

201 KAR 16:500. Code of ethical conduct for veterinarians.

RELATES TO: KRS 257.080, 321.185, 321.351(1)(g)

STATUTORY AUTHORITY: KRS 321.235(3), 321.240(5), (6), 321.351(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.240(6) requires the Kentucky Board of Veterinary Examiners to establish a code of ethical conduct governing the practice of veterinary medicine. KRS 321.351(1)(g) provides for the suspension or revocation of a 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. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes a code of ethical conduct for veterinarians.

Section 1. A veterinarian shall not engage in fraud, deceit, or misrepresentation in the practice of veterinary medicine.

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

Section 3. A veterinarian shall not engage in false, misleading, or deceptive advertising.

Section 4. A veterinarian shall not issue a certificate of veterinary inspection (CVI) unless the veterinarian has personal knowledge through appropriate examination. A veterinarian shall not issue a CVI unless he or she has complied with all entry requirements of the jurisdiction of destination.

Section 5. A veterinarian shall not represent to the public that he or she is a board certified specialist in any specialty of veterinary medicine unless that veterinarian has been certified by an entity approved by the American Veterinary Medical Association (AVMA) and has submitted the certification for filing with the board.

Section 6. A veterinarian's conduct shall conform to the currently accepted standards in the practice of veterinary medicine.

Section 7. A veterinarian shall maintain adequate equipment to treat patients that he or she is called upon to treat in the practice of veterinary medicine.

Section 8. A veterinarian shall maintain his or her service premises and equipment in a clean and sanitary condition.

Section 9. A veterinarian shall take sufficient time to perform a complete physical exam and recommend the appropriate tests as needed to diagnose the condition of the patient.

Section 10. A veterinarian shall not neglect a patient under his or her care.

Section 11. A veterinarian shall not physically abuse a patient under his or her care.

Section 12. Except as provided by Section 41 of this administrative regulation, a veterinarian shall have the right to refuse any patient.

Section 13. A veterinarian shall not practice veterinary medicine in a manner that endangers the health of a patient or endangers the health, safety, or welfare of the public.

Section 14. A veterinarian shall not practice veterinary medicine if his or her ability to practice with reasonable skill and safety is adversely affected by the use of alcohol, drugs, narcotics, chemicals, or other substances.

Section 15. A veterinarian shall not over utilize his or her practice. A practice shall be deemed to be over utilized if it exceeds the needs of the patient, considering the patient's history and subjective symptoms; the veterinarian's objective findings, the veterinarian's

reasonable clinical judgment, and other information relevant to the practice of veterinary medicine.

Section 16. A veterinarian shall not aid or abet any person in the unlawful practice of veterinary medicine.

Section 17. A veterinarian shall ascertain, before hiring, whether a person who may be hired as a veterinarian has a license to practice veterinary medicine in the Commonwealth of Kentucky and shall be responsible for ensuring that the employee's license remains current.

Section 18. A veterinarian shall not permit a veterinary technician or veterinary assistant to diagnose, prescribe medical treatment, or perform surgical procedures other than the castrating and dehorning of food animals.

Section 19. A veterinarian shall create adequate records to document the veterinarian's examination and treatment of his or her patients in accordance with KRS 321.185(2).

Section 20. A veterinarian shall retain records of his or her examination and treatment of each patient for a period of at least five (5) years from the most recent examination of the patient.

Section 21.

(1) A veterinarian shall provide copies of the veterinarian's medical records of the examination and treatment of a patient upon the request of the client.

(2) Copies of records may be released to the client's designee or another veterinarian engaged by the client to examine or treat the patient upon submission of a signed Authorization for the Release of Medical Records form pursuant to KRS 321.185(3).

(3) A veterinarian shall provide copies of the veterinarian's medical records to the board upon request by the board or the board's designee for inspection or investigation pursuant to KRS 321.185(3)(e)1.

Section 22. A veterinarian shall not sell, or offer for sale, prescription medications, including controlled substances, at any place other than in his or her office, clinic, hospital, or mobile unit; or in another place where he or she is treating patients.

Section 23.

(1) Except as provided by subsection (2) of this section, a veterinarian shall prescribe, dispense, sell, or offer for sale, prescription medications only for his or her own patients.

(2) A veterinarian may dispense a non-controlled substance medication for a client that was prescribed by another veterinarian who has established a veterinarian-client-patient relationship (VCPR).

Section 24. A veterinarian shall comply with the requirements of 201 KAR 16:600.

Section 25. A veterinarian shall not write testimonials as to the virtue of medications, remedies, or foods except to report the results of properly controlled, unbiased experiments, or clinical studies.

Section 26. A veterinarian shall post at his or her facility, and make available over the telephone or online, the veterinarian's policy regarding the hours, emergency coverage, and other similar provisions for the operation of the facility.

Section 27. A veterinarian shall maintain a confidential relationship with his or her clients in accordance with KRS 321.185(3) and in accordance with KRS 257.080, or exceptions otherwise provided by law, or required by considerations related to public health or animal health.

Section 28. A veterinarian shall obtain the consent of the patient's owner (or the owner's agent) before administering general anesthesia or performing any surgical procedure unless

circumstances qualifying as an emergency do not permit obtaining the consent.

Section 29. A veterinarian shall attempt to obtain the consent of a patient's owner (or the owner's agent) in writing, if feasible, before euthanizing a patient or transporting a patient to another facility. If it is not feasible to obtain consent in writing, the veterinarian shall obtain oral consent from the patient's owner (or the owner's agent) and document the consent in the medical record.

Section 30. A veterinarian shall make reasonable efforts to obtain the consent of the owner (or the owner's agent) before disposing of any patient that dies while in the veterinarian's care. Any patient disposal shall be done according to all applicable health and safety laws and regulations.

Section 31. A veterinarian shall, where possible, preserve the body of any patient that dies while in the veterinarian's care while its owner (or the owner's agent) is away, except as otherwise provided by law.

Section 32. A veterinarian shall not abuse or take advantage of the confidence of the client.

Section 33. A veterinarian shall not enter into a business transaction with a client in which the veterinarian and his or her client have differing interests:

- (1) If the client reasonably expects the veterinarian to exercise his or her professional judgment for the protection of the client;
- (2) If the veterinarian has not fully disclosed his or her interest in the transaction; or
- (3) If the client has not given his or her informed consent to the transaction.

Section 34.

- (1) If a veterinarian performed an inspection of an animal on behalf of a person that the veterinarian knew (or reasonably should have known) planned to sell that animal within sixty (60) days from the date of inspection, then the veterinarian shall not perform an inspection of that animal on behalf of any person that the veterinarian knows (or reasonably should know) is a potential buyer of the animal without first disclosing to the potential buyer the fact and circumstances of the veterinarian's previous inspection of the animal.
- (2) The creation, review, or analysis of a radiograph shall constitute an "inspection" for the purposes of this section.

Section 35. An applicant for a license shall be truthful in his or her representations to the board.

Section 36. A veterinarian shall comply with the board's request to appear before the board, to provide information to the board, or to make his or her premises available for inspection by the board.

Section 37. A veterinarian shall comply with restrictions on his or her practice of veterinary medicine imposed by the board.

Section 38. A veterinarian shall notify the board within thirty (30) days of a change to his or her legal name.

Section 39. A veterinarian shall notify the board within thirty (30) days of a change to his or her permanent address or mailing address.

Section 40. A veterinarian shall notify the board within thirty (30) days of the occurrence of the following events:

- (1) Disciplinary action, revocation, suspension, or the voluntary surrender of his or her license to practice veterinary medicine in another jurisdiction;

- (2) The suspension, revocation, or voluntary surrender of his or her United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Accreditation;
- (3) The suspension, revocation, or voluntary surrender of his or her federal Drug Enforcement Administration (DEA) registration;
- (4) The suspension, revocation, or voluntary surrender of his or her state controlled substances license in any jurisdiction; or
- (5) The conviction, in any jurisdiction, of any felony or misdemeanor other than a minor traffic violation.

Section 41. A veterinarian shall not refuse treatment of a patient on the basis of the client's race, color, sex, gender identity, age, religion, national origin, veteran status, or disability.

Section 42. A veterinarian shall conduct professional activities in conformity with all federal, state, and municipal laws, ordinances, or regulations.

Section 43. 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 44. Incorporation by Reference.

- (1) "Authorization for the Release of Medical Records", 2/2020, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at www.kybve.com.

(46 Ky.R. 1720, 2602; eff. 6-30-2020.)