

Agency Name: Board of Veterinary Medical Examiners - Labor, Licensing and Regulation

Statutory Authority: 40-1-70, 40-69-60, and 40-69-70

Document Number: 5091

Proposed in State Register Volume and Issue: 45/10

Status: Proposed

Subject: Definitions; Licensure to Practice Veterinary Medicine; and Practice Standards for Licensed Veterinary Technicians and Unlicensed Veterinary Assistants

History: 5091

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	10/22/2021	Proposed Reg Published in SR		

Document No. 5091  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF VETERINARY MEDICAL EXAMINERS**  
CHAPTER 120

Statutory Authority: 1976 Code Sections 40-1-70, 40-69-60, and 40-69-70

120-1. Definitions.

120-3. Licensure to Practice Veterinary Medicine.

120-9. Practice Standards for: Licensed Veterinary Technicians; Unlicensed Veterinary Assistants.

**Preamble:**

The South Carolina Board of Veterinary Medical Examiners is considering proposing amendments to Chapter 120: to define “emergency patient” and “radiography” in Regulation 120-1; to update and clarify Regulation 120-9 regarding the practice standards for licensed veterinary technicians and unlicensed veterinary aides; and to clarify Regulation 120-3 in accordance with the statutes for licensure and examinations for veterinarians.

**Section-by-Section Discussion**

120-1A.-C. No change.

120-1D. New. Definition of emergency patient.

120-1E. New. Definition of radiography.

120-3A. No change.

120-3B. Strike “mailed” and replace with “sent”. Strike reference to “appropriate” educational institution.

120-3B(1)-(4). No change.

120-3B(5). Replace “State examination” with “application for licensure”.

120-3C(1). Remove “Board” from reference to national exam. Combine information from existing section (C)(1), (2) and (3) regarding exam.

120-3C(2). Replace existing section (2) with guidance on applying for licensure if five years have passed since taking the exam.

120-3C(3). Renumber.

120-3D. No change.

120-3E. Strike.

120-3F and G. Re-letter.

120-9. Replace “Assistants” with “Aides” in title and in paragraph.

120-9A and A(1). No change.

120-9A(2). Strike all and replace with Administration of rabies vaccines as allowed by law.

120-9A(3) and (3)(a). No change.

120-9A(3)(b). Replace “initiate” with “initiation”.

120-9A(3)(c)-(g). No change.

120-9A(3)(h). Strike “laboratory”.

120-9A(3)(i)-(j). No change.

120-9A(3)(k)-(t). New language.

120-9A(4). New language allowing other services to be performed under the appropriate degree of supervision of a licensed veterinarian.

120-9A(5). Renumber. Strike “the following emergency patient care” and replace with “acute care for emergency medical conditions.” Add language providing guidance in the event of a CPA or an imminent CPA.

120-9A(5)(a)-(f). Strike.

120-9A(6). Renumber.

120-9B. Replace “Assistants” with “Aides”.

120-9B(1) and (1)(a)-(b). No change.

120-9B(1)(c). Add “and casts”.

120-9B(1)(d). No change.

120-9B(1)(e). Strike “and administer” and add “and” between “collect” and “compare.” Also, add “s” to “component.”

120-9B(1)(f). Add “perform arterial catheterization/arterial collection”.

120-9B(1)(g). Add “perform central venous catheterization”.

120-9B(2). No change

120-9B(2)(a)-(b) Strike.

120-9B(2)(c). Re-letter as (a).

120-9B(2)(b). Add “Perform dental procedure, including but not limited to prophylaxis and procedures not altering the shape, structure, or positional location of teeth in the dental arch.”

120-9B(2)(d). Strike.

120-9B(2)(e). Re-letter as (c).

120-9B(2)(f)-(h). Strike.

120-9B(2)(i). Re-letter as (d). Strike “and apply treatments” and “and immunological agents”.

120-9B(2)(j). Strike.

120-9B(2)(k). Re-letter as (e).

120-9B(2)(f)-(h). New sections listing additional duties.

120-9B(3)(a)-(d). No change.

120-9B(3)(e)-(m). New sections listing additional duties.

120-9B(4). Strike “assistant may perform the following under indirect supervision of a licensed veterinarian.” Add language stating type of care unlicensed veterinary aide can perform as emergency patient care. Replace “Conditions” with Patient care.”

120-9B(4)(a). Strike.

120-9B(5). Replace “assistant” with “aide”.

120-9B(5)(a)-(c). No change.

120-9B(5)(d). Add “veterinary technician, veterinary technologist, vet tech or technician”. Strike “or in any other way than an unlicensed veterinary assistant.”

A Notice of Drafting was published in the *State Register* on August 27, 2021.

#### **Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on December 21, 2021. Written comments may be directed to Meredith Buttler, Administrator, Board of Veterinary Medical Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 22, 2021. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

#### **Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

#### **Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION:

**Purpose:** The South Carolina Board of Veterinary Medical Examiners proposes to amend Chapter 120: to define “emergency patient” in Regulation 120-1D to establish an animal’s medical condition(s) that warrants only indirect supervision by a licensed veterinarian of licensed veterinarian technicians and unlicensed veterinary aides at critical times; to define “radiography” in Regulation 120-1E to indicate a broad application as it applies to indirect supervision for licensed veterinary technicians and unlicensed veterinary aides; to consolidate the exam requirements and delete the waiver provision in Regulation 120-3 as it is covered in statute, which provides for licensure by endorsement from another state with certain conditions; to allow, in Regulation 120-9, licensed veterinary technicians and unlicensed veterinary aides to perform more duties under indirect supervision, which means that a supervising licensed veterinarian is available for immediate voice contact. The proposed regulations will also correct the term, unlicensed veterinary assistant, to unlicensed veterinary aide which is defined by statute.

**Legal Authority:** 1976 Code Sections 40-1-70, 40-69-60, and 40-69-70.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The South Carolina Board of Veterinary Medical Examiners proposes to amend Chapter 120: to define “emergency patient” and “radiography” in Regulation 120-1; to update and clarify Regulation 120-9 regarding the practice standards for licensed veterinary technicians and unlicensed veterinary aides; and to clarify Regulation 120-3 in accordance with the statutes for licensure and examinations for veterinarians.

**DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**

The South Carolina Board of Veterinary Medical Examiners proposes to amend Chapter 120: to define “emergency patient” in Regulation 120-1D to establish an animal’s medical condition(s) that warrants only indirect supervision by a licensed veterinarian of licensed veterinarian technicians and unlicensed veterinary aides at critical times; to define “radiography” in Regulation 120-1E to indicate a broad application as it applies to indirect supervision for licensed veterinary technicians and unlicensed veterinary

aides; to consolidate the exam requirements and delete the waiver provision in Regulation 120-3 as it is covered in statute, which provides for licensure by endorsement from another state with certain conditions; to allow, in Regulation 120-9, licensed veterinary technicians and unlicensed veterinary aides to perform more duties under indirect supervision, which means that a supervising licensed veterinarian is available for immediate voice contact. The proposed regulations will also correct the term, unlicensed veterinary assistant, to unlicensed veterinary aide which is defined by statute.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

120-1. Definitions.

A. “Comprehensive veterinary services” means: examination, diagnosis and treatment of animal patients, diagnostic imaging, surgery, laboratory, pharmacology, and provision for hospitalization and emergency treatment.

B. “Comprehensive veterinary facility” means: a location where comprehensive veterinary services are offered.

C. “Veterinarian-client-patient relationship” means:

(1) The veterinarian has recently seen and is personally acquainted with the keeping and care of the animal through an examination of or visit to the premises where the animal is kept.

(2) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment.

(3) The veterinarian has sufficient knowledge of the animal to initiate a general or preliminary diagnosis of the medical condition of the animal.

(4) The veterinarian is available or has arranged for emergency coverage for follow-up and evaluation.

(5) The client has agreed to follow the veterinarian’s instructions.

(6) The veterinarian-client-patient relationship lapses when the licensee has not seen the animal within one year.

D. “Emergency patient” means: a patient with a medical condition manifesting itself by acute symptoms of sufficient severity, such that the absence of immediate medical attention could reasonably be expected to result to any of the following:

(1) Cardiopulmonary arrest (CPA), imminent/impending CPA, or death;

(2) Serious jeopardy to the long-term health of a patient;

(3) Serious, life-threatening impairment to bodily functions;

(4) Serious, life-threatening dysfunction of any bodily organs or part.

E. “Radiography” means: imaging including, but not limited to, radiograph computed tomography, magnetic resonance imaging, and fluoroscopy.

120-3. Licensure to Practice Veterinary Medicine.

It shall be unlawful for any person to engage in the practice of veterinary medicine unless duly licensed under the applicable provisions of this chapter.

A. Application. Any person desiring to be licensed as a veterinarian must apply to the Board and provide all information and documentation required by the Board. Applications and accompanying documents will be valid for one (1) year from the initial application date. After one (1) year, a new application with attendant documents and appropriate fees must be submitted.

B. Education Transcripts(s). Certified transcripts shall be ~~mailed~~ sent directly to the Board office from the ~~appropriate~~ educational institution.

- (1) Certified transcript from an American Veterinary Medical Association (AVMA) accredited school or college of veterinary medicine, or
- (2) Certification from the Program for the Assessment of Veterinary Education (PAVE), or
- (3) Certification from the Education Commission of Foreign Veterinary Graduates (ECVFG), or
- (4) Certification from another credentialing entity approved by the Board.
- (5) Senior students. Senior students must submit an attested letter from the accredited veterinary medical college establishing senior status as of the date of the State examination application for licensure.

C. Examination.

(1) ~~National Board~~ Examinations. A certified copy of the NAVLE examination, with a minimum score as set by the American Association of Veterinary State Boards (AAVSB) or the national board examination results with a minimum passing score as set by the National Board of Veterinary Medical Examiners (NBVME) and the Clinical Competency Test (CCT) current within five (5) years of the date of the application with a minimum score as set by the AAVSB. Examination scores must be within five (5) years immediately preceding the date of application.

~~(2) North American Veterinary Licensing Examination (NAVLE). Certified copy of NAVLE results current within five (5) years of the date of application with a minimum score as set by American Association of Veterinary State Boards (AAVSB).~~

~~(3) Clinical Competency Examination. Certified copy of the Clinical Competency Test (CCT) current within five (5) years of the date of the application with a minimum score as set by AAVSB. The requirement for the CCT may be waived if the applicant provides:~~

~~(a) Verification of a valid and unrestricted (including probation or other conditions) license to practice veterinary medicine issued by another state, with substantially equivalent licensing requirements as the South Carolina Board of Veterinary Medical Examiners (SCVBME), for a minimum of three (3) years immediately preceding the date of application; and one of the following:~~

~~(i) Verification of three (3) full years of active, continuous clinical practice immediately preceding the examination; or~~

~~(ii) Verification of passage of an AVMA recognized Board Certification examination in any field of veterinary medicine; or~~

~~(iii) Verification of having earned thirty (30) hours of continuing education credits within two (2) years of the date of application.~~

(2) If the NAVLE or NBE and CCT examination scores are older than five (5) years immediately preceding the date of application, the applicant must meet the licensure requirements in S.C. Code Section 40-69-260.

(43) South Carolina State Law and Ethics Examination. Minimum passing score of the South Carolina state law and ethics examination as set by the SCBVME. An applicant who fails SCBVME may be reexamined upon submission of an application; and payment of re-examination fee.

D. Verification(s) of Licensure. Verification from each state, active or inactive, in which the applicant is or has been licensed.

~~E. Photographs. One recent passport photograph taken within the last six (6) months of application date.~~

~~FE. Fees. A non-refundable certified check, or money order, or electronic payment.~~

~~GF. Denial of Application. An application may be denied if the applicant:~~

- ~~(1) is currently restricted (including probation or other conditions) in another state;~~
- ~~(2) has committed any act that would be grounds for disciplinary action under this chapter; or~~
- ~~(3) has committed any act which indicates that the applicant does not possess the character and fitness to practice veterinary medicine.~~

## 120-9. Practice Standards for: Licensed Veterinary Technicians; Unlicensed Veterinary ~~Assistants~~ Aides.

Licensed veterinarians shall supervise the practice of licensed veterinary technicians and unlicensed veterinary ~~assistants~~ aides.

A. Licensed Veterinary Technicians. Duties shall be performed under the direction, supervision and control of a South Carolina licensed veterinarian who has established a veterinarian-client-patient relationship.

(1) Immediate Supervision:

- (a) Surgical assistance to a licensed veterinarian.
- (b) Floatation or dress equine teeth.

(2) Direct Supervision:

(a) ~~Induction, maintenance and recovery of anesthesia.~~ Administration of rabies vaccines as allowed by law.

~~(b) Perform dental procedure including, but not limited to:~~

~~(i) prophylaxis,~~

~~(ii) procedures not altering the shape, structure, or positional location of teeth in the dental arch.~~

~~(c) Perform euthanasia.~~

~~(d) Administer blood or blood components as related to blood transfusions.~~

~~(e) Apply splints, bandages and slings.~~

~~(f) Perform non-emergency intubations.~~

~~(g) Measure medication quantities as prescribed by a licensed veterinarian.~~

~~(h) Perform arterial catheterization/arterial collection.~~

~~(i) Perform central venous catheterization.~~

~~(j) Administer vaccines as allowed by law.~~

(3) Indirect Supervision:

(a) Administration and application of treatments, drugs, medications and immunological agents by parenteral (to include subcutaneous, intradermal, intramuscularly, intraperitoneal and intravenous) and non-parenteral routes, except when in conflict with government regulations.

(b) ~~Initiate~~Initiation of parenteral fluid administration.

(c) Perform peripheral venous catheterizations.

(d) Perform radiography including settings, positioning, exposing, processing and safety procedures.

(e) Collect venous blood specimen as allowed by law.

(f) Collect urine by free catch, expression, cystocentesis or catheterization.

(g) Collect and prepare tissue, cellular or microbial samples by skin scrapings, impressions or other non-surgical methods.

(h) Perform routine diagnostic ~~laboratory~~ tests.

(i) Supervise handling of bio hazardous waste materials.

(j) Collect and prepare blood or blood components as related to blood transfusions.

(k) ~~Other services under the appropriate degree of supervision of a licensed veterinarian.~~ Induction, maintenance and recovery of anesthesia.

(l) Perform dental procedures including, but not limited to, prophylaxis and procedures not altering the shape, structure, or positional location of teeth in the dental arch.

(m) Perform euthanasia in accordance with S.C. Code of Laws Section 47-3-420(G) and under the order of a DHEC Bureau of Drug Control and DEA registrant.

(n) Administer blood or blood components as related to blood transfusions.

(o) Apply splints, bandages, slings and casts.

(p) Perform non-emergency intubations.

(q) Measure medication quantities as prescribed by a licensed veterinarian.

(r) Perform arterial catheterization.

(s) Perform central venous catheterization.

(t) Administer vaccines, excluding rabies.

(4) Other services under the appropriate degree of supervision of a licensed veterinarian.

(45) Emergency Patient Care.

A licensed veterinary technician working under the indirect supervision of a licensed veterinarian may provide ~~the following emergency patient care:~~ acute care for emergency medical conditions. In the event of

a CPA or imminent CPA, a licensed veterinary technician may follow standing medical orders that have been established by a veterinarian until the patient is stabilized or a veterinarian can provide supervision.

- ~~(a) Application of tourniquets and/or pressure bandages to control hemorrhage.~~
- ~~(b) Resuscitative procedures.~~
- ~~(c) Application of temporary splints or bandages to prevent further injury to bones or soft tissues.~~
- ~~(d) Application of appropriate wound dressings and external supportive treatment in severe wound and burn cases.~~

- ~~(e) Perform external supportive treatment in heat prostration cases.~~
  - ~~(f) Administer pharmacological agents and fluids only:~~
    - ~~(i) in the presence of a licensed veterinarian;~~
    - ~~(ii) by protocol established by a licensed veterinarian; or~~
    - ~~(iii) after direct communication with a licensed veterinarian.~~
- (56) Practice Limitations. Licensed veterinary technicians shall not be permitted to:
- (a) Make any diagnosis or prognosis.
  - (b) Prescribe any treatments, drugs, medications, or appliances.
  - (c) Perform surgery.
  - (d) Identify as a licensed veterinarian or anything other than a licensed veterinary technician.

B. ~~Unlicensed Veterinary Assistants~~Aides. The licensed veterinarian shall verify and document qualifications of unlicensed veterinary ~~assistants~~aides. Trained but unlicensed veterinary ~~assistants~~aides may perform the following under the direction, supervision and control of a licensed veterinarian with an established veterinarian-client-patient relationship.

- (1) Immediate supervision:
  - (a) Surgical assistance to a licensed veterinarian.
  - (b) Induce anesthesia.
  - (c) Apply splints, ~~and slings, and casts.~~
  - (d) Collect urine by cystocentesis.
  - (e) ~~Collect, and prepare and administer~~ blood or blood components as related to blood transfusion.
  - (f) Perform arterial catheterization/arterial collection.
  - (g) Perform central venous catheterization.
- (2) Direct supervision:
  - ~~(a) Collect and prepare tissue, cellular or microbiological samples by skin scrapings, impressions or other non-surgical methods, except when in conflict with other state or federal regulation.~~
  - ~~(b) Blood collection for diagnostic laboratory tests.~~
  - ~~(e)(a) Maintenance of and recovery from anesthesia.~~
  - (b) Perform dental procedure including, but not limited to prophylaxis and procedures not altering the shape, structure, or positional location of teeth in the dental arch.
  - ~~(d) Dental procedures including, but not limited to:~~
    - ~~(i) prophylaxis, and~~
    - ~~(ii) procedures not altering the shape, structure, or positional location of teeth in the dental arch.~~
  - ~~(e)(c) Placement of peripheral intravenous catheters.~~
  - ~~(f) Administer parenteral fluids.~~
  - ~~(g) Radiography including patient restraint, processing, and safety procedures.~~
  - ~~(h) Supervise handling of bio hazardous waste materials.~~
  - ~~(i)(d) Administer and apply treatments, drugs, and medications, and immunological agents by parenteral and non-parenteral routes, as allow by law.~~
  - ~~(j) Routine laboratory test procedures.~~
  - ~~(k) Collect urine by catheterization.~~
  - (f) Measure medication quantities as ordered.
  - (g) Administer rabies vaccines as allowed by law.
  - (h) Administer blood or blood components as related to blood transfusion.
- (3) Indirect supervision:



- (a) Collect feces.
- (b) Collect urine by free catch only.
- (c) Groom.
- (d) Non-invasive topical treatments.
- (e) Collect and prepare tissue, cellular or microbiological samples by skin scrapings, impressions or other non-surgical methods, except when in conflict with other state or federal regulations.
- (f) Collect venous blood specimens as allowed by law.
- (g) Administer parenteral fluids.
- (h) Radiography including patient restraint, processing, and safety procedures.
- (i) Supervise handling of bio-hazardous waste materials.
- (j) Administer prescription oral medications, ophthalmic medications, otic medications, topical medications, and other medications that a client would be expected to administer at home (i.e. insult, subcutaneous fluids).
- (k) Routine laboratory test procedures.
- (l) Administer vaccines, excluding rabies.
- (m) Perform euthanasia in accordance with S.C. Code of Laws Section 47-3-420(G) and under the order of a DHEC Bureau of Drug Control and DEA registrant.
- (4) Emergency Patient Care Conditions. An unlicensed veterinary assistant may perform the following under indirect supervision of a licensed veterinarian: a licensed veterinarian aide working under the indirect supervision of a licensed veterinarian may provide acute care for emergency medical conditions. In the event of a CPA, an unlicensed veterinary aide may follow standing medical orders that have been established by a veterinarian until the patient is stabilized or a veterinarian can provide supervision.
  - (a) ~~Life saving aid and treatment:~~
    - (i) ~~Apply tourniquets and/or pressure bandages to control hemorrhage.~~
    - (ii) ~~Resuscitative procedures.~~
    - (iii) ~~Apply temporary splints or bandages to prevent further injury to bones or soft tissues.~~
    - (iv) ~~Apply appropriate wound dressings and external supportive treatment in severe wound and burn cases.~~
    - (v) ~~Perform external supportive treatment in heat prostration cases.~~
    - (vi) ~~Place intravenous catheters and administer pharmacological agents and fluids.~~
- (5) An unlicensed veterinary ~~assistant~~aide shall not:
  - (a) Make any diagnosis or prognosis.
  - (b) Prescribe any treatments, drugs, or medications.
  - (c) Perform surgery.
  - (d) Identify as a licensed veterinarian, licensed veterinary technician, veterinary technician, veterinary technologist, vet tech or technician.~~or in any way other than an unlicensed veterinary assistant.~~