

RULES PERTAINING TO THE PRACTICE OF VETERINARY MEDICINE, TEXAS ADMINISTRATIVE CODE, TITLE 22, PART 24, CHAPTER 573

RULE §573.10 SUPERVISION OF NON-LICENSED PERSONS

...(g) Euthanasia may be performed by a non-veterinarian only under the immediate supervision of a veterinarian.

...(j) Exception for Emergency Care. In an emergency situation where prompt treatment is essential for the prevention of death or alleviation of extreme suffering, a veterinarian may, after determining the nature of the emergency and the condition of the animal, issue treatment directions to a non-veterinarian by means of telephone, electronic mail or messaging, radio, or facsimile communication and not be in violation of §801.351 of the Act. However, the Board may take action against a veterinarian if, in the Board's sole discretion, the veterinarian uses this authorization to circumvent this rule. The veterinarian assumes full responsibility for such treatment. However, nothing in this rule requires a veterinarian to accept an animal treated under this rule as a patient under these circumstances.

Source Note: The provisions of this §573.10 adopted to be effective June 14, 2012, 37 TexReg 4229; amended to be effective December 25, 2012, 37 TexReg 9935; amended to be effective August 29, 2013, 38 TexReg 5486; amended to be effective May 4, 2014, 39 TexReg 3424; amended to be effective December 22, 2014, 39 TexReg 10016; amended to be effective August 22, 2016, 41 TexReg 6203

RULE §573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND

Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act in their possession. These records shall be maintained for a minimum of five years. A record shall be kept for each scheduled drug. The records shall be complete, contemporaneous, and legible. The record shall contain the following information in addition to the name of the drug:

- (1) date of acquisition;
- (2) quantity purchased;
- (3) date administered or dispensed;
- (4) quantity administered or dispensed;
- (5) name of client and patient receiving the drug(s); and
- (6) total balance on hand of the scheduled drug.

Source Note: The provisions of this §573.50 adopted to be effective March 9, 1988, 13 TexReg 1028; amended to be effective July 6, 1990, 15 TexReg 3635; amended to be effective April 6, 2008, 33 TexReg 2695; amended to be effective December 23, 2013, 38 TexReg 9365; amended to be effective November 22, 2015, 40 TexReg 8027

RULE §573.61 MINIMUM SECURITY OF CONTROLLED SUBSTANCES

Veterinarians shall adhere to the following to ensure security of controlled substances:

- (1) Establish adequate security to prevent unauthorized access to controlled substances.

- (2) Establish adequate security to prevent the diversion of controlled substances.
- (3) During the course of business activities, do not allow any individual access to controlled substances storage areas except those authorized agents required for efficient operations.
- (4) Controlled substances listed in Schedules I, II, III, IV, and V shall be stored in a securely locked, substantially constructed cabinet or security cabinet.
- (5) The term "substantially constructed cabinet" means the following:
 - (A) A structure of wood or metal so constructed as to resist any entry by simple tools of attack such as screw drivers, crow bars, tire tools, pry bars, etc. Hinges should not be mounted with bolts or screws on outside of door and the locking devices should be installed internally as in a dead bolt type or the device should be of a type that has protected mounting screws or bolts to inhibit removal. The cabinet should be permanently constructed or attached to the building structure or fixtures so as to prevent the cabinet from being physically removed from the premises. If the cabinet is a metal file cabinet type, it should be permanently attached to prevent easy removal and have an external locking bar that secures the drawer or drawers.
 - (B) A security cabinet or safe equivalent in construction to a Class 6 Mosler Government Sales Security Filing Cabinet or a Class 5 Mosler Government Safe.
 - (C) A cabinet less substantially constructed may meet security requirements provided the cabinet is located in a room or area entrance to which has been so constructed that hinge mountings inhibit removal and a limited number of employees have keys or combinations to locking device. If combination locks are utilized, the combination can be changed upon termination of employees having knowledge of the combination. A veterinarian must maintain a written list of all persons that have access to the controlled substances storage areas, including the dates on which individuals are added or deleted from the list.

Source Note: The provisions of this §573.61 adopted to be effective June 14, 2012, 37 TexReg 4229

RULE §573.72 EMPLOYMENT BY NON-PROFIT OR MUNICIPAL CORPORATIONS

- (a) A nonprofit or municipal corporation may employ or contract with a veterinarian to provide veterinary services in connection with sheltering, sterilization, vaccination, or other medical care and treatment of animals.
- (b) Employment by or contractual service to a nonprofit or municipal corporation does not alone exempt the veterinarian from any of the provisions of the Veterinary Licensing Act or the Board's rules.
- (c) Veterinarians employed by, or contracted to, nonprofit or municipal corporations shall be liable for any violations of the Act or rules occurring as a result of the practice of veterinary medicine or any veterinary services provided by the nonprofit or municipal corporation, including those occurring due to the acts or omissions of non-licensed employees of, or volunteers for, the nonprofit or municipal corporation, unless otherwise exempt from the Veterinary Licensing Act under §801.004.

Source Note: The provisions of this §573.72 adopted to be effective June 14, 2012, 37 TexReg 4229; amended to be effective November 22, 2015, 40 TexReg 8029

RULE §573.80 DEFINITIONS

The following words and terms, when used in the Veterinary Licensing Act (Chapter 801, Texas Occupations Code) or the Rules of the Board (Texas Administrative Code, Title 22, Part 24, Chapters 571, 573, 575, and 577) shall have the following meanings, unless the context clearly indicates otherwise:

...(3) Biologic--any serum, vaccine, antitoxin, or antigen used in the prevention or treatment of disease.

...(7) General Supervision--a veterinarian required to generally supervise a non-veterinarian must be readily available to communicate with the person under supervision.

(8) Direct Supervision--a licensee required to directly supervise a person must be physically present on the same premises as the person under supervision.

(9) Immediate Supervision--a licensee required to immediately supervise a person must be within audible and visual range of both the animal patient and the person under supervision.

(10) Official Health Documents--any certificate attesting to the health, vaccination status, physical condition and/or soundness of an animal.

...(12) Non-veterinarian employee--an individual paid directly by a veterinarian for work involving the practice of veterinary medicine, as defined in the Veterinary Licensing Act, Texas Occupations Code, §801.002(5), regardless of the defined status of the employment relationship between the individual and the veterinarian under Internal Revenue Service regulations.

(13) Herd--a group of animals of the same species, managed as a group and confined to a specific geographic location. A herd may not include dogs, cats, any animal in individual training, or any animal that competes as an individual.

Source Note: *The provisions of this §573.80 adopted to be effective June 14, 2012, 37 TexReg 4229; amended to be effective December 25, 2012, 37 TexReg 9937; amended to be effective August 29, 2013, 38 TexReg 5490; amended to be effective November 22, 2015, 40 TexReg 8029; amended to be effective November 23, 2016, 41 TexReg 9136*