

201 KAR 16:010. Code of ethical conduct.

RELATES TO: KRS 321.351(1)(h)

STATUTORY AUTHORITY: KRS 321.235(3), 321.351(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.351 provides for the suspension or revocation of a certificate of license, imposition of probationary conditions or an administrative fine, or the issuance of a written reprimand for any violation of the code of ethical conduct promulgated by the board. This administrative regulation sets forth certain acts or inaction which shall constitute a code of ethical conduct for each licensed practitioner.

Section 1. A veterinarian shall take sufficient time and conduct the appropriate tests necessary to diagnose the condition of the patient which he is treating.

Section 2. A veterinarian shall bill accurately and truthfully for services rendered.

Section 3. A veterinarian shall maintain adequate equipment to treat patients that he is called upon to treat in the practice of veterinary medicine.

Section 4. A veterinarian shall maintain his service premises and all equipment in a clean and sanitary condition.

Section 5. A veterinarian shall not issue a certificate of health unless he has personal knowledge through actual examination and appropriate testing of the animal that the animal meets the requirements for the issuance of the certificate.

Section 6. A veterinarian shall not aid or abet the unlawful practice of veterinary medicine.

Section 7. (1) A veterinarian shall not sell, or offer for sale, prescription medicine or drugs at any place other than:

- (a) His office, clinic, or hospital; or
- (b) Other place where he is treating patients.

(2) The prescription drugs or medicines sold, or offered for sale, shall be used in the treatment of the patient the veterinarian is treating.

(3) A veterinarian may fill the prescription of another licensed veterinarian who has established a bona fide veterinarian-client-patient relationship in a case.

Section 8. A veterinarian shall not engage in false, misleading, or deceptive advertising.

Section 9. A veterinarian shall not write testimonials as to the virtue of drugs, medicines, remedies, or foods except to report the results of properly controlled experiments or clinical studies to interested veterinary organizations and associations.

Section 10. A veterinarian shall keep adequate and sufficient records of the examination and treatment of all patients for a period of five (5) years after the last examination of the patient.

Section 11. A veterinarian shall not represent to the public that he is a board certified specialist in any specialty of veterinary medicine unless that veterinarian has:

(1) Been certified by a certifying board approved by the Kentucky Board of Veterinary Examiners; and

(2) Furnished proof of certification to the board.

Section 12. (1) A veterinarian shall not overutilize his practice.

(2) A practice shall be deemed overutilized if it is excessive in quality or amount relevant to the needs of the patient.

(3) Whether a practice is overutilized shall be determined by considering:

- (a) The patient's history and subjective symptoms;
- (b) Objective findings;
- (c) Reasonable clinical judgment; and
- (d) Other information relevant to the practice of veterinary medicine.

Section 13. A veterinarian shall promptly notify the board of:

(1) Disciplinary action taken against him; or

(2) The voluntary surrender of his license to practice veterinary medicine in another jurisdiction;
and

(3) The conviction, in any jurisdiction, of a:

- (a) Misdemeanor; or
- (b) Felony.

Section 14. A veterinarian's practice shall conform to the currently accepted standards in the profession of veterinary medicine.

Section 15. A veterinarian shall not engage in fraud, deceit, or misrepresentation in the:

- (1) Procurement of a license to practice veterinary medicine; or
- (2) The practice of veterinary medicine.

Section 16. A veterinarian shall not practice veterinary medicine:

(1) So as to endanger the health and welfare of his patients or the public; or

(2) If his ability to practice with reasonable skill and safety is adversely affected by reason of excessive use of:

- (a) Alcohol;
- (b) Drugs;
- (c) Narcotics;
- (d) Chemicals; or
- (e) Other substances.

Section 17. A veterinarian shall conduct professional activities in conformity with all federal, state, and municipal laws, ordinances or regulations.

Section 18. A veterinarian shall comply with a request by the board to appear before the board or to provide information to the board.

Section 19. A veterinarian shall comply with restrictions on his practice of veterinary medicine imposed by the board with the licensee's consent or after notice and hearing.

Section 20. A veterinarian shall notify the board of the suspension, revocation, or voluntary surrender of his Federal Drug Enforcement Administration registration or his state controlled substances license.

Section 21. (1) A veterinarian shall not abuse or take advantage of the confidence reposed in him by his client.

(2) A veterinarian shall not enter into a business transaction with a client in which the veterinarian and his client have differing interests if the:

(a) Client reasonably expects the veterinarian to exercise his professional judgment for the protection of the client;

(b) Veterinarian has not fully disclosed his interest; and

(c) Client has not consented after full disclosure.

(3) Acceptance of a fee from both the buyer and the seller in a transaction shall constitute prima facie evidence of a conflict of interest.

(4) Acceptance of a fee from a buyer and a seller in an inspection of an animal for soundness shall constitute a conflict of interest.

Section 22. A veterinarian shall not prescribe, dispense or administer controlled substances except in the course of his professional practice and when a bona fide veterinarian-client-patient relationship has been established.

Section 23. A veterinarian shall maintain a confidential relationship with his clients, except as otherwise provided by law, or required by considerations related to public health or animal health.

Section 24. A veterinarian shall not verbally abuse or harass, nor physically threaten or assault a client, an employee, a board member, or any agent of the board.

Section 25. A veterinarian shall not physically abuse or engage in unnecessary rough handling of a patient under his care.

Section 26. A veterinarian shall not permit a veterinary technologist, technician, or assistant to diagnose, prescribe medical treatment, or perform surgical procedures other than the castrating and dehorning of food animals.

Section 27. A veterinarian shall not refuse treatment of a patient on the basis of the client's race, color, sex, religion, national origin, or disability.

Section 28. (1) If treatment is initiated, it shall be completed unless terminated by the client.

(2) A veterinarian shall have the right to refuse to:

(a) Admit as an inpatient to his hospital or clinic an animal that is not currently vaccinated; or

(b) Render veterinary medical services for an owner who physically or verbally abuses the veterinarian or his employee.

Section 29. A veterinarian shall not neglect a patient under his care.

Section 30. A veterinarian shall, where possible, preserve the body of any patient which dies while in the veterinarian's care while its owner is away, except as otherwise provided by law.

Section 31. A veterinarian shall obtain the consent of the owner before disposing of any patient which dies while in the veterinarian's care, provided the consent is given within a reasonable time. Any patient disposal shall be done according to all applicable health and safety laws and regulations.

Section 32. A veterinarian shall obtain the consent of the patient's owner or agent before administering general anesthesia or performing any surgical procedure, unless circumstances qualifying as an emergency do not permit obtaining the consent.

Section 33. A veterinarian shall post at his facility and make available over the telephone his policy regarding the hours, emergency coverage, and other similar provisions for the operation of his facility.

Section 34. A veterinarian shall ascertain, before hiring, whether a person who may be hired as a veterinarian has a valid, current Kentucky license to practice veterinary medicine and shall be responsible for ascertaining whether the license to practice veterinary medicine of any veterinarian employee is current.

Section 35. (1) A veterinarian shall attempt to obtain the consent of a patient's owner or agent in writing, if feasible, before:

(a) Euthanizing a patient; or

(b) Transporting a patient to another facility for veterinary medical care or any other reason.

(2) If it is not feasible to obtain consent in writing, the veterinarian shall obtain oral consent from the patient's owner or agent and document the consent in the medical record. (VE-2; 1 Ky.R. 1014; eff. 6-11-75; Am. 6 Ky.R. 277; eff. 1-2-80; 12 Ky.R. 409; eff. 11-12-85; 19 Ky.R. 1826; 2236; eff. 3-12-93; 20 Ky.R. 832; 1578; eff. 12-6-93; 33 Ky.R. 3238; eff. 8-6-2007.)