies: | 25 |

VETERINARY TECHNICIAN NATIONAL EXAMINATION (VTNE)

Candidates wishing to take the VTNE should apply directly to the American Association of State Boards (AAVSB) to register for the exam. In order to be eligible to take the VTNE, you must graduate from an AVMA or CVMA accredited veterinary technician program within six (6) months of the test date. Information regarding exam applications and deadlines is available on the AAVSB Web site: www.aavsb.org. All VTNE candidates must apply for licensure and be approved by the Tennessee Board of Veterinary Medical Examiners in order to take the exam in Tennessee.

CONTROLLED SUBSTANCE DATABASE PROGRAM

Any practitioner licensed in TN who dispenses controlled substances is required to submit the information at least twice monthly. The Tennessee Board of Pharmacy began collecting data into the Controlled Substance Monitoring Database on December 1, 2006. The database includes data on controlled substance prescriptions of Schedule II-V drugs. The database includes the prescribing practitioner; the name of who filled the prescription; basic patient/client information; and the name and form of medication that the patient/client received. Currently the database receives 1.7 million prescriptions per month. There are 4,600 prescribers and 2,100 pharmacists using the database. The feedback from prescribers and pharmacists indicate that they are using the system and that it is having a positive impact. Information on the Controlled Substance Database is available on our Web site at:

<http://health.state.tn.us/Boards/ControlledSubstance>

ACTIVE LICENSEES AS OF September 30, 2008

| | |
|---|-------|
| Veterinarians | 1,813 |
| Veterinary Medical Technicians | 374 |
| Certified Animal Euthanasia Technicians | 215 |
| Veterinary Facilities | 627 |
| Certified Animal Control Agencies | 57 |

DID YOU KNOW...

- The Board's mission is to protect the health, safety, and welfare of the animal population and the citizens of Tennessee.
- New graduates must hold a valid Tennessee license prior to being employed to practice veterinary medicine in Tennessee. You may verify licensure of all licensed TN health care professionals on our website at <http://health.state.tn.us/Licensure>.
- Complaints for all Health Related Boards are handled through the Office of Investigations and must be in writing. You may contact the Office of Investigations toll-free at 1-800-852-2187.
- A new premises permit application must be filed whenever there is a change of ownership or change in location of the facility.
- Effective July 1, 2007, the Board of Pharmacy transferred from the Department of Commerce and Insurance to the Department of Health under the administrative authority of the Division of Health Related Boards.
- All licensees are required to notify the Board in writing within 30 days of any name change or change of address.
- A total of ninety-two (92) complaints pertaining to the Board of Veterinary Medical Examiners were received in the Office of Investigations during calendar year 2007.
- You can renew your license and/or update your information online via our website at <http://health.state.tn.us/providers>.
- A total of two hundred sixty-seven (267) facility inspections (initial and renewal) were conducted during calendar year 2007.
- No person may be called into this state as a consulting veterinarian unless licensed as a veterinarian in another state and acting under the direct supervision of a Tennessee licensee.

2009 BOARD MEETING DATES

April 23 & 24
August 19 & 20
December 9 & 10

All meetings begin at 9:00 a.m., CST and are open to the public. Dates are subject to change, but are listed on the Board's Web site.

Tennessee Board of Veterinary Medical Examiners
227 French Landing, Suite 300
Heritage Place Metro Center
Nashville, TN 37243



Tennessee Board of Veterinary Medical Examiners Board Members as of September 30, 2008

James "Chuck" Lyons, D.V.M.
Vice-President
Paris

C. Maben Thompson, D.V.M.
President
Crossville

Marie A. Gordon, Consumer Member
Secretary
Nashville

Tiffani D. Rogers, D.V.M.
Memphis

Joseph Kendrick, D.V.M.
Knoxville

Bryan W. Bondurant, D.V.M.
Gallatin

Ronald B. Wilson, D.V.M.
State Veterinarian
Ex-officio Member

Janet B. Jones, L.V. M.T.
Knoxville

Elizabeth L. Miller, Director
Health Related Boards
Ex-officio Member

Board Staff

Rita Buckner-Shelton
Board Administrator

Lisa Lampley
Director

Katherine Young
Licensing Tech

Robert Taylor, D.V.M.
Consultant/Inspector