



Alabama Department of Examiners of Public Accounts

Sunset Report **Alabama State Board of Veterinary Medical Examiners Montgomery, Alabama**

October 1, 2019 through September 30, 2023

AUDEMUS JURA NOSTRA DEFENDERE
ALABAMA STATE HOUSE

Rachel Laurie Riddle, Chief Examiner



Rachel Laurie Riddle
Chief Examiner

State of Alabama
Department of
Examiners of Public Accounts

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October 23, 2024

Representative Margie Wilcox
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Representative Wilcox:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama State Board of Veterinary Medical Examiners in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama State Board of Veterinary Medical Examiners in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Karen McClure

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PROFILE

Purpose/Authority

The Alabama State Board of Veterinary Medical Examiners (the “Board”), in its present form, was created by Act Number 500, Acts of Alabama 1986. The Board licenses and regulates the practice of veterinary medicine in Alabama, investigates complaints, and disciplines licensees. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-29-60 through 34-29-94; 34-29-110 through 34-29-111; and 34-29-130 through 34-29-135.

The following Act passed since the last sunset review and has been codified in the current statutory authority.

Act Number 2023-467, Acts of Alabama, relating the Alabama State Board of Veterinary Medical Examiners; to amend Section 34-29-67, *Code of Alabama 1975*, to increase the daily stipend for board members; and to authorize the Board to increase the amount of the daily stipend at its discretion by rule.

<u>Characteristics</u>	
Members and Selection	Eight members appointed by the Governor from a list of three persons nominated by the Alabama Veterinary Medical Association. Six members shall be veterinarians, one member shall be a veterinary technician, and one member shall be a consumer. <i>Code of Alabama 1975</i>, Sections 34-29-63 and 34-29-64
Term	Members serve four-year terms. Members serve until their successors are appointed and qualified. No member can serve more than two consecutive terms, and no more than 13 years total. <i>Code of Alabama 1975</i>, Section 34-29-63
Qualifications	Six members shall be veterinarians that meet the following requirements: • A legal resident of Alabama • A graduate of an accredited school of veterinary medicine • Currently and validly licensed in Alabama to practice veterinary medicine • Actively employed and licensed in the practice of veterinary medicine for five years preceding appointment • Practicing veterinary medicine for at least 35 hours per week while serving One member shall be a licensed veterinary technician. <i>Code of Alabama 1975</i>, Section 34-29-64

Consumer Representation	One consumer member required by law. One consumer member serving. <i>Code of Alabama 1975</i>, Section 34-29-64(3)
Racial Representation	No specific statutory requirement. One minority member serving.
Geographical Representation	No specific statutory requirement.
Other Representation	The membership of the Board should be inclusive and should reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i>, Section 34-29-63(f)
Compensation	Board members receive \$400 per day for each day, or portion thereof, the member is actually engaged in the work of the Board. Members are reimbursed for necessary travel expenses at the same rate as state employees. <i>Code of Alabama 1975</i>, Section 34-29-67
Attended Board Member Training	Six Current Board Members Four Former Board Members Executive Director
<u>Operations</u>	
Administrator	Tammy Cargile serves as the Board's Executive Director. She is an unclassified employee appointed by the Board with an annual salary of \$95,800.80. <i>Code of Alabama 1975</i>, Section 34-29-65
Location	8100 Seaton Place, Suite A Montgomery, AL 36116 Monday through Friday 7:00 am to 4:00 pm
Real Property Ownership	The Board does not own any real property.
Employees	Four employees

Legal Counsel	Olivia Martin, Assistant Attorney General, an employee of the Attorney General's Office provides legal services for the Board. <i>Code of Alabama 1975</i>, Section 34-29-67(b)
Subpoena Power	The Board has the power to subpoena records and witnesses and to compel the production of any books, records, papers or documents. <i>Code of Alabama 1975</i>, Section 34-29-69(3) and (4)
Internet Presence	www.asbvme.alabama.gov The Board's website includes announcements, meeting notices, administrative rules and links to state and national associations. Additionally, there are links to online renewals, exams and forms for licensees. Miscellaneous forms such as complaint forms and public record request forms and the ability to search for licensees are also included on the website. However, the minutes of the Board's meetings are not included on the Board's website.
<u>Financial</u>	
Source of Funds	License and permit fees, examination fees and penalties.
State Treasury	Yes, Special Revenue Fund 0408, in the State's Treasury. <i>Code of Alabama 1975</i>, Section 34-29-70
Required Distributions	None.
Unused Funds	Funds at the end of each fiscal year that exceed 200% of the Board's budget for the fiscal year shall be transferred to the State General Fund. Funds at the end of each fiscal year included in this Sunset Review did not exceed 200% of the Board's Budget for the fiscal year. Therefore, no transfers to the General Fund were required. <i>Code of Alabama 1975</i>, Section 34-29-70

<u>Licensure</u>																									
Licensees	As of September 30, 2023, the Board had the following licensees/permit holders: <table border="1"> <tr> <th>Type of License</th><th></th></tr> <tr> <td>Veterinarian (Active)</td><td>1,986</td></tr> <tr> <td>Faculty</td><td>148</td></tr> <tr> <td>Veterinary Technician (Active)</td><td>517</td></tr> <tr> <td>Premise Permits</td><td>704</td></tr> <tr> <td>Controlled Substance Certificates</td><td>1,174</td></tr> <tr> <td>Veterinarian (Inactive)</td><td>53</td></tr> <tr> <td>Veterinary Technician (Inactive)</td><td>10</td></tr> <tr> <td>Certified Euthanasia Technician (Active)</td><td>149</td></tr> <tr> <td>Certified Euthanasia Technician (Inactive)</td><td>452</td></tr> <tr> <td>Registered Animal Euthanasia Facility</td><td>39</td></tr> <tr> <td>Total</td><td>5,232</td></tr> </table> <i>Source:</i> Executive Director	Type of License		Veterinarian (Active)	1,986	Faculty	148	Veterinary Technician (Active)	517	Premise Permits	704	Controlled Substance Certificates	1,174	Veterinarian (Inactive)	53	Veterinary Technician (Inactive)	10	Certified Euthanasia Technician (Active)	149	Certified Euthanasia Technician (Inactive)	452	Registered Animal Euthanasia Facility	39	Total	5,232
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Total	5,232																								
Licensure Qualifications	<u>Veterinarians</u> • Shall be at least 21 years old. • Shall be a graduate of accredited veterinary school. • Shall be a citizen of the United States or legally present. • Applicants who are graduates of a program not accredited by the American Veterinary Medical Association (AVMA) must provide proof of an Educational Commission for Foreign Veterinarian Graduates certificate or its equivalent by the AMVA. • Pass an examination. <u>Faculty License</u> • Provide proof of graduation from a reputable school of veterinary medicine • Provide proof of appointment to the faculty of an Alabama school or college of veterinary medicine • Applicant must demonstrate competency in the English language. • Pass state board examination on Alabama practice act. • Shall be a citizen of the United States or legally present. <u>Veterinary Technician</u> • Shall be at least 18 years of age. • Shall be of good character. • Applicant must demonstrate that they have attained a competent education and have received a diploma in veterinary technology from an AMVA accredited school or other school approved by the Board. • Pass an examination. <i>Code of Alabama 1975, Section 34-29-72 and 34-29-94</i>																								

Examinations

Applicants for a Veterinarian license must pass the North American Veterinary Licensing Examination (NAVLE) prepared and administered by the National Board of Veterinary Medical Examiners (NBVME). The exam is administered at Prometric test centers in Birmingham, Dothan, and Montgomery. Exam fees are paid to the NBVME.

The following are the pass/fail rates for Alabama applicants:

North American Veterinary Licensing Examination

Year	# Taken	# Passed	% Passed
2020	43	35	81%
2021	48	35	73%
2022	41	25	61%
2023	97	62	64%

The following are the pass/fail rates for Alabama public educational institutions:

Auburn University Examination Rates

Year	# Taken	# Passed	% Passed
2020	28	26	93%
2021	32	23	72%
2022	28	19	68%
2023	50	36	72%

Source: Executive Director

Code of Alabama 1975, Section 34-29-73

Applicants for a Veterinary Technician license must pass the Veterinary Technician National Examination (VTNE) prepared and administered by the American Association of Veterinary State Boards (AAVSB). The exam is administered in March, July, and December at Prometric test centers in Birmingham, Dothan, and Montgomery. Exam fees are paid to the AAVSB.

The following are the pass/fail rates for Alabama applicants:

Veterinary Technician National Examination

Year	# Taken	# Passed	% Passed
2020	45	31	69%
2021	37	38	57%
2022	56	38	68%
2023	34	15	44%

Examinations (continued)	The following are the pass/fail rates for Alabama public educational institutions: <table><tr><th colspan="4">Coastal Alabama Community College</th></tr><tr><th>Year</th><th># Taken</th><th># Passed</th><th>% Passed</th></tr><tr><td>2020</td><td>14</td><td>7</td><td>50%</td></tr><tr><td>2021</td><td>18</td><td>12</td><td>67%</td></tr><tr><td>2022</td><td>9</td><td>5</td><td>56%</td></tr><tr><td>2023</td><td>11</td><td>5</td><td>45%</td></tr></table> <table><tr><th colspan="4">Jefferson State Community College</th></tr><tr><th>Year</th><th># Taken</th><th># Passed</th><th>% Passed</th></tr><tr><td>2020</td><td>20</td><td>13</td><td>65%</td></tr><tr><td>2021</td><td>40</td><td>21</td><td>53%</td></tr><tr><td>2022</td><td>35</td><td>22</td><td>63%</td></tr><tr><td>2023</td><td>14</td><td>6</td><td>43%</td></tr></table> <i>Source:</i> Executive Director <i>Code of Alabama 1975</i>, Section 34-29-94(c)	Coastal Alabama Community College				Year	# Taken	# Passed	% Passed	2020	14	7	50%	2021	18	12	67%	2022	9	5	56%	2023	11	5	45%	Jefferson State Community College				Year	# Taken	# Passed	% Passed	2020	20	13	65%	2021	40	21	53%	2022	35	22	63%	2023	14	6	43%
Coastal Alabama Community College																																																	
Year	# Taken	# Passed	% Passed																																														
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2021	18	12	67%																																														
2022	9	5	56%																																														
2023	11	5	45%																																														
Jefferson State Community College																																																	
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2020	20	13	65%																																														
2021	40	21	53%																																														
2022	35	22	63%																																														
2023	14	6	43%																																														
Reciprocity	Any applicant satisfactorily completing the AVMA approved National Veterinary Licensing Exam in another state need not repeat the examination for licensure in Alabama, however, the Board retains jurisdiction to require the applicant repeat any portion of the AVMA approved National Veterinary Licensing Exam or practice specific examinations necessary to determine practice competency. <i>Code of Alabama 1975</i>, Section 34-29-72(c)																																																
Renewals	Licenses expire annually on December 31. <i>Code of Alabama 1975</i>, Section 34-29-75 Online renewals are available and approximately 90% are completed online. <i>Source:</i> Executive Director																																																
Licensee Demographics	Data not collected by agency																																																
Continuing Education	Veterinarians are required to complete 20 hours each year. Veterinary Technicians are required to complete 8 hours each year. The continuing education requirements are not waived for inactive license holders and should be maintained in a file in the event the licensee is audited by the Board. <i>Code of Alabama 1975</i>, Section 34-29-69(8) <i>Administrative Rule</i> 930-X-1-.12 and 930-X-1-.33																																																

SIGNIFICANT ISSUES

There are no new significant issues.

SIGNIFICANT ISSUES FROM QUESTIONNAIRES

Significant Issue 2024-001: Three of the seven (43%) Board Members responding to our survey indicated that the Veterinary Practice Act should be updated. Additionally, three of the seven (43%) Board Members responding to our survey believe the Board's laws should be updated to include telemedicine, stand-alone mobile practices and online pharmacies. Some of the issues cited include reaching underserved rural areas with mobile units without requiring the mobile practice to be attached to a brick-and-mortar practice and the risks involved with telemedicine.

Significant Issue 2024-002: Seven of the seventeen (41%) licensed veterinarians responding to our survey indicated that staffing concerns are the most significant issue facing their profession in Alabama. Some of the issues cited include the lack of qualified applicants for employees and the lack of large animal veterinarians.

Significant Issue 2024-003: Eighteen licensed veterinary technicians responded to our survey and the following was noted from the responses:

- **Six of the eighteen (33%) licensed veterinary technicians responding to our survey consider title protection the most significant issues facing their profession in Alabama.** Some of the issues cited include unlicensed personnel performing procedures that should only be done by licensed technicians and the lack of motivation of veterinary assistants to pursue a degree and licensure.
- **Seven of the eighteen (39%) licensed veterinary technicians responding to our survey consider salary and low wages the most significant issues facing their profession in Alabama.** Some of the issues cited include low wages contributing to a lack of interest in the profession and veterinarians opting to pay an unlicensed person less rather than hire a licensed veterinary technician.

Significant Issue 2024-004: Five of the eighteen (29%) licensed veterinary technicians and two of the five (40%) of licensed faculty responding to our survey indicated they are not adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved, except for the following:

Prior Significant Issue 2020-01: The Board has adopted an administrative rule to charge a \$25.00 fee to verify a licensee. The fee is not authorized by statute.

Attorney General's Opinion Number 87-222 concluded that: "Where the Legislature established a sufficiently definite policy, standard or rule an administrative agency may be empowered to deal with the issuing of a license or permit and to fix reasonable fees for such issuance; where the Legislature has not established such a sufficiently definite policy, rule or standard the administrative agency may not be empowered to deal with such issuing of licenses or permits or establishing of fees."

Current Status: Unresolved. The Board still has a Verification of License Fee of \$25.00 enumerated in *Administrative Rule* 930-X-1-.06 for Veterinarians and Veterinary Technicians. The Board does not appear to be charging the fee; however, the administrative rule has not been amended to remove the fee not authorized by statute.

Prior Finding 2020-001: The Board did not verify if aliens applying for licensure were lawfully present in the United States. Applicants submitted the required documents for licensure, but the Board did not submit the documents to the Systematic Alien Verification for Entitlements (SAVE) program. As a result, the Board may have issued licenses to individuals that may not be lawfully present in the United States.

According to the *Code of Alabama 1975*, Section 31-13-7(f), no official of this state or political subdivision of this state shall attempt to independently make a final determination of whether an alien is lawfully present in the United States. Further, the *Code of Alabama 1975*, Section 31-13-7(i) states that an alien's lawful presence in the United States shall be verified by the federal government through the Systematic Alien Verification for Entitlements program operated by the United States Department of Homeland Security.

Current Status: Unresolved. The Board continues to obtain required documents for licensure but does not submit the documents to the Systematic Alien Verification for Entitlements (SAVE) program.

Prior Finding 2020-004: The Board did not notify the Secretary of State of vacancies on the Board. The Board did not notify the Secretary of State of vacancies for one member whose term expired October 10, 2018; one member whose term expired July 20, 2020; and two members whose terms expired March 4, 2020. As a result, interested candidates were not given sufficient notice of upcoming board member appointments.

The *Code of Alabama 1975*, Section 36-14-17 (c)(1) states, "The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy scheduled to occur on the board as a result of the expiration of a term at least 45 days before the vacancy occurs."

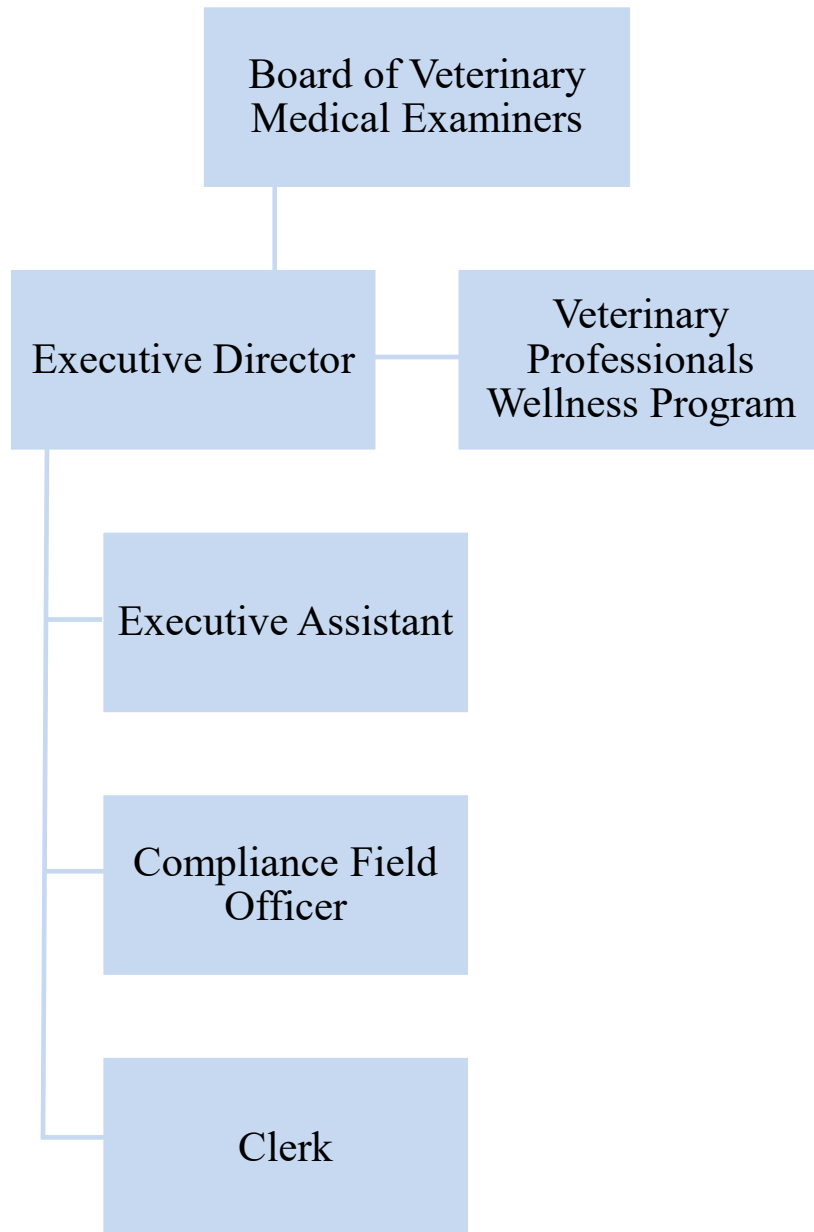
Current Status: Unresolved. The Board did not notify the Secretary of States of vacancies occurring as a result of the expiration of Board members' terms that expired on September 17, 2021 and October 10, 2022.

STATUS OF PRIOR SIGNIFICANT ISSUES FROM QUESTIONNAIRES

Prior Significant Issue 2016-002: Complainants were not satisfied with their dealings with the Alabama Board of Veterinary Medical Examiners. Eighteen of twenty-eight complainants responding (64%) stated they were not satisfied with their dealings with the Alabama State Board of Veterinary Medical Examiners, 57% (16 of 28 complainants responding) did not think the Board did everything it could to resolve their complaint.

Current Status: Unresolved. Twenty-one of the twenty-six (81%) complainants responding to our survey do not think the Board did everything it could to resolve their complaint.

ORGANIZATION



PERSONNEL

Employees

Schedule of Employees By Title/Sex/Race					
	#	W/M	W/F	Salary	Vehicle Assigned
Executive Director	1		1	\$95,800.80	4*
Executive Assistant	1	1		\$78,549.60	
Clerk	1		1	\$34,927.20	
Licensing/Regulatory Compliance Field Officer	1		1	\$59,865.60	
Total	4	1	3		4

W/M=white male, W/F=white female

*Agency motor pool assigned to Executive Director

Legal Counsel

Olivia Martin, Assistant Attorney General, an employee of the Attorney General's Office, serves as the Board's legal counsel. The Board has an agreement with the Attorney General's Office effective February 1, 2024 through December 31, 2026. The Board compensates the Attorney General's office at a rate of \$150 per hour for all time spent providing legal services to or on behalf of the Board. Additionally, the Board compensates the Attorney General's Office \$50 per hour for all time spent providing paralegal services to or on behalf of the Board. The agreement also stipulates the Board agrees to compensate the Attorney General's Office for travel at the same rate as state employees.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee (FY 2023) - 1,328

Number of Licensees for the Past Four Fiscal Years

Type of Licenses	Fiscal Year			
	2020	2021	2022	2023
Veterinarians	1,781	1,830	1,860	1,899
Faculty	138	144	131	147
Veterinary Technicians	418	442	461	495
Premise Permits	692	704	719	742
Controlled Substance Certificates	1,322	1,365	1,526	1,316
Veterinarian (Inactive)	92	85	84	68
Veterinary Technician (Inactive)	9	7	6	9
Certified Euthanasia Technician	162	180	148	150
Certified Euthanasia Technician (Inactive)	353	372	400	449
Registered Animal Euthanasia Facility	43	43	38	38
Total	5,010	5,172	5,373	5,313

Operating Disbursements per Licensee (FY 2023) - \$118.33

Fines/Penalties as a Percentage of Operating Receipts

	FY 2020	FY 2021	FY 2022	FY 20230
Total Receipts	601,353.80	636,264.10	685,552.50	570,833.65
Fines*	16,558.30	29,925.00	18,725.00	13,425.00
Percentage	2.75%	4.70%	2.73%	2.35%

*Includes Administrative Fines and Late Fees/Penalties.

Notification of Board/Commission Decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are specifically notified of proposed changes through email and a mailed copy.

Inspections

The Board conducts inspections of veterinary and registered animal euthanasia facilities. The inspections are to determine compliance with minimum standards for facilities found in the Board's administrative code, sections 930-X-1-.31 and 930-X-1-.32. Inspections are performed upon application for a premise permit, every three years to ensure compliance, and during an investigation of a complaint if necessary.

Schedule of Inspections				
Fiscal Years 2020 through 2023				
Inspections	2020	2021	2022	2023
Pass	165	200	213	196
Fail	3	8	6	1
Total	168	208	219	197
Source: Executive Director				

According to *Administrative Rule* 930-X-1-.31(7), in the event of failure, inspectors send a letter with a list of deficiencies. Premises are given time to correct these deficiencies, complete a new premises permit application, and pay the premises evaluation failure reinspection fee. An Inspector/Compliance Officer will contact the veterinarian to schedule the reinspection. It may be up to 120 days after the Board is notified that the premises are ready for reinspection before the premises are reevaluated.

COMPLAINT HANDLING

The Board's *Administrative Rules* 930-X-1-.20 through 930-X-1-.27 addresses the Board's complaint and disciplinary process.

Initial Contact/Documentation	Complaints are accepted by mail, fax, email and in person. Complaints can be brought by members of the public, Board members and staff. The Board has an official complaint form available on its website and is required to be used in filing a complaint. Complaints must be signed but are not required to be notarized. Complainants are notified by mail that their complaint was received.
Anonymous Complaints Accepted	No
Investigative Process / Probable Cause Determination	A Board member is selected as the Chief Investigating Officer to investigate the complaint, sometimes with assistance from the Board's employed inspectors. The results of the investigation are presented to the Board's attorney and the executive director. The Chief Investigating Officer will make recommendations for discipline and the Board members will decide to accept the recommendation or if further disciplinary action(s) are warranted. The Chief Investigating Officer is not involved in the Board's decision on disciplinary action.
Negotiated Settlements	Yes
Notification of Resolution to the Complainant	Complainants are notified of the Board's resolution of the complaint by mail.

Code of Alabama 1975 Section 34-29-80

Source: Executive Director

Complaint Data

Schedule of Complaints Resolved Fiscal Year 2020 through 2023						
Year/Number of Complaints Received	Year/Number Resolved					Pending
	2020	2021	2022	2023	2024¹	
2020 / 29	24	5				
2021 / 30		15	15			
2022 / 40			22	16	2	
2023 / 35				24	11	
2024 / 11					9	2
¹ As of August 15, 2024 <i>Source:</i> Executive Director						

Average Time to Resolve Complaints - 102 business days.

Disposition of Resolved Complaints

Number of Complaints	Resolution
74	Case Dismissed
38	Letter of Concern
22	Consent Agreement
8	Cease and Desist
1	Complaint Withdrawn

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The Board does not coordinate regulation, licensing, or permitting with any other state or federal agency.

The Board contracts with Dr. Jerome B. Williams in association with the Red Mountain Wellness and Restoration Foundation to manage the Alabama Veterinary Professional Wellness Program.

The Board has an agreement with the International Council for Veterinary Assessment (ICVA) to manage the National Exam (NAVLE) for the ASBVME. No monies are involved with this agreement.

FINANCIAL INFORMATION

Source of Funds

Application fees, license and permit fees, penalties, and fines are deposited into the Board of Veterinary Medical Examiners' Special Revenue Fund maintained in the State Treasury.

Schedule of Fees

The Board's statutes do not specify an amount to be charged. Fees are set in the Board's *Administrative Rule* 930-X-1-.06.

Fee	Statutory Authority	Amount Authorized
Veterinarian		
Application for License	34-29-69 (11)	\$250.00
Temporary License Application Fee	34-29-71(a)	\$100.00
Certification for Eligibility for NAVLE	34-29-72(a)	\$250.00
Annual Renewal of License	34-29-69(11)	\$200.00
Late Renewal ¹	34-29-75	\$200.00
Reinstatement Fee	34-29-69(15)	\$275.00
Annual Renewal of Faculty License	34-29-72(e)	\$100.00
Late Renewal of Faculty License ¹	34-29-75	\$100.00
Temporary Faculty License Application Fee	34-29-71(a)	\$100.00
Annual Renewal of Inactive License	34-29-69(15)	\$100.00
Late Renewal of Inactive License ¹	34-29-75	\$100.00
Annual Premise Permit	34-29-88	\$150.00
Late Renewal Premise Permit ¹	34-29-75	\$150.00
New Hospital, Clinic, Mobile Unit or Change of Ownership	34-29-88	\$200.00
Premise Evaluation Failure Reevaluation Fee	34-29-88	\$150.00
Controlled Substance Certificate	20-2-50	\$35.00
Veterinary Technician		
Application for License	34-29-69(11)	\$100.00
Annual License Renewal	34-29-69(11)	\$75.00
Late Renewal of License ¹	34-29-75	\$75.00
Annual Renewal of Inactive License	34-29-69(15)	\$37.50
Late Renewal of Inactive License ¹	34-29-75	\$37.50
Certified Euthanasia Technician and Registered Animal Euthanasia Facility (RAEF)		
RAEF Application and Initial Inspection	34-29-130	\$300.00
RAEF Annual Registration Renewal	34-29-130	\$200.00
RAEF Late Renewal of Registration ¹	34-29-75	\$200.00
Ancillary Services		
Additional Copies of Veterinary Practice Act	AGO 98-00161	\$30.00
Directories of Licensing Information	AGO 98-00161	\$50.00
Certified Renewal Notices	AGO 98-00161	\$10.00
Duplicate Licenses	AGO 98-00161	\$25.00
Return Check Fee	8-8-15	\$30.00
Verification of License Fee*		\$25.00

¹Plus cost of renewal

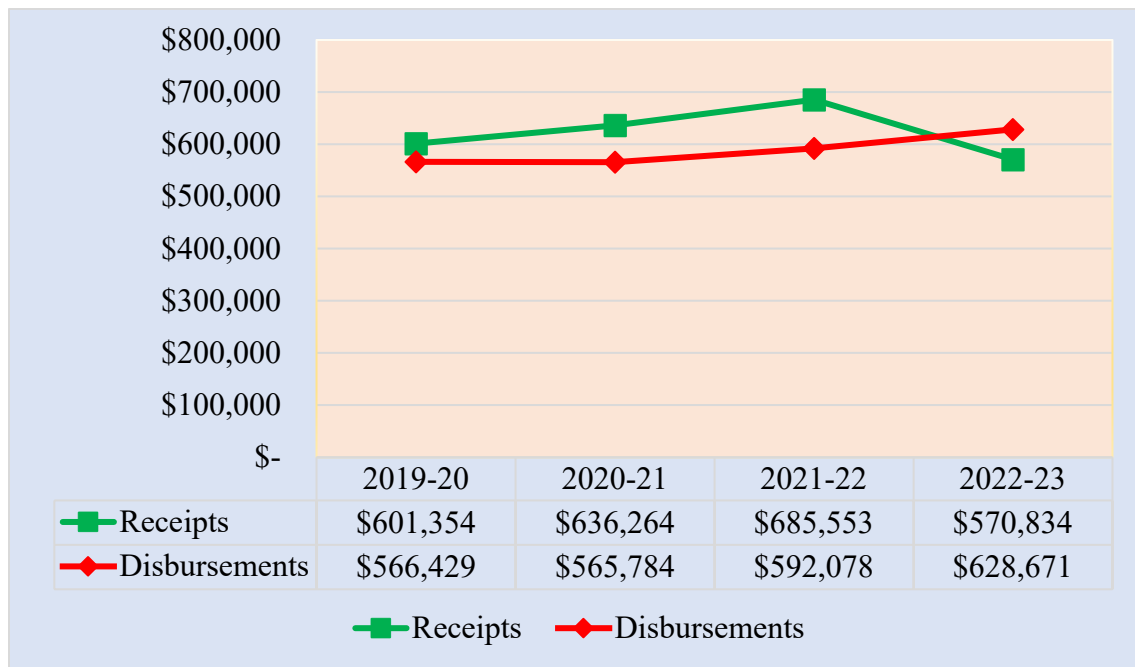
*See *Prior Significant Issue* 2020-01.

Schedule of Receipts, Disbursements and Balances

October 1, 2019 through September 30, 2023

	2019-2020	2020-2021	2021-2022	2022-2023
<u>Receipts</u>				
Licensing Fees	\$584,795.50	\$606,339.10	\$652,075.00	\$557,407.50
Administrative Fines	3,145.80	18,250.00	1,750.00	5,000.00
Late Fee/Penalties	13,412.50	11,675.00	16,975.00	8,425.00
Contract Fees				1.15
Salvage Equipment			14,752.50	
Total Receipts	601,353.80	636,264.10	685,552.50	570,833.65
<u>Disbursements</u>				
Personnel Costs	261,974.09	273,204.00	281,738.09	306,280.40
Employee Benefits	114,263.99	114,161.05	115,685.17	123,659.77
Travel, In-State	2,671.15	1,818.33	6,115.28	8,191.86
Travel, Out-of-State			304.64	
Repairs & Maintenance	3,505.41	127.96	339.37	420.00
Rentals & Leases	45,000.00	50,593.48	52,941.03	52,531.30
Utilities & Communications	27,188.04	28,927.00	29,819.46	30,371.86
Professional Services	75,692.22	61,903.75	68,507.65	71,606.52
Supplies, Materials, & Operating Expenses	19,507.75	21,279.22	20,321.77	23,506.87
Transportation Equipment Operations	8,312.68	13,768.92	15,968.25	12,102.05
Other Equipment Purchases	8,313.28		337.32	
Total Disbursements	566,428.61	565,783.71	592,078.03	628,670.63
Excess (Deficiency) of Receipts over Disbursements	34,925.19	70,480.39	93,474.47	(57,836.98)
Cash Balance at Beginning of Year	848,343.82	883,269.01	953,749.40	1,047,223.87
Cash Balance at End of Year	883,269.01	953,749.40	1,047,223.87	989,386.89
Reserved for Year-End Obligations	(50,138.89)	(49,099.91)	(31,260.05)	(71,800.49)
Unobligated Cash Balance at End of Year	\$833,130.12	\$904,649.49	\$1,015,963.82	\$917,586.40

Operating Receipts vs. Operating Disbursements

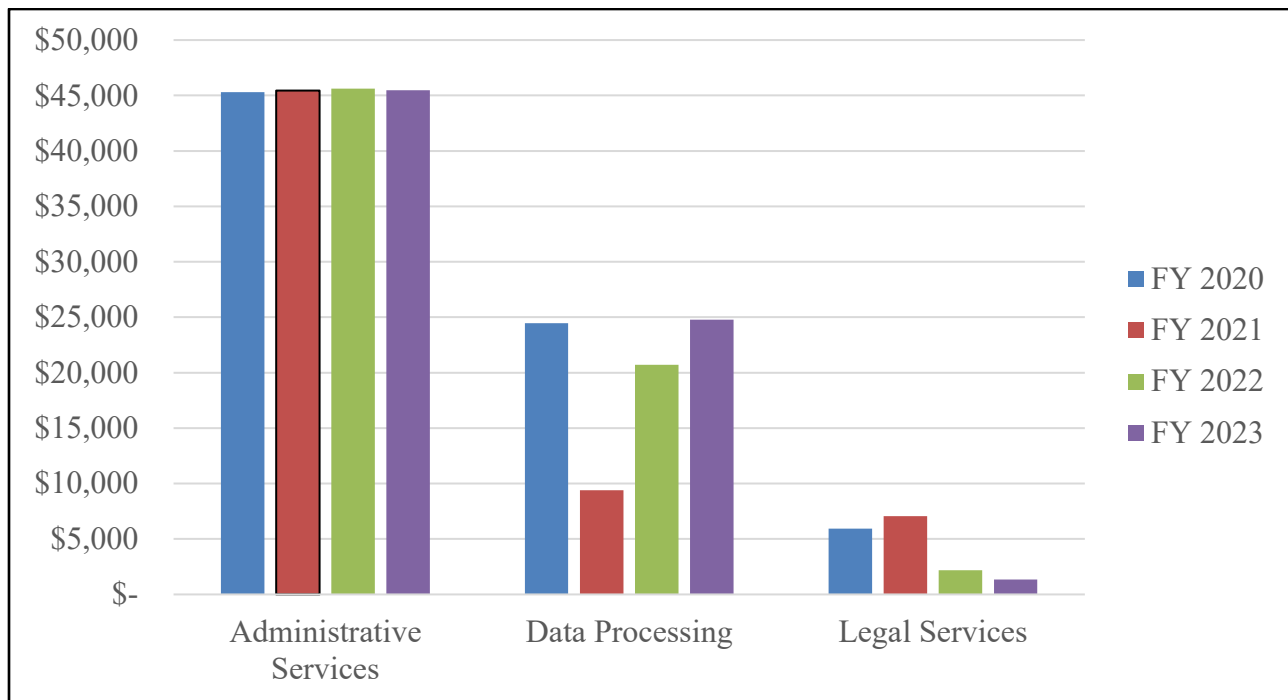


Summary Schedule of Professional Services Disbursements*

As of September 30th				
Type of Service	FY 2020	FY 2021	FY 2022	FY 2023
Administrative Services	\$45,290.39	\$45,445.35	45,606.15	\$45,478.52
Data Processing	24,454.99	9,393.40	20,711.50	24,778.00
Legal Services	5,946.84	7,065.00	2,190.00	1,350.00
Total Professional Services	\$75,692.22	\$61,903.75	\$68,507.65	\$71,606.52

*Detailed information presented in Appendix II of this report.

Professional Services Disbursements



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all 8 members of the Alabama State Board of Veterinary Medical Examiners requesting participation in our survey. 7 participated in our survey. The percentages are based on the number who responded to the question.

1. What are the most significant issues currently facing the Board of Medical Examiners and how is the Board addressing these issues?

Board Member #1 – “During 2020-July, 2022 I would say the biggest issue facing the board is telehealth and the problem of making it align with the Alabama Practice Act. (My terms on the board ended on July 18, 2022.)”

Board Member #2 – “Review of the State Practice Act is a process that is multi-faceted and currently being worked on by the ALVMA, in conjunction with and consultation from the ASBVME. This is an important need in order to continue to safeguard the citizens of Alabama from the potential of improper or inferior Veterinary practice in Alabama.”

Board Member #3 – “The Alabama Veterinary Practice Act is outdated and needs to be updated by the legislature. The board simply does the best they can with the way the current act is written. Some things that need addressing:

1. Telehealth/telemedicine (not addressed at all as act was written in 1970s)
2. Veterinarians can only work for other veterinarians instead of corporations that are not vet owned (though the board mostly turns a blind eye to this rule). Veterinarians are not permitted to work for a non-profit and therefore do not qualify for government programs for loan forgiveness. This rule should be removed.
3. Rabies vaccines should be able to be given by lay people under the supervision of a veterinarian. Many practices are doing this illegally already. ”

Board Member #4 – “Communicaton with the public. we serve. We advertise the open meeting, list information on the website but still the public doesn't get involved until something happens that they haven't taken advantage to learn how the process works ahead of time.”

Board Member #5 – “Finding members willing to serve. It takes a commitment to lose a day of work for 400.00 a day.

Cooperate ownership of practices is an issue that has changed the face of veterinary medicine and it is not good for the consumer.”

Board Member #6 – “Consumers using vets over the phone and not using their local veterinarians. Researching to make sure that these pop-up clinics are following proper guidelines and not giving diagnosis over the phone.”

Board Member #7 – “I believe we have a good board at this time.”

2. What, if any, changes to the Board's laws are needed?

Board Member #1 – “Telehealth and better compensation for board members who must leave their practices for board meetings. Board members who are veterinarians and often times practice owners must pay relief veterinarians \$600 to \$1,000 to cover their clinic hours or shut the practice down for the day(s).”

Board Member #2 – “Some of the verbiage and vernacular of our current Practice act could be improved, and addressing again the risks of telemedicine in this modern age.”

Board Member #3 – “Add a section on telehealth and telemedicine, permit veterinarians to own a standalone mobile practice not affiliated with a brick and mortar building (this rule is preventing access to care for many lower income Alabamians - vets want to provide low cost mobile services to reach under served areas but the act prohibits a mobile unit being seperate from a traditional brick and mortar practice. This is outdated. A truck or trailer can be outfitted with the latest tools and gadgets any other building has.”

Board Member #4 – “I am not sure that the Board's laws need to be changed as much as updated.”

Board Member #5 – “Practice ownership by non veterinarians plus a whole re write in many areas..”

Board Member #6 – “None”

Board Member #7 – “Updating to meet the current veterinary medical practice, ie telehealth and online pharmacies.”

3. Do you think the Board is adequately funded?

Yes	7	100%
No	0	0%
Unknown	0	0%

4. Do you think the Board is adequately staffed?

Yes	5	71%
No	2	29%
Unknown	0	0%

5. Does the Board receive regular reports on the operations of the Board from the chief administrative officer?

Yes	6	86%
No	0	0%
Unknown	1	14%

6. Has the Board experienced any significant changes to its operations?

Yes	0	0%
No	6	86%
Unknown	1	14%

7. Does the Board plan to make any significant changes in its operations?

Yes	0	0%
No	3	43%
Unknown	4	57%

8. Do you have any other comments you would like to make?

Board Member #1 –“No”

Board Member #2 –“Not at this time.”

Board Member #3 – “Tammy really does an amazing job and all of the board staff. I appreciated their hard work when I served. My biggest concern now is the Alabama VMA’s role in filling open veterinary board member positions. They recently changed their rules that they want to fill board member positions from certain districts. The practice act states that the members of the Alabama VMA vote on nominees and the top three names go to the governor. They have stopped voting with the membership and instead are using the Alabama VMA board to select the three candidates that go to the governor. This is eliminating additional nominees without voting. Twice now, I am aware of excellent candidates being removed from the ballot by the VMA because they are from the “wrong district”. This is nothing more than a political ploy for the veterinary practice owners association to get their people on the state veterinary board. If you remember back in 2007 this group formed to fight the existence of low cost non profit spay and neuter clinics in the state. The Alabama VMA seemingly no longer cares about getting a diversification of veterinary experience on the board. After I left, there has been no veterinary shelter medicine advocate to serve. Repeated attempts to nominate an advocate were thwarted by the Alabama VMA. I have been told the veterinary practice owners association is trying to get their members on the board so they may once again attempt to shut down non-profit low cost clinics. Again, the other way to address this issue is to permit veterinarians to work for a non-profit rather than limit their employment to only working for another licensed veterinarian. I am more than happy to discuss these issues further and in more detail if needed. Thank you.”

Board Member #4 – “Thank you.”

Board Member #5 – “No”

Board Member #6 – “No”

Board Member #7 – “no”

Veterinarian Questionnaire

A letter was sent to 100 licensees requesting participation in our survey. 17 participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 – “Lay persons completing veterinary medicine and veterinarians not requiring a true and current VCPR(selling meds without having seen cattle or horses)”

Respondent #2 – “Lack of veterinarians wanting to provide ambulatory veterinary services.”

Respondent #3 – “Rising overhead costs paired with decreased budgets from clients”

Respondent #4 – “Increased cost of doing business”

Respondent #5 – “Lack of large animal veterinarians and influx of untrained civilians who pretend they are veterinarians”

Respondent #6 – “Lack of retirement plan.”

Respondent #7 – “Adherence to practice act”

Respondent #8 – “1. The decrease in Food Animal practitioners 2. The increase in corporate owned practices and the gradual decrease in small town/rural privately owned practices.”

Respondent #9 – “Staffing”

Respondent #10 – “Suicide, lack of qualified applicants for employees, large corporations taking over private practices, social media negative information, work life balance.”

Respondent #11 – “Rising costs, lack of trained staff, lack of doctors”

Respondent #12 – “The need for licensed technicians”

Respondent #13 – “Lack of employees especially veterinarians and technicians. Women tend to work only part-time. ”

Respondent #14 – “Veterinary Patient Relationship and Virtual Medicine”

Respondent #15 – “Resources for hiring employees and associate veterinarians.”

Respondent #16 – “High late fees for license renewal.”

Respondent #17 – “on line non regulated veterinary advice or prescribing”

2. Do you think regulation of your profession by the Alabama State Board of Veterinary Medical Examiners is necessary to protect the public’s welfare?

Yes	17	100%
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3. Do you think any of the Board’s laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	2	12%
No	13	76%
Unknown	2	12%

4. Are you adequately informed by the Board of changes to and interpretations of the Board’s positions, policies, rules, and laws?

Yes	13	76%
No	3	18%
Unknown	1	6%

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	17	100%
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6. Does the Board respond to your inquiries in a timely manner?

Yes	14	82%
Unknown	3	18%

7. Has the Board performed your licensing and renewal in a timely manner?

Yes	17	100%
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8. Do you have any additional comments you would like to make?

Respondent #1 – “The Board is useful to prevent practice of medicine without a license or being informed on changes in current treatments from outdated/unsuccessful methods.”

Respondent #2 – “No”

Respondent #3 – “No”

Respondent #4 – “The board has always maintained a professional and positive position in my experiences over the past 20 years”

Respondent #5 – “The people who answer my questions are kind professional and efficient. I never have to wait for answers in Alabama. I have waited months for answers in other states where I am licensed”

Respondent #6 – “The veterinarians need to be a group eligible like a cooperation for insurance and retirement fund. Insurance now is half of what I have been paying a month but still untouchable with the likes of Honda, Mercedes, Mueller etc. It is a shame that we haven't taken care of our profession”

Respondent #7 – “None”

Respondent #8 – “I know that stand-alone, physically-present CE seminars are the norm but, frankly, I have learned more from serious on-line courses. I believe these are the way of the future and would like for the Board to consider allowing more hours via the digital venue.-- [REDACTED] (AU 1970)”

Respondent #9 – “N/A”

Respondent #10 – “No”

Respondent #11 – “no”

Respondent #12 – “No”

Respondent #13 – “Think it would be easier to have a biannual renewal.”

Respondent #14 – “No”

Respondent #15 – “No”

Respondent #16 – “no”

Respondent #17 – “I believe that the board is doing a good job making sure that the public is protected”

Veterinary Technician Questionnaire

A letter was sent to 100 licensees requesting participation in our survey. 18 participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 – “Pay rate”

Respondent #2 – “Emotional blackmail/abuse, veterinarian shortages”

Respondent #3 – “Title protection! Adequate compensation!!! How is it that someone that works in the fast food industry can make more money than US after we’ve put the time, effort, and went through schooling to get where we are? For those who don’t have spousal support or can’t live with their parents, like myself, need more than one job just to survive! LVTs are leaving the field in droves specifically for this reason. Struggling to scrape by is extremely mentally exhausting.”

Respondent #4 – “The fact that it is not required to be licensed so veterinarians opt to hire people unlicensed and pay less instead of paying a decent wage for someone who is licensed.”

Respondent #5 – “Title Protection”

Respondent #6 – “LVTs not the getting the proper credit and VAs calling themselves techs. Overpopulation

Not enough emergency and after hours clinics”

Respondent #7 – “Regulation of unlicensed "technicians" and the utilization of licensed technicians.”

Respondent #8 – “Title protection, public awareness of the education and licensure requirements for those with degrees and licenses. Utilization of LVT skills”

Respondent #9 – “Lack of initiative/drive for assistants to pursue obtaining their license.”

Respondent #10 – “Lack of qualified help”

Respondent #11 – “Lack of real oversight and application of existing practice laws.”

Respondent #12 – “Fair pay”

Respondent #13 – “unlicensed "Techs" - Salary”

Respondent #14 – “Lack of interest in joining this profession due to low wages for the work that we do. Mental wellbeing.”

Respondent #15 – “Enforcement of the Alabama Veterinary Practice Act as written, to include title protection and scope of practice related to veterinary technicians and addressing unlicensed personnel, veterinary assistants, performing duties reserved for licensed technicians. Lack of enforcement poses risk to public and animal health and welfare and furthers the severe workforce gap of technicians in the state.”

Respondent #16 – “Finding a job that pays higher for LVT's. Also communication amongst the rescue organizations for taking care of the feral population. ”

Respondent #17 – “Being belittled by clients”

Respondent #18 – “Lack of enforcement or protection for the title of Veterinary Technician. Lack of understanding the difference between Licensed Technician and Veterinary Assistant. This leads to no delineation of procedures and tasks permitted to perform between LVT's and VA's. This leads to VA's performing procedures that should only be done by LVT's. This leads to a lack of motivation for VA's to better themselves through proper education to become LVT's. Thus, lowering the standards for the entire veterinary profession.”

- 2. Do you think regulation of your profession by the Alabama State Board of Veterinary Medical Examiners is necessary to protect the public's welfare?**

Yes	17	94%
No	1	6%

- 3. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?**

Yes	2	11%
No	12	67%
Unknown	4	22%

- 4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?**

Yes	10	71%
No	5	29%
Unknown	3	0%

- 5. Do you consider mandatory continuing education necessary for the competent practice of your profession?**

Yes	17	94%
No	1	6%

- 6. Does the Board respond to your inquiries in a timely manner?**

Yes	7	39%
Unknown	11	61%

- 7. Has the Board performed your licensing and renewal in a timely manner?**

Yes	18	100%
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8. Do you have any additional comments you would like to make?

Respondent #1 – “n/a”

Respondent #2 – “No”

Respondent #3 – “Adding another layer to the profession for LVTs won’t work unless the current issues are addressed as I previously mentioned.”

Respondent #4 – “Previously stated in #1”

Respondent #5 – “No”

Respondent #6 – “I had a miscarriage of a baby boy and was hospitalized over Christmas of 2021 and I forgot to renew my license - someone called from the board threatening me in January that if I didn't get my license renewed immediately, I would have to come before the board. I had a name change, so I had to send in a paper renewal and check. I told the gentlemen about my miscarriage and he said, "well I'm sorry"”

Respondent #7 – “no”

Respondent #8 – “I find it very important that our state board maintain high standards for LVTs and continue to regulate.”

Respondent #9 – “No”

Respondent #10 – “Need to make it mandatory to only allow licensed people to be called techs, and enforce it. No requirement is worth anything if it's not enforced.”

Respondent #11 – “I think licensed veterinary technicians can perform more duties than currently allowed. Unlicensed assistants are allowed to do too much they are not supposed to do by current practice laws.”

Respondent #12 – “N/a”

Respondent #13 – “No”

Respondent #14 – “The fact that someone who is not credentialed can do basically the same job as a credentialed person with only slightly more restrictions and now with almost the same pay is absurd to me. This is why no one wants to do this job anymore or bother to go get their license because the reward is not worth the stress and pain you go through to get it. I have been in this field for more than 30 years and still love it more than anything, but you don't find people like me anymore for these reasons. This is a stressful job and to not be recognized for the fact that you spent your hard earned time and money to go to school to learn more about it to just have someone who didn't do that make the same amount as you and only put in half the effort is very discouraging.”

Respondent #15 – “It is known that the veterinary board recognizes the need for amendments to the veterinary practice act but enforcement of the regulations and laws as currently stated is needed specifically as they relate to veterinary technicians and unlicensed assistants. Many veterinarians, practice owners and veterinary assistants are in violation of the practice act in our state and are not upholding title protection related to technicians and required licensure of non DVM staff. There is an extreme workforce shortage of technicians in Alabama largely due to scope of practice and title protection not being enforced (unlicensed assistants being allowed to perform the tasks of licensed technicians, and or being called or leading the public to perceive unlicensed assistants as technicians)”

Respondent #16 – “I wish there was a way that LVT's could perform more duties to help the vets like a Nurse Practitioner can. I believe if the LVT's could help perform at least neuter's for stray animals for TNR programs then it could help the wild animal population. Also I feel if LVT's could see patients with basic needs then more people would get care for their pets at a lower rate.”

Respondent #17 – “No”

Respondent #18 – “ See answer 1.”

Faculty Questionnaire

A letter was sent to 100 licensees requesting participation in our survey. 5 participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 – “Climate change and its impact on food animal product and costs. Suicide rate and mental health.”

Respondent #2 – “Cost of veterinary care for the average animal owner”

Respondent #3 – “The influx of national corporate practices and reduction in privately owned practices.

Insufficient veterinarians for rural regions.

Threat of HPAI.”

Respondent #4 – “The lack of interest among new veterinarians in pursuing board certification (future of specialties = reduction on residencies and faculties in academia) and the shortage of competent technicians in the state of Alabama/US in general.”

Respondent #5 – “The corporatization of veterinary practice.

Inadequate training of/lack of practical experience for new graduates”

2. Do you think regulation of your profession by the Alabama State Board of Veterinary Medical Examiners is necessary to protect the public’s welfare?

Yes	5	100%
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3. Do you think any of the Board’s laws, rules, or policies are an unnecessary restriction on the practice of your profession?

No	4	80%
Unknown	1	20%

4. Are you adequately informed by the Board of changes to and interpretations of the Board’s positions, policies, rules, and laws?

Yes	2	40%
No	2	40%
Unknown	1	20%

5. Does the Board respond to your inquiries in a timely manner?

Yes	2	40%
Unknown	3	60%

6. Has the Board performed your licensing and renewal in a timely manner?

Yes	5	100%
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7. Do you have any additional comments you would like to make?

Respondent #1 – “None”

Respondent #2 – “No”

Respondent #3 – “No additional comments”

Respondent #4 – “n/a”

Respondent #5 – “No additional comments.”

Complainant Questionnaire

A letter was sent to 98 complainants requesting participation in our survey. 26 participated in the survey. The percentages are based on the number who responded to the question.

1. Was receipt of your complaint acknowledged?

Yes	21	81%
No	3	12%
Unknown	2	8%

2. Approximately how long after filing your complaint did the Board contact you?

Within 15 days	2	8%
Within 30 days	5	19%
Within 60 days	10	38%
More than 60 days	8	31%
Unknown	1	4%

3. Did the Board communicate the results of the investigation into your complaint to you?

Yes	22	85%
No	3	12%
Unknown	1	4%

4. Do you think the Board did everything it could to resolve your complaint?

Yes	4	15%
No	21	81%
Unknown	1	4%

5. Do you have any additional comments you would like to make?

Respondent #1 – “The complaint was resolved to my approval. However, it took almost six months from filing the complaint until resolution. I sent numerous emails and certified letters regarding the status. The documentation I provided regarding my case was thorough and detailed. The only response was "an investigator will be contacting you". There was little communication until I "offered" to come to Montgomery to meet with the investigator at his/her convenience. As this is the ONLY avenue to hold veterinarians accountable, I think a better intake process than a pdf form document several layers deep in the licensing board website could be helpful.”

Respondent #2 – “Dr [REDACTED] was at fault but the board is protecting her. They decided wrong and put no effort into the complaint. [REDACTED] #justicefor[REDACTED] # [REDACTED]”

Respondent #3 – “It was years ago that I made this complaint. While I don't recall the specifics of the issue I do recall that the board "blew it off". While living in Texas we enjoyed very proactive boards for veterinarians, physicians and dentists. Alabama is clearly slower and that may be the basis of my dissatisfaction. In Texas I was accustomed to better government/regulations for professionals. I know this as I was very active in reporting health care issues to the Board of Medical Examiners from our hospital and felt they were very appropriately responsive.

It's amazing that glaciers move at greater speeds than our government.

The best example of this (besides my original complaint) was our response, specifically in ██████ County, to the pandemic. We never had sufficient doses of the vaccine (despite website proclamations) forcing everyone to go to ██████ that had plenty. I visited the ██████ County health department in ██████ only to find that all the available doses were given to the office staff.

Office staff!!

None was available to the public especially to the front-line health care workers and the over-75 population.

There are many opportunities that you and others have to improve health care in our state-beyond veterinarian. It is up to you to investigate and address.”

Respondent #4 – “I left my dogs with the vet for a week's boarding. We came back a day early and picked up the dogs. Both appeared sedated and barely reacted to us. My little 5 pound dog had dried and wet feces on his rear end. They both drank water excessively when we got them home. When I contacted the vet, his response was "Well, there's nothing I can do about it now". When I tried to engage him in conversation, he got very rude and could not have cared less that those in his employ treated my dogs so badly. They kept no records of our prior visits and claimed we had never been there before when we tried to get records. The Board concluded they had done nothing wrong.”

Respondent #5 – “Clearly biased and waste of time. One of 1st comments from ██████ ██████ was how long the complaint was. I thoroughly examined the evidence and researched the circumstances. I stand by my belief that ██████-█████ Tuscaloosa was responsible for my dog's death. What I described was accurate. ██████ lied and misled me, but mainly did not provide the care they claimed was available. No vital signs, no monitoring, it seems my dog was looked at by vet techs. No competent DVM would have treated my dog that way. Shameful for board to conclude insufficient evidence and shameful for Tuscaloosa to have this business that advertises ability to provide ICU level of veterinary care. Thank you, ██████ ██████ ██████-█████”

Respondent #6 – “Dr. ██████ & ██████ killed three perfectly healthy cats after routine spaying. A fourth was treated for months by another vet. Documentation by all vets involved after the spaying was sent and evidently ignored. Dr. ██████ continues to practice and alienate clients. There was a period of time when he refused to treat ██████ cats because the ladies asked too many questions concerning their care. I was extremely disappointed in the Board's decision especially after I waited almost a year to get it.”

Respondent #7 – “No, I do not.”

Respondent #8 – “I don't know. I was asked before the meeting if I wanted the veterinarian to have her license, suspended, or revoked (don't remember the exact word) and I said no, but I never heard whether she was fined or put on probation or maybe nothing happened at all. It was a unfortunate situation at the time because she had just lost her husband. I felt like something should have been done because I spent two years driving to Birmingham to have my dog treated and he never got better - she kept telling me that he was doing well - but he wasn't. It was all about the money she was getting from me. I asked her for some sort of compensation but of course she never even answered my texts. I would not recommend her to anyone.”

Respondent #9 – “ My overall impression of the response to complaints to the board is very disappointing. Not only must the complaint be mailed in, so you never know if they get it until they send you a letter, sometimes months later. I have had over a dozen complaints filed over the last few years and only gotten a response sent to me for a few. I do not know if they didn't receive the other complaints, or if they were ignored. I was told my complaints along with another LVT who had been filing complaints as well would not be accepted any longer because we "complained too much". Well, there are lots of violations to the practice act going on across the state, so what are we to do, just leave it to the next person to do? If we are aware of violations, why would we NOT file a complaint? If LVT's in this state aren't protecting their title, then who will. It certainly isn't the board. They only operate off of filed complaints. They do inspections on facilities, but WITH plenty of notice and ignore OSHA safety issues. So are we needing to file complaints with OSHA? I am at a loss as to what to do if there are blatant violations that I know of now, since my complaints won't be taken any more, I have to recruit other LVT's to make those complaints. I feel that on some occasions the board is paying attention to violations of the practice act, but for the most part they send letters out just reminding facilities to follow the law. I feel I filed legitimate complaints about practice act violations and got very little for my troubles. The process needs to be automated instead of by mail. There needs to be a way to know that they got the complaint. The board should not ignore a complaint, just because it is being sent by someone who has complained before. Violations by people who have no license to practice should be taken very seriously. I know of someone working as an LVT right now, who lost her license due to having it stripped from her due to drug abuse and DEA violations and theft at a former clinic. Should I waste my time reporting that, if they will ignore it because I am the one complaining? I have LVT's contact me all the time asking ME to report issues at their own clinics, I encourage them to report for themselves, because mine will be ignored, but I have a hard time convincing them that it really is an anonymous complaint report. Most are too scared to do it. So, there are just a few of us who do. And now those of us who do it "too much" will have theirs ignored. I have a former student who reported her former clinic about a boat load of violations and malpractice and ethics issues. It was investigated by a member of the board, but the owner of the clinic is friends of a member of the board. The results was that there were no violations. Even though this LVT reporting had seen it with her own eyes, had copies of records, documentation of everything, nothing was done. In the 'good ol' boy' veterinary community I fear that them policing themselves is a mistake. People scratch each others backs too much. There are too many violations for so few enforcements.

There are lots of violations. Maybe the board is too busy to take all of them seriously. Maybe they don't get paid enough. I do not know the root cause of the state continuing to have so many violations. Veterinarians have to step up, but I feel the only way to get them to do that is to start fining them for these violations. Feel free to contact me about my concerns. I would be happy to hear I could start having my complaints taken again. [REDACTED], LVT [REDACTED]

Respondent #10 – “It is a buddy system. The board did not resolve my complaint at all and kept a very dangerous hospital and its practices open despite evidence that the practice was going directly against the practice act. I personally have stopped reporting violations to the board because I feel like they aren't getting resolved. I feel like even though the term "veterinary technician" is protected in the practice act, the board does not care to fine anyone for misuse of the term. I think that the practice act needs to be opened up and updated to reflect ongoing changes in veterinary medicine and veterinary technology. I feel like we need new people on the board, an influx of fresh blood with new ideas that can help progress veterinary medicine into the career we want for people.”

Respondent #11 – “ 6/26/2024 - Veterinarians policing veterinarians. It is not in their best interest to take each other to task. It took almost a year, numerous follow up phone calls and ended up being a complete waste of time and insult to injury. My husband warned me when I filed the complaint that it was the fox watching the hen house. He was right on the money.”

Respondent #12 – “The vet board was very bias since the board is made up of practicing and prior vets it was very evident in the first phone call I received from the vet that took my case. The board member [REDACTED] [REDACTED] is who called me, he had a rhyme and reason to everything that happened and it was all for the good of the vet. He knew how to sugar coat everything. There were numerous other complaints sent in around the same time as mine of separate negligent cases that all took place within the first 6 months of this vet clinic opening. They found no wrong doing in ALL of the cases which is beyond my comprehension!!! Not only did the board find no wrong doing, they didn't have an issue with [REDACTED] [REDACTED] veterinary [REDACTED] [REDACTED] coming out threatening me with a lawyer to silence me she accusing me of slander when I went to pick up my deceased dogs records 6 weeks later after I got the necropsy results and then she preceded to call the police on me for absolutely no reason and I have it recorded. I called the day before to ask if they could email me the records but they said I would have to come in to get them because their system wasn't set up to email records so I told them I would be in next day when I got off of work, I only wanted to go in and pick up the papers and leave but instead they felt it necessary for the vet [REDACTED] [REDACTED] to come out and hand me the records so she could come at me and threaten me with a lawyer if I told anyone else what happened I was in shock I stood there in disbelief she told me to leave and I stayed calm and stood there for under a minute not even knowing what was really happening, I had never experienced anything like this, it was very frightening, but I wasn't leaving fast enough for her so she called the police. She then had my Google review deleted which was nothing but true fact and no slander, then had her employees, friends and family members start leaving google reviews the next day which is considered consumer fraud, the public can not read honest and real reviews instead they are reading fake reviews, I have screenshots of everything. This vet then sent out threatening letters to myself and 8 others in the community I'm aware of, everyone who had left a truthful negative review or sent in complaints to the board from an attorney [REDACTED] [REDACTED] who was also in the vets Google reviews but [REDACTED] [REDACTED] has since deleted her 5 star google review since sending out these letters (very dishonest and conflict of interest) I have screenshots of her review and more before it was deleted. The vet board or policies should include holding these veterinarian accountable for every action from negligence, to education, to professionalism, respect and most of all honesty !!! I didn't deserve nor did my dog deserve to be treated this way or any other pet that has suffered under that vets care. I'm sure if a deep investigation was done into many cases from everywhere sent into that vet board someone would see how bias they are, from their point of view they see it as they wouldn't want someone sending in a complaint on them as vets, that is so unfair to the consumer. If these had been humans this negligence happened to doctors wouldn't have a license anymore. Unfortunately pets are just considered property, when in reality they are our family members and love us more than any human could ever !! That vet board is not there for the consumer, I witnessed it first hand with the cases I know about that came just from this vet !!! I don't have \$20-\$30k for an attorney to do anything legally about everything I've been through, I had to just let everything go, give it to God, there was no justice for anything, the system is broke. For the veterinarian [REDACTED] [REDACTED] and that vet board to continue to do people this way is cruel. I believe karma and God are the same thing whichever you may believe in, I will always treat people the way I want to be treated. Honesty goes along way!!”

Respondent #13 – “ I felt completely dismissed. After my complaint I had to do ALL of the following up because I never received any calls/emails without having to nag it felt like. The person I reported is still killing animals and because this board did not do their job in MY opinion more animals have suffered. I feel like my complaint was a waste because I was not listen to or taken seriously. Almost as if they were annoyed I even filed anything”

Respondent #14 – “ I was unaware of my complaint being "resolved" due to not receiving any communication from the board after I sent in my initial complaint several years ago. They might have sent me something acknowledging receipt of my complaint but that was the only communication I had with the board. There was nothing after that from them about any progress or results about their investigation. I was not sure if they ever did an investigation to be honest since I had not heard from anyone.”

Respondent #15 – “ I didn't receive a response for almost four full months (letter mailed 1/25/22; response from board dated 5/23/22) after I placed a valid complaint about a vet who amputated my cat's leg and refused to do any medical care to a visibly blown out knee on a second leg on the same side of her body (both of which were injured in the same unknown trauma) WITHOUT EVER TAKING A XRAY FIRST. Second follow up vet confirmed there was "no way to determine blown out knee was an old injury" (as the first vet tried to claim) without an x-ray having been taken. As an aside, the blown out knee was NOT an old injury and was the only injury I reported to the vet when she returned home badly injured and I immediately rushed her into care (literally within 30 minutes of her appearing on my porch injured and she had only been missing 3 days so there's no way the injury to the back leg was "old;" it was 100% sustained in the same traumatic event that injured the front leg). I had no idea no x-ray was taken when the vet said the best option was to remove the leg. I didn't even know he was amputating the front leg when he mentioned amputation, because the only injury I knew about was the back leg. When she arrived home from the amputation, I was so confused that her front leg had been cut off and called the vet to question why the only leg I knew was injured hadn't been addressed at all, and why a leg I had no idea was even injured had been amputated and questioned if he had cut off the wrong leg. Had I have known he never performed a x-ray, I would have insisted on one and certainly would not have allowed the leg to be amputated without one having been completed. The board found my complaint to be unfounded, which is ridiculous. No vet should be chopping off an animal's leg or refusing to give medical care to a visible injury without doing an x-ray first. This vet should have faced consequences for his actions. He literally permanently disabled my cat, beyond what the trauma itself had caused, by refusing to treat the visibly blown out knee (you could literally see the knee cap was on the wrong side of the leg). I don't even know if I believe the other leg needed to be amputated at this point. This vet should have his license pulled.”

Respondent #16 – “I would like to say they did not understand the point of my situation with my documents. Wasn't blaming the vet for the death of my Saban that died in the car after telling me when we got him down there, they would help get him in. My son went in plus I called to tell them he was three. They would not acknowledge that my dog needed help, he was having respiratory problem. My son went out to check on him and he called me saying Saban was dying and my son broke down and said he's gone. They told him to take him to the ER Clinic which is down in Huntsville, at least 20-30 minutes from them. The office manager lied to me when she called and said she would be upset with the girl that handled this and told my son to leave. She said the girl was in her chair all nervous, bull! She said she would talk with Dr. [REDACTED] and I at least thought he would call me, never heard a word. I called the Board after I received this non empathy of a so-called letter. Like I told them, I was in the Medical Field for over 30 years and a doctor is not going against another doctor which I wasn't complaining about until how low down his staff, including him are. Read on fb where my friend was going to write to the Board for the same Vet Clinic. She also used them for her two pits. Told her go ahead and write how rude they were and the Vet never came out, wouldn't do her any good. This was her second time there in a couple of days for her dog was not better. She took him to ER Clinic and he would have died if not taken there. That says a lot about [REDACTED] [REDACTED] [REDACTED] [REDACTED]. Mine happened on Saturday, told the manager all it was the young girl that was out for a pay check wanted out of there at noon, didn't care about animals!”

Respondent #17 –“ This is in part the letter I sent to my two state representatives concerning my issues with the Board. I think it accurately illustrates how they operate on top of the horrible record-keeping and inadequate hourly patient care of meeting the "minimum standards of the Board's by laws."

"The reason for writing this letter regards a questionable decision made by the Board concerning the death of my dog, Annie.

My companion dachshund, Annie-May died due to negligent malpractice from an attending veterinarian in an Alabama veterinary facility. Everyone adored her and she us. It was quite a blow to my family and especially to myself as I live alone. Annie was my twice daily walking partner and hiking/riding/ social companion. Countless times she was my inspiration when I was just not feeling up to it. She was only six years old when she passed.

I know this is malpractice due to inadequate care because I come from a family of highly respected general practice and certified surgical veterinarians. They are all in agreement she was misdiagnosed and received inadequate pre- and post-operative care. This event follows a long line of mishaps with this vet practice that has a track record in my immediate community of insufficient care of pet companions.

I filed a complaint to open a case with the Alabama Board of Veterinary Medical Examiners of which began my entrance into a secretive organization that operates through end arounds, by smoke and mirrors and is severely lacking in its “service to the public.” It is anything but a service for the public and instead caters to the vet profession by protecting them from any real consequences when found in violation of the Alabama Veterinarian Practice Act. I have found it to be no more than a rubber stamp organization.

I experienced several issues when trying to interact with the Board. They would not return my voice mails and emails for most of the six months it took them to make a judgement. I have firsthand knowledge that ordinarily it takes about three months to do this work. They surely did not make it easy for me, and I am the public they are supposedly providing a service for.

But this does not get to the core of why I am writing to you.

In Annie's case the vet practice was not found in gross error yet was still sent a 'Letter of Concern' from the Board. These letters are not provided to the complainant of which are not allowed to know its content. This fact does not seem legal.

I was originally told by the Executive Assistant of the Board, [REDACTED] [REDACTED] that the decision of the board was a majority vote in unison, that there was no malpractice or wrongdoing. And yet it was later made known to me by state Assistant Attorneys General [REDACTED] [REDACTED] they originally had a split decision finding that there was a dissension on how to rule with our case. This begs major adjustments with how the board is comprised as it affects outcomes. As it currently stands the makeup is six veterinarians, one vet technician and one person from the community at large.

The make- up of the committee needs to have more lay people providing input. I would recommend a more balanced mix of four veterinarians, three lay people and one vet technician. Or something similar. Otherwise, in my mind and given the historical track record this Board is a biased majority.

[REDACTED]. [REDACTED] the person that manages the case load and is responsible for interfacing with the complainants once told me in his twelve years of performing his job there has only been ONE case that was found in gross violation of the Practice Act and made known to the public. There has to be more of the board consisting of the public.

To sum up, there are entirely too many veterinarians not being held accountable in meeting minimal standards of care of the public's companions. This demands an accountability that is currently lacking."

There is no excuse on how the board ruled no by-laws of minimum standards of care were not crossed in our complaint."

Respondent #18 – "I do not feel like the board did everything it could to resolve the complaint. I do not feel like they investigated the issue properly or thoroughly. The doctor has multiple complaints"

Respondent #19 – "I had an absolutely valid complaint that was not investigated properly because it involved the president of the board. My pet is still dealing with the repercussions of the negligence shown by the vets in my complaint and 5 surgeries later, I have incurred a large debt as well. I would love my complaint to be revisited after Dr. [REDACTED]'s term is up."

Respondent #20 – "Thank you for contacting us. We have received an update on the claim we filed. We did not get clear answers of requirement and protocols in the operating process of our Merry. We are not satisfied with the information provided. I have investigated with several other veterinarians and their communication and procedures were vastly different from whatever experienced. It's extremely unethical to have a doctor practicing and excusing how [REDACTED] [REDACTED] handled our situation . I would like for someone to provide clear answers and requirements to our questions and concerns."

Respondent #21 – “I have issues about the way the Board handled my complaint. The first issue was that it took a while for them to have an examiner contact me. When he did contact me, he left a message on my phone but did not leave a phone number. The message had been cut off so I called the Board to ask how to contact him. They would not give me a way to contact the examiner. I looked him up on the internet and left a message for him. When he did contact me it was clear that he wanted to argue rather than listen to my side which should have been the reason he contacted me. It was also clear that he did not read the documentation that I gave the Board because he did not know that my dog had received a new diagnosis when I brought him to Auburn and that he was taken off all the meds that the veterinarian I complained about put him on. It seemed clear that he had already made up his mind without looking at my material and was going to submit his finding since he was already biased in favor of the veterinarian. I felt that when my complaint, and possibly any complaint is brought the Veterinary Board and the veterinarians circle the wagons so the veterinarians are always right.”

Respondent #22 – “I feel that to Board needs to do more heavy investigation into the clinic of [REDACTED] veterinary hospital; as there have been more cases that have gone by since our incident. I am thankful for them to contact me and review, but there is too much that has happened with this clinic that I feel past employees and present should be investigated or checked on.”

Respondent #23 – “Our special man, Ringo Taylor, had impacted bowel, he had not had bowel movement. They did say he was not septic, and put him on IV fluids & enema. She said he would have to be sedated, I ask if it would harm, she replied, NO, & they would have to keep him over night. I could pick him up- at 11:00 the next day. I do have the documentation of what happened. I truly believe they ruptured his bowel or intestines with tubes. He only became worse, couldn't walk, wouldn't even take water. [REDACTED] replied I would have to get him there by 5:30 when the doctors left, this is what I was told. (call was 4:09 pm). I didn't have enough time to get him there before they closed. At 5:30 am I woke up & he wasn't in his bed. I found him trying to get in the bathroom. He had passed away.

Should you need anything from me my phone is ([REDACTED]) [REDACTED]. [REDACTED]. [REDACTED] is who I called numerous times to get an update. I am positive that they neglected him, I still to this day believe that. Thanks”

Respondent #24 – “ Drs [REDACTED] [REDACTED] and [REDACTED] [REDACTED] were receptive, professional and investigated the complaint appropriately. Both are assets to the Alabama Board of Veterinary Medical Examiners.

Respectfully, [REDACTED] [REDACTED] [REDACTED]”

Respondent #25 – “I was really disappointed. I lost my best friend due to his vets negligence. But nobody can go back in time and change it so it's not even worth talking about anymore.”

Respondent #26 – “Handled friendly and professionally in a timely manner. With several different contacts from the board.”

APPENDICES

Appendix I - Applicable Statutes

Article 4 Veterinary Practice.

Section 34-29-60 Short title

This article shall be known as the Alabama Veterinary Practice Act.

(Acts 1986, No. 86-500, p. 956, §1.)

Section 34-29-61 Definitions

For the purposes of this article, the following terms shall have the following meanings ascribed by this section:

(1) ACCREDITED SCHOOL OF VETERINARY MEDICINE. Any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and is accredited by the American Veterinary Medical Association (AVMA).

(2) ANIMAL. Any animal or mammal other than man, including birds, fish, reptiles, wild or domestic, living or dead.

(3) APPLICANT. A person who files an application to be licensed to practice veterinary medicine or licensed as a veterinary technician.

(4) BOARD. Alabama State Board of Veterinary Medical Examiners.

(5) CONSULTING VETERINARIAN. A veterinarian licensed in another state who gives advice or demonstrates techniques to a licensed Alabama veterinarian or group of licensed Alabama veterinarians. A consulting veterinarian shall not utilize this privilege to circumvent the law.

(6) DIRECT SUPERVISION. The supervising veterinarian has initially examined the animal and will examine at other times as acceptable veterinary medical practice requires, consistent with the particular delegated animal health care task. The supervising veterinarian is on the premises and is quickly and easily available.

(7) EMERGENCY. The animal has been placed in a life threatening condition and immediate treatment is necessary to sustain life.

(8) FOREIGN VETERINARY GRADUATE, EXCLUDING CANADA. Any person, including a foreign national or an American citizen, who has received a professional veterinarian medical degree from an American Veterinary Medical Association listed veterinary college that is not accredited by the American Veterinary Medical Association.

(9) IMMEDIATE SUPERVISION. The supervising veterinarian is on the premises and in audible or visual range of the animal patient and the person treating the patient.

(10) INDIRECT SUPERVISION. The supervising veterinarian has examined the animal and has given written or oral instructions for the treatment of the animal while the supervising veterinarian is away from the premises.

(11) LICENSE. Any permit, approval, registration, or certificate of qualification issued by the board.

(12) LICENSED VETERINARIAN. A person who is validly and currently licensed to practice veterinary medicine in Alabama.

(13) LICENSED VETERINARY TECHNICIAN. A person who is validly and currently licensed to practice as a veterinary technician in Alabama.

(14) PERSON. Any individual, firm, partnership, association, joint venture, cooperative, or corporation or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative, or as the successor in interest, assigning agent, factor, servant, employee, director, officer, or any other representative of such person.

(15) PRACTICE OF VETERINARY MEDICINE:

- a. To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental condition; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthesia, or other therapeutic or diagnostic substance or technique on any animal including but not limited to acupuncture, dentistry, animal psychology, animal chiropractic, theriogenology, surgery, including cosmetic surgery, any manual, mechanical, biological, or chemical procedure for testing for pregnancy or for correcting sterility or infertility, or to render service or recommendations with regard to any of the above.
- b. To represent directly or indirectly, publicly or privately, an ability and willingness to do any act described in paragraph a.
- c. To use any title, words, abbreviations, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph a. Such use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine.
- d. Collects blood or other samples for the purpose of diagnosing disease or other conditions. This paragraph shall not apply to unlicensed personnel employed by the United States Department of Agriculture or the Alabama Department of Agriculture who are engaged in the Brucellosis eradication program or external parasite control program pursuant to Section 2-15-192.
- e. To remove any embryo from a food animal or companion animal for the purpose of transplanting the embryo into another female animal or for the purpose of cryopreserving the embryo, or to implant the embryo into a food or companion animal. It shall not be considered the practice of veterinary medicine for a person or his or her full-time employees to remove an embryo from the food or companion animal of the person for the purpose of transplanting or cryopreserving the embryo, or to implant an embryo into the food or companion animal of the person, provided ownership of the food or companion animal shall not be transferred or employment of the person shall not be changed for the purpose of circumventing this article.
- f. To provide veterinary medical services to a client or patient in this state, through telephonic, electronic, or other means, regardless of the location of the veterinarian, shall constitute the practice of veterinary medicine in this state and shall require licensure within this state and a veterinarian-client-patient relationship must be established.

(16) SUPERVISING VETERINARIAN. A veterinarian who assumes responsibility for the professional care given to an animal by a person working under his or her direction.

(17) TEMPORARY LICENSE. Temporary permission to practice veterinary medicine issued by the board pursuant to this article.

(18) UNLICENSED ASSISTANT. Any individual who is not a licensed veterinary technician or veterinarian and is employed by a licensed veterinarian.

(19) VETERINARIAN-CLIENT-PATIENT RELATIONSHIP (VCPR). A relationship when the veterinarian has assumed responsibility for making medical judgments regarding the health of the animal or animals and the need for medical treatment and is created by actual examination by the veterinarian of the animal or a representative segment of a consignment or herd.

(20) VETERINARIAN, DOCTOR OF VETERINARY MEDICINE, DVM, VMD, or EQUIVALENT TITLE. A person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate issued by the American Veterinary Medical Association (AVMA).

(21) VETERINARY FACILITIES. Any place or unit from which the practice of veterinary medicine is conducted. The following are types of veterinary facilities:

a. Veterinary or Animal Hospital or Clinic. Meets or exceeds all mandatory requirements as listed in the administrative code of the board for veterinary facilities. In doing so, it provides quality examination, diagnostic, and health maintenance services for medical and surgical treatment of animals and is equipped to provide housing and nursing care for the animals during illness or convalescence.

b. Specialty Practice or Clinic. Provides complete specialty service by a veterinarian who has advanced training in that specialty and is a diplomat of an approved specialty college. It meets all minimum standards that are applicable to that specialty.

c. Central Hospital. Shall meet all requirements of paragraph a., as well as provide specialized care including 24-hour nursing care and specialty consultation on a permanent or on-call basis. It is mainly utilized on referral from area veterinary hospitals or clinics.

d. Satellite, Outpatient, or Mobile Small Animal Clinics. A supportive facility owned by or associated with, or both, and has ready access to, within a reasonable distance, a full-service veterinary hospital or clinic or a central hospital providing all mandatory services and meeting all minimum standards. The public shall be informed of the limitation of services by way of a posted notice in plain view and easily readable or by notice provided to the client by flyer or card which clearly specifies those mandatory veterinary medical services which are not provided. In addition, the main location and telephone number of the veterinary hospital or clinic providing the required service, as well as the signed agreement with the veterinary hospital or clinic shall also be posted in plain view and be easily readable. A veterinarian associated with this veterinary hospital or clinic shall be on call during and after operation of the satellite, outpatient, or mobile clinic to render aid if necessary. The personnel of satellite, outpatient, or mobile clinics shall consist of one or more veterinarians and auxiliary personnel necessary to provide adequate outpatient service. Operation of any satellite, outpatient, or mobile clinic shall be under the direct supervision of a licensed veterinarian who remains on the premises during the entire time of operation.

e. Large Animal Mobile Clinic. Must provide examination, diagnostic, and preventive medicine, and minor surgical services for large animals not requiring confinement or hospitalization. Emergency service and radiology service shall be provided by that veterinarian or by written agreement with another veterinarian or group of veterinarians in practice in that locale. These clinics shall provide a degree of veterinary care compatible with the level of standards considered adequate to the practice of veterinary medicine currently available in the area. Complete hospital facilities may be provided by the nearest large animal hospital or veterinary school.

f. Emergency Clinic. A facility established to receive patients and to treat illnesses and injuries of an emergency nature requiring treatment. The clinic shall provide professional diagnostic and emergency treatment during hours when local veterinary hospitals are normally closed. Emergency clinics shall meet all mandatory requirements of a veterinary hospital or clinic.

(22) VETERINARY INTERN. A person who is working towards completion of an ECFVG certificate and who is working under the direct or indirect supervision of a board approved licensed veterinarian in any state to complete the practical experience internship required for licensing in Alabama.

(23) VETERINARY MEDICINE. Includes veterinary surgery, theriogenology, dentistry, acupuncture, animal psychology, chiropractic, and all other branches or specialties of veterinary practice.

(24) VETERINARY STUDENT PRECEPTEE. A person who is pursuing a veterinary degree in an accredited school of veterinary medicine which has a preceptor or extern program and who has completed the academic requirements of the program.

(25) VETERINARY TECHNICIAN STUDENT. Any person enrolled in an AVMA accredited veterinary technology program; gaining clinical experience under the supervision of a licensed veterinarian or licensed veterinary technician in a clinical setting.

(26) VETERINARY TECHNOLOGY. The skills and knowledge accrued in a post-high school course of study, accredited by the AVMA Committee on Education (COE) or the board, in the area of care and treatment of animals. It embodies limited skills, responsibility, and minimal exercise of independent judgment in the treatment of patients of veterinarians while under direct, indirect, or immediate supervision of a veterinarian.

(27) WHOLESALE VETERINARY DRUG DISTRIBUTOR. A person engaged in the business of distributing veterinary drugs and medicines for resale to veterinary practitioners and other veterinary wholesalers and possesses a current permit issued by the Alabama Board of Pharmacy to engage in the selling of veterinary drugs or medicines in the State of Alabama.

(Acts 1986, No. 86-500, p. 956, §2; Acts 1987, No. 87-794, p. 1557, §2; Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §1; Act 2010-536, p. 905, §1.)

Section 34-29-62 Legislative intent

In order to promote the public health, safety, and welfare by safeguarding the people of the State of Alabama against unqualified or incompetent practice of veterinary medicine, it is hereby declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this article. It is the legislative intent that veterinarians who are not normally competent or who otherwise present a danger to the public shall be disciplined or prohibited from practicing in the State of Alabama.

(Acts 1986, No. 86-500, p. 956, §3.)

Section 34-29-63 State Board of Veterinary Medical Examiners established; composition

(a) There is established a state board to consist of eight members to be known as the Alabama State Board of Veterinary Medical Examiners.

(b) Each of the eight members of the board shall be appointed by the Governor from a list of three persons nominated and submitted to him or her by the Alabama Veterinary Medical Association at least 30 days prior to appointment.

(c) The term of each member of the board shall be four years unless removed or until a successor is appointed and qualified. Vacancies shall be filled by appointment by the Governor as provided in subsection (b).

(d) No person may serve as a member of the board for more than 13 years total.

(e) Members may not serve more than two consecutive terms of office.

(f) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(g) Each member of the board shall be a citizen of this state.

(Acts 1986, No. 86-500, p. 956, §4; Acts 1987, No. 87-794, p. 1557, §3; Acts 1989, No. 89-236, p. 310, §3; Acts 1997, No. 97-249, p. 431, §1; Act 2001-249, p. 299, §3; Act 2009-29, p. 93, §3.)

Section 34-29-64 Qualifications of members; removal

(a)(1) Six members of the board shall be graduates of an accredited school of veterinary medicine; legal residents of Alabama; currently and validly licensed to practice veterinary medicine in Alabama; actively employed and licensed in the practice of veterinary medicine in the State of Alabama for the five years immediately prior to appointment; and continuing at least 35 hours per week in the practice of veterinary medicine while serving on the board.

(2) One member of the board shall be a licensed veterinary technician.

(3) One member of the board shall be a consumer.

(b) No person who has been appointed to the board shall continue membership on the board if, during the term of his or her appointment, he or she shall have done any of the following:

(1) Transfer his or her legal residence to another state.

(2) Own or be employed by any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine.

(3) Have his or her license to practice veterinary medicine as a veterinarian or as a licensed veterinary technician rescinded.

(4) Miss three consecutive meetings of the board.

(5) Be guilty of misconduct or gross inefficiency.

(c) The board shall establish procedures for the removal of members who violate one or more of the provisions of subsection (b).

(Acts 1986, No. 86-500, p. 956, §5; Acts 1987, No. 87-794, p. 1557, §4; Acts 1997, No. 97-249, p. 431, §1; Act 2001-249, p. 299, §3.)

Section 34-29-65 Executive director; incapacitation of director; official bond

(a) The board may employ an executive director, prescribe the duties, and set the salary of the executive director.

(b) In the event the director should become incapacitated or unable to perform the duties of the position, the board may employ a person or persons to assume the duties of the director for as long as the board deems necessary.

(c) The director shall make and file with the Secretary of State an official bond in an amount to be fixed by the board. Premiums of the bond shall be paid out of funds of the board. The bond shall be payable to the State of Alabama and shall be written by an approved bonding company licensed to do business in the State of Alabama.

(Acts 1986, No. 86-500, p. 956, §6; Acts 1987, No. 87-794, p. 1557, §6; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-66 President and vice-president; bylaws; meetings; quorum; records

(a) The board shall elect from its members a president and vice-president, each of whom shall serve a term of one year.

(b) The board shall do all of the following:

(1) Adopt rules and regulations to be compiled as an administrative code.

(2) Name a definite time and place for meetings.

(3) Have at least two business meetings each year called by the president, which shall be in addition to meetings for the conduct of examinations.

(4) Give notice in writing at least 10 days prior to the date on which the two annual business meetings are held to Alabama licensed veterinarians.

(5) Have a majority of sitting members of the board as a quorum.

(6) Hold meetings and administrative hearings open to the public except where closed to prepare, approve, administer, or grade examinations or to deliberate the qualifications of an applicant for licensing or the disposition of a proceeding to discipline a licensed veterinarian or any other person licensed under this article.

(7) Hold special meetings called by the president or vice-president of the board and meet anywhere in Alabama.

(8) Keep complete and accurate records of all meetings and these records, except the records of closed meetings as provided in subdivision (6), shall be open to the public.

(Acts 1986, No. 86-500, p. 956, §7; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-67 Compensation and expenses; expenditure of funds

(a) The members of the board shall receive four hundred dollars (\$400) for each day, or portion thereof, the member is actually engaged in the work of the board, and in addition, the usual per diem expenses allowed to other persons acting in the service of the State of Alabama or any of its agencies, institutions, boards, bureaus, or commissions.

(b) The legal expenses of the board for administration of this article shall be paid from funds in the State Treasury to the credit of the board and shall be paid only on warrant of the State Treasurer and approved by the Governor. No funds shall be withdrawn or expended except as budgeted and allotted pursuant to Title 41, Chapter 4, Article 4, and only in amounts as stipulated in the general appropriations act.

(Acts 1986, No. 86-500, p. 956, §8; Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §1; Act 2023-467, §1.)

Section 34-29-68 Records to be kept; issuances and denials of licenses; what records are confidential

The board shall keep records of its proceedings in a book provided for that purpose, especially with relation to the issuance, denial, renewal, suspension, and revocation of licenses to practice veterinary medicine. All licenses issued by the board shall be numbered and recorded by the executive director in a file for that purpose. Where a license is denied by the board to any applicant under this article, the facts and grounds of denial shall be entered in the minutes of the board. The issuance or denial of a license shall be noted along with the names of those board members present and the file shall be maintained by the board. Information received by the board through applications, complaints, inspections, and investigations shall be confidential and shall not be disclosed, except in a proceeding involving the question of the issuance of a license or disciplinary proceedings against a licensee or if authorized by law, a non-licensee. The board shall also be responsible for keeping a list of its members and their current status of license, whether revoked, inactive, suspended, etc.

(Acts 1986, No. 86-500, p. 956, §9; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-69 Powers of board

The board shall be a body corporate and shall have the power to do all of the following:

- (1) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.
- (2) Issue, renew, deny, suspend, and revoke licenses, issue private reprimands and private informed admonitions to practitioners who practice veterinary medicine in this state, or otherwise discipline or censure veterinary professionals, irrespective of their licensure status, whether active, inactive, expired, lapsed, surrendered, or disciplined, relative to acts, omissions, complaints, and investigations which occurred during the licensure period consistent with this article.
- (3) Conduct investigations for the purpose of discovering violations of this article or grounds for disciplining licensed veterinary professionals or other non-licensed individuals pursuant to the administrative code of the board and appoint individuals and committees to assist in the investigations. Jurisdiction of the board shall extend to non-licensed individuals engaging in the unauthorized practice of veterinary medicine. It is the intent of this section that licensees may not divest the board of jurisdiction by changing or relinquishing licensure status. The board shall have the power to subpoena records.
- (4) Have a common seal and act as a corporate body with the right to sue and be sued, hold hearings, subpoena witnesses, compel the production of any books, records, papers, or documents, and take testimony bearing on the records of applicants for licensing to practice veterinary medicine and surgery in Alabama and on the records of practitioners who may be under consideration by the board for charges of misconduct.
- (5) Employ full-time or part-time personnel, including an executive director as previously provided, professional, clerical, or special personnel as necessary to effectuate this article and to purchase or rent necessary office space, equipment, and supplies.
- (6) Appoint from its own membership one or more members to act as representatives of the board at any meeting in or out of the state when representation is deemed desirable. The delegate or delegates from the board shall attend the annual meeting of the American Association of Veterinary State Boards and his or her expenses shall be paid by the board. The board may authorize the attendance of the executive director, legal counsel, or other staff members of the board at any meeting described in this subdivision.
- (7) Adopt, amend, or repeal all rules necessary for its governance and all regulations necessary to carry into effect the provisions of this article in accordance with the Administrative Procedure Act, including, but not limited to, the establishment and publication of rules of professional conduct for the practice of veterinary medicine. These regulations shall be known as the Alabama State Board of Veterinary Medical Examiners Administrative Code. They shall be published and distributed to all licensed Alabama veterinarians and to all applicants for licensing. Any proposed changes to the administrative code shall be published in the official newsletter of the Alabama Veterinary Medical Association and mailed to all Alabama licensed veterinarians. A period of 10 days shall be allowed to post publication or notification so that any Alabama licensed veterinarian opposing the changes has time to request a hearing as hereafter provided.
- (8) To fix minimum standards for continuing veterinary medical education which standards shall be a condition precedent to the renewal of a license under this article.

(9) To inspect any hospitals, clinics, satellites, outpatient clinics, mobile clinics, or other places utilized for the practice of veterinary medicine. An inspection shall be made by the board's authorized representative(s). The inspection shall be for the purpose of reporting such inspection to the board on a form prescribed by the board or for seeking disciplinary action in cases of violation of this article or violation of other health and sanitation regulations duly established and published by the board or other duly constituted state authorities having jurisdiction in such matters.

Notwithstanding any other provision of law, if certain equipment or services required by rule or regulation of the board to be available at a premises are not available at a premises, a written and signed agreement may be provided to the board demonstrating that the arrangements have been made to provide the equipment or services at a location that is within a reasonable distance from the premises.

(10) To provide special registration for veterinarian technicians, and if desired, veterinary interns, and veterinary student preceptees and to adopt regulations concerning the training, legislation, and service limits of those assistants while employed by and acting under the supervision and responsibilities of licensed veterinarians. The board shall have exclusive jurisdiction in determining eligibility and qualification requirements and in granting or refusing to grant or to suspend or revoke registration. Any suspension or revocation of a special registration issued under this section shall be conducted pursuant to the Code of Alabama 1975.

(11) Establish and publish annually a schedule of fees for the licensing or registration, or both, and for renewal of a license or registration for veterinarians and veterinary technicians pursuant to this article.

(12) Authorize any member of the board to sign complaints for the bringing of proceedings in courts for the enforcement of this article.

(13) To act as a corporate board or as an individual member of the board to prosecute in court on an action quo warranto, injunction, or any other proper suit to oust from practice unlawful practitioners and to assist the Attorney General or any other prosecutor for criminal violations of this article.

(14) For disciplinary purposes, to adopt, levy, and collect administrative fines for noncompliance by its licensees and other individuals engaging in the unauthorized practice of veterinary medicine of this chapter, or the administrative code of the board, of not less than two hundred fifty dollars (\$250), nor more than one thousand dollars (\$1,000) per violation, and to institute any legal proceedings necessary to effect compliance with this chapter.

(15) To promulgate and implement administrative rules and regulations in accordance with the State Administrative Procedure Act to provide for an inactive license status, an inactive license fee, and a reactivation process and reactivation fee.

(Acts 1986, No. 86-500, p. 956, §10; Acts 1989, No. 89-236, p. 310, §3; Acts 1993, No. 93-155, p. 250, §3; Acts 1997, No. 97-168, p. 243, §3; Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §1.)

Section 34-29-70 Board of Veterinary Medical Examiners Fund; expenditures; transfer of excess

All revenues received by the board shall be accepted by the executive director and deposited with the Treasurer of the state to be credited to an account to be known as the Board of Veterinary Medical Examiners Fund. All expenses of the board shall be paid from the fund by vouchers signed by the executive director of the board and no part of the state's General Fund shall be expended for this purpose. Funds shall be a continuing account and shall not be subject to diversion to the State General Fund except to the extent that the balance in the fund at the close of any fiscal year exceeds the budget of the board by 200 percent, in which case the excess shall be transferred to and become a part of the State General Fund.

(Acts 1986, No. 86-500, p. 956, §11; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-71 Temporary license

(a) The board may issue a temporary license to practice veterinary medicine to an unlicensed applicant providing the applicant meets all conditions and requirements of this article relating to qualifications of applicants for license to practice veterinary medicine. Any person applying for a temporary license shall associate himself or herself with a licensed doctor of veterinary medicine. His or her license shall be limited to the work of a licensed doctor of veterinary medicine and he or she shall not participate without direct supervision in the practice of or operation of a branch office, clinic, or allied establishment. An applicant may work under the indirect supervision in the primary clinic of his or her employer. The license, when granted, shall bear the name and address of the licensed doctor of veterinary medicine. There shall be a fee which shall not be refundable for the temporary license.

(b) Renewal of temporary licenses may be granted by the board. No temporary license shall be issued to an applicant who has not passed either the AVMA approved National Veterinary Licensing Exam or the National Board Examination for Veterinarians, and the Clinical Competency Test for Veterinarians, or has failed any portion of the Alabama state board examination.

(c) All temporary licenses shall expire 90 days from date of issue or on the day the applicant receives or is denied a license from the board, whichever date is earliest.

(d) Acceptance of a temporary license by an applicant shall be deemed to be consent for expiration of that license in accordance with this article.

(e) If employment ceases at the place of employment noted on the temporary license, then the board shall be notified or if there is more than one employer of that temporary license holder, the board shall be notified by the employer.

(Acts 1986, No. 86-500, p. 956, §12; Acts 1987, No. 87-794, p. 1557, §5; Acts 1989, No. 89-236, p. 310, §3; Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §1.)

Section 34-29-72 Application; qualifications; faculty license

(a) Any person desiring a license to practice veterinary medicine in this state shall make written application in the English language to the board. The application shall show that the applicant is at least 21 years old, is a graduate of an accredited veterinary school, is a citizen of the United States or, if not a citizen of the United States, is legally present in the United States with appropriate documentation from the federal government, and any other information and proof as the board may require pursuant to the administrative code of the board. The application shall be accompanied by application and examination fees in the amounts established and published by the board.

(b) Graduates of veterinary medical programs not accredited by the AVMA shall furnish satisfactory proof of an Educational Commission for Foreign Veterinarian Graduates (ECFVG) certificate or its equivalent provided by the American Veterinary Medical Association (AVMA), proof of completion of an internship as provided in Section 34-29-91, and of having, within three years of application to the State of Alabama, passed the AVMA approved National Veterinary Licensing Exam and proof of comprehension of and an ability to communicate in the English language.

(c) Any applicant satisfactorily completing the AVMA approved National Veterinary Licensing Exam in another state need not repeat the examination for licensure in Alabama, however, the board retains jurisdiction to require the applicant repeat any portion of the AVMA approved National Veterinary Licensing Exam or practice specific examinations necessary to determine practice competency.

(d) If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next AVMA approved National Veterinary Licensing Examination or state board examination; or if the applicant is eligible for a license without examination under this article, the board may grant him or her a license.

(e) Licenses issued under this subsection shall not require graduation from an AVMA accredited college or school of veterinary medicine, shall not require that the licensee have passed either the NBE and CCT or the NAVLE, shall not require the licensee to hold an ECFVG certificate, and shall not require that a licensee be previously licensed in this state or in the United States. All practice of veterinary medicine in Alabama requires a license. All members of the faculty at a college or school of veterinary medicine shall have a license if they practice on client-owned animals in direct association with their employment at the college or school. Notwithstanding any provision of law to the contrary, the board may issue a veterinary faculty license to any applicant who is a member of the faculty or staff at any college or school of veterinary medicine in this state and is involved in the instruction program of veterinary medicine students. Holders of a veterinary faculty license are permitted to practice veterinary medicine within their specialty or subspecialty, only as it relates to his or her regular function within the college or school. Such individuals shall be remunerated for the practice aspects of their employment solely from state, federal, or institutional funds.

(1) Applicants for a veterinary faculty license shall perform all of the following:

a. Complete the application form provided by the board, along with submitting a recent photograph and applicable fees.

b. Provide proof of graduation from a reputable college or school of veterinary medicine.

c. Provide proof of an appointment to the faculty of an Alabama school or college of veterinary medicine teaching veterinary students. This proof shall be provided by an authorized administrative official of the college or school.

d. Certify that he or she understands and agrees that the veterinary faculty license is valid only for the practice of veterinary medicine as a faculty member of the college or school where employed.

e. Demonstrate competency in the English language.

f. Take and pass the state board examination on the Alabama practice act.

g. Provide proof that he or she is a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(2) The license issued pursuant to this subsection shall always be prominently displayed.

(3) The license issued pursuant to this subsection restricts the holder to practice that is confined to clinical and hospital units or field services units, or both, of the college or school of veterinary medicine where employed.

(4) The license issued pursuant to this subsection may be disciplined, suspended, or revoked in accordance with this article.

(5) The license issued pursuant to this subsection shall be cancelled by the board upon receipt of information that the holder of the license has left or has otherwise been discontinued from faculty employment at a college or school of veterinary medicine in Alabama.

(6) The board recognizes that flexibility is needed in licensing eminent scholars from around the world. The primary purpose of the veterinary faculty license is to allow deans of Alabama's colleges and schools of veterinary medicine a standardized procedure through which to bring talents to our faculties and to license them, keeping them subject to this article.

(Acts 1986, No. 86-500, p. 956, §13; Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §1; Act 2009-29, p. 93, §3.)

Section 34-29-73 Examination procedures

(a) The board shall hold at least two examinations and may hold additional examinations as it deems necessary. The executive director or his or her designee shall give appropriate public notice of the time and place of the examination at least 120 days in advance of the date set forth for the examination. Any person desiring to take the examination shall make license application at least 60 days before the examination and pay the required application and examination fees.

(b) The preparation, administration, and grading of examinations shall be governed by the administrative code as prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in subjects and techniques commonly taught in veterinary school. To pass the examination, the examinee shall demonstrate scientific and practical knowledge sufficient to prove himself or herself a competent person to practice veterinary medicine in the judgment of the board. All examinees shall be tested by written examinations supplemented by oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examinations and passing criteria prepared by professional examination services approved by the American Veterinary Medical Association, in addition to a state written examination.

(c) A passing score on the AVMA approved National Licensing Examination or examinations shall be determined by the professional examination provider based on a national criteria which reflects a passing score of at least 70 percent.

(d) A passing score on the state examination shall be deemed to be the correct answering of at least 70 percent of the questions contained on the state written examination and on the state practical and oral examinations. The scores may not be combined.

(e) Within 60 days after each examination, the executive director or his or her designee shall notify each examinee of the results of his or her examination and the board shall issue licenses to the persons successfully completing the examination provided all requirements for licensing have been met. The executive director or his or her designee shall record the new licenses and issue a certificate of qualification to the new licensees. Any person failing an examination shall be eligible to take any subsequent examination upon payment of the application and examination fees. Any person failing an examination may retake that examination for a maximum of three times. The examination shall be given in English.

(Acts 1986, No. 86-500, p. 956, §14; Acts 1987, No. 87-794, p. 1557, §7; Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §1.)

Section 34-29-74 Issuance of license without written examination to certain applicants

The board may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof that he or she is a graduate of an accredited veterinary school and who has been for the five years immediately prior to filing his or her application a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time the applicant was first licensed which were substantially equivalent to the requirements of this article.

The board may orally or practically examine any person qualifying for licensing under this section.

(Acts 1986, No. 86-500, p. 956, §15; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-75 Expiration and renewal of licenses; suspension for nonrenewal

All licenses shall expire annually on December 31 of each year but may be renewed by application to the board showing fulfillment of continuing education requirements and payment of a renewal fee established and published by the board. The continuation of practice after the expiration of a license shall be in violation of this article and be cause for suspension of the license. The executive director shall send a reminder of expiration 30 days prior to expiration by first class mail and issue a new display license to all persons registering under this article. Failure to renew a license on or before January 1 of each year shall prompt the executive director to send a final notice of expiration by certified mail, return receipt requested, to the last address of the veterinarian known to the board and a late penalty shall be assessed and the license shall be suspended for non-renewal. A person may renew a license suspended for non-renewal at any time within two years, upon application, payment of the prescribed renewal fee and a late penalty fee per year for late renewals, provided the applicant is otherwise eligible for renewal. The board may renew a license without fulfillment of the continuing education requirement to any nonpracticing veterinarian over 70 years old or grant extensions or exemptions of continuing education requirements for veterinarians with extenuating medical or other circumstances.

(Acts 1986, No. 86-500, p. 956, §16; Acts 1987, No. 87-794, p. 1557, §8; Acts 1989, No. 89-236, p. 310, §3; Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §1.)

Section 34-29-76 License required - Certain acts prohibited

No person shall practice veterinary medicine or veterinary technology unless the person holds an active license to practice veterinary medicine or veterinary technology in the State of Alabama and in addition:

- (1) No person shall use the name or title of licensed veterinarian when the person has not been licensed pursuant to this article.
- (2) No person shall use the name or title of a licensed veterinary technician when the person has not been licensed pursuant to this article.
- (3) No person shall present as his or her own the license of another.
- (4) No person shall give false or forged information to the board or a member thereof for the purpose of obtaining a license.
- (5) No person shall use or attempt to use a veterinarian's license which has been suspended or revoked.
- (6) No person shall knowingly employ unlicensed persons in the practice of veterinary medicine.
- (7) No person shall knowingly conceal information relative to violations of this article.
- (8) No person shall falsely represent himself or herself as being in a supervisory status without providing such supervision.

(9) No person shall provide veterinary medical services to a client or patient in this state through telephonic, electronic, or other means, regardless of the location of the veterinarian, without a license to practice in this state and without establishing a veterinarian-client-patient relationship.

(10) No person convicted of fraud, deceit, gross negligence, incompetency, violation of the administrative code of the board, or any other misconduct in the practice of veterinary medicine shall be allowed to retain his or her license to practice veterinary medicine and surgery in Alabama.

(11) No person convicted of or pleading nolo contendere to a felony or a crime involving moral turpitude shall be allowed to retain his or her license to practice veterinary medicine and surgery in Alabama.

(Acts 1986, No. 86-500, p. 956, §17; Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §1; Act 2010-536, p. 905, §1.)

Section 34-29-77 License required - Certain acts not prohibited

No person shall practice veterinary medicine or veterinary technology in the State of Alabama who is not a currently and validly licensed veterinarian or licensed veterinary technician or the holder of a temporary permit issued by the board. This article shall not be construed to prohibit any of the following:

(1) A student in a school or college of veterinary medicine from the performance of duties assigned by his or her instructor or from working as a veterinary student preceptee under direct or indirect supervision of a licensed veterinarian.

(2) A student in a school or college of veterinary technology accredited by the AVMA from the performance of duties assigned by his or her instructor or from working as a veterinary technician student under direct or indirect supervision of a licensed veterinarian or licensed veterinary technician.

(3) Any doctor of veterinary medicine in the employ of a state or federal agency while actually engaged in the performance of his or her official duties; however, this exemption shall not apply to a person when he or she is not engaged in carrying out his or her official duties or is not working at or for the installations for which his or her services were engaged.

(4) Any person or his or her regular employee, administering to the ills or injuries of his or her own animals, including but not limited to, castration and dehorning of cattle unless title is transferred or employment changed for the purpose of circumventing this article.

(5) State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under direct supervision thereof, which or who conduct experiments and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment or techniques for diagnosis or treatment of human ailments or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine.

(6) Qualified practitioners of veterinary medicine and surgery from without the State of Alabama consulting with licensed veterinarians in Alabama. No veterinarian of any other state shall actively and actually practice veterinary medicine in Alabama unless and until he or she shall obtain a license to practice veterinary medicine from the Alabama State Board of Veterinary Medical Examiners and shall comply with the other requirements contained in this article.

(7) A member of the faculty of a veterinary school performing his or her regular functions or a person giving board approved lectures, instructions, or demonstrations in connection with continuing education courses or seminars to licensed veterinarians, licensed veterinary technicians, veterinary students, or veterinary technician students.

(8) Persons from gratuitously giving aid, assistance, or relief in emergency cases if they do not represent themselves to be veterinarians or use any title or degree appertaining to the practice thereof.

(9) Fishery biologists actively employed by the State of Alabama, the United States government, or any person in the production or management of commercial food or game fish while in the performance of their official duties.

(10) A person from being or practicing as a "veterinary intern", as that term is defined in subdivision (22) of Section 34-29-61.

(Acts 1986, No. 86-500, p. 956, §18; Acts 1989, No. 89-236, p. 310, §3; Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §1; Act 2010-536, p. 905, §1.)

Section 34-29-78 Injunction against unauthorized practice of veterinary medicine

The board or any citizen of this state may bring action in the Circuit Court of Montgomery County to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating or is threatening to violate this article, it shall enter an injunction restraining him or her from such unlawful acts. The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.

(Acts 1986, No. 86-500, p. 956, §19; Acts 1997, 97-249, §1.)

Section 34-29-79 Administrative hearing procedures

(a) When the board, by its official actions, acts or proposes to act in a manner which will affect the rights, duties, or privileges of the issuance of a license to an applicant or the license of a veterinarian, veterinary technician, or other individual, those persons shall have a right to an administrative hearing. When the board proposes to act in such manner, it shall give to the person or persons notice of their right to a hearing by certified mail to the person at his or her last known address, a notice of the proposed action, notice of a right to a hearing, and the time and place for a hearing, as provided in subsection (b). If the person or persons fail to appear at the time set for the hearing, the hearing may be conducted in absentia.

(b) A hearing shall be held no sooner than 20 days after written notice to the licensed veterinarian, veterinary technician, or other individual of the administrative charges against him or her, or to the applicant in the case of a person whose application for license is denied. The applicant, licensed veterinarian, veterinary technician, or other individual shall have the right to be heard in person and by counsel, the right to have subpoenaed the attendance of witnesses and records in the behalf of, and the right to cross-examine witnesses appearing against him or her. Strict rules of evidence shall not apply. The board may provide a stenographer or other stenographic means to take down the testimony and shall preserve a record of the proceedings. If a transcript of the record is prepared and is, by definition, a matter of public record, it may be purchased by any person interested in such hearing on payment to the board of the cost of preparing the transcript.

(c) The board shall notify the applicant, licensed veterinarian, veterinary technician, or other individual of its decision in writing within a reasonable time after the conclusion of the hearing. The executive director or his or her designee, in all cases of suspension, revocation, or other discipline, shall enter the fact in the minutes of the board. Any person whose license is suspended or revoked shall be deemed an unlicensed person for purposes of this article and the probate court of that county or counties where the license should be filed shall be notified, the license pulled, and the fact published in the newsletter of the board. The board shall also cause a notice of revocation or suspension to be published in a newspaper of general circulation in each county of the State of Alabama in which the disciplined veterinarian maintains an office for the practice of veterinary medicine or veterinary technician is employed or the individual resides.

(d) When a member of the board is unable to continue the hearing either by disqualification or for any other reason, and the board is unable to obtain a quorum, the Governor shall appoint as many special members as is necessary to obtain a quorum from a list of three persons submitted for each place by the Alabama Veterinary Medical Association. These special members serve on the board only for that hearing for which they were appointed and the special members may be reappointed for subsequent hearings if necessary.

(Acts 1986, No. 86-500, p. 956, §20; Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §

Section 34-29-80 Complaints and testimony to be privileged; immunity of certain persons from suit

Complaints submitted to the board or testimony with respect thereto shall be absolutely privileged and no lawsuit predicated thereon may be instituted. Members of the board and their staffs, and any member of a grievance committee authorized by the board to investigate a complaint filed pursuant to this article shall be immune from suit for any conduct in the course of their official duties.

(Acts 1986, No. 86-500, p. 956, §21.)

Section 34-29-81 Relicensing and reinstatement

Any person whose license is suspended or revoked by the board may be relicensed or reinstated at any time without an examination by a majority vote of the board on written application made to the board showing cause justifying relicensing and reinstatement pursuant to the administrative code of the board.

(Acts 1986, No. 86-500, p. 956, §22; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-82 Criminal penalties

Any person who shall practice veterinary medicine without a current valid license shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or imprisoned for not more than 90 days, or both, and each act of unlawful practice shall constitute a distinct and separate offense. The person, in the discretion of the judge, may be imprisoned or placed at hard labor for not more than six months.

(Acts 1986, No. 86-500, p. 956, §23; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-83 Appeal of disciplinary action; stay of revocation

A person disciplined pursuant to this article may appeal to the Circuit Court of Montgomery County, notwithstanding the provisions of the Administrative Procedure Act. To do so, he or she shall file a petition in the circuit court within 30 days after notification of the decision of the board. The board has 15 days to enter an appearance and to file the record of the administrative proceedings. The court may affirm or set aside the decision of the board by judicial review. The license shall not be revoked pending appeal except in extraordinary circumstances as determined by the board, and approved by the circuit court in which the appeal is pending.

(Acts 1986, No. 86-500, p. 956, §24; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-84 Filing of license with probate office; fee

A person shall be responsible for filing his or her license with the probate office of the county where he or she resides or the probate office of the county where he or she may move, or each county where he or she is to practice even if he or she is not a resident. The fee shall be one dollar (\$1).

(Acts 1986, No. 86-500, p. 956, §25; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-85 Status of persons holding license on April 30, 1986

Any person holding a valid license to practice veterinary medicine in Alabama on April 30, 1986, shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as he or she complies with this article and the administrative code of the board.

(Acts 1986, No. 86-500, p. 956, §26; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-86 Disposition of abandoned animals; notice to owner or agent; financial liability of owner or agent

(a) Any animal placed in the custody of a licensed veterinarian for the treatment, boarding, or other care which shall be unclaimed by its owner or his or her agent for a period of more than 10 days after written notice by registered or certified mail, return receipt requested, to the owner or his or her agent at his or her last known address shall be deemed to be abandoned and may be turned over to the nearest humane society or dog pound or sold to collect the lien pursuant to Sections 35-11-390 and 35-11-391.

(b) The giving of notice to the owner or the agent of the owner of the animal by the licensed veterinarian as provided in subsection (a) shall relieve the licensed veterinarian and custodian to whom the animal may be given of any further liability for disposal.

(c) For the purpose of this article, the term abandoned shall mean to forsake entirely, to neglect, or refuse to provide or perform the legal obligations for care and support of an animal by its owner or his or her agent. The abandonment shall constitute the relinquishment of all his or her rights and claims by the owner to the animal.

(d) The disposal of an abandoned animal shall not relieve the owner or agent thereof of any financial obligation incurred for treatment, boarding, or care by the veterinarian.

(Acts 1986, No. 86-500, p. 956, §27; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-87 Partnership or employment in practice of veterinary medicine not to be for nonlicensed persons; exceptions

(a) Whenever the practice of veterinary medicine is carried on by a partnership, all partners shall be either licensed or holders of temporary licenses to practice veterinary medicine in the State of Alabama.

(b) It shall be unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person or other entity not engaged primarily in the practice of veterinary medicine or for any person that is the owner or owners of an active veterinary practice to be other than a veterinarian or veterinarians duly licensed in the State of Alabama.

(c) The following shall be exempt from this section:

(1) A veterinarian employed by a person treating his or her employer's animals.

(2) A veterinarian employed by an official agency of the federal or state government or any subdivision thereof.

(3) A veterinarian employed by any licensed research facility.

(4) An heir or heirs inheriting under the terms of a will or by intestate succession for a period of two years following the death of the licensee.

(Acts 1986, No. 86-500, p. 956, §28; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-88 Premise permits - Required; fees; inspection; revocation, etc.; closure and imposition of penalties; renewal; requirements for satellite on mobile clinics

(a) Any facility, including mobile clinics or any other premises where a licensed veterinarian practices shall have a premise permit issued by the board. Upon application and payment of a premise permit fee and an inspection fee, if necessary to cover the cost of inspection, the board shall cause a facility to be inspected. A premise permit shall be issued if the facility meets minimum standards to be adopted by the administrative code of the board as to sanitary conditions and physical plant. In lieu of the above procedure, the board may issue a premise permit to any premise which is accredited by a recognized organization whose standards meet or exceed minimum board standards as established by the administrative code of the board.

(b) Each application for premise permit shall set forth the names of all licensed veterinarians who shall be responsible for the management of the premises.

(c) The premise permit may be revoked, suspended, or denied when inspection reveals that the premises do not meet the standards set by the administrative code of the board or when the license of the responsible veterinarian or veterinarians has been suspended or revoked.

(d) The board may cause the closure of a facility and impose a penalty against any owner, operator, or responsible veterinarian of any premises operating without a premise permit in violation of this section or in violation of the administrative code of the board. No penalties so imposed shall exceed one thousand dollars (\$1,000) for each count or separate offense. In order that the board and the executive director may determine whether or not a danger to the public or to animals exists, the executive director or investigators employed by the board may conduct inspections or investigations of premises suspected of being in violation of any rule of the board. If a violation is found in conducting an inspection which is determined to be a hazard and a danger to the public or to animals, the executive director may suspend that premise permit until further notice.

- (e) All premise permits shall be renewed yearly by payment of a fee to the board.
- (f) Veterinary facilities shall be reinspected periodically as determined by the board.
- (g) Premise permits issued to satellite, outpatient, or mobile small animal clinics shall state the name of the full service veterinary facility in that locale providing emergency and after hours service. Premise permits issued to mobile large animal clinics shall state the name of the full service veterinary facility in that locale providing radiology, emergency, and after hours service. Mobile clinics operating in more than one locale, i.e. city, shall have a premise permit for each locale. If the agreement between the outpatient, satellite, mobile large animal clinic, mobile small animal clinic, and the full service veterinary clinic providing back-up service ceases, the board shall be notified immediately and a new agreement for back-up service shall be provided before the issuance of a new premise permit.
(Acts 1986, No. 86-500, p. 956, §29; Acts 1987, No. 87-794, p. 1557, §9; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-89 Premise permits - Display

Each person to whom a license or premise permit, or both, is issued shall keep such license or premise permit, or both, conspicuously displayed in his or her office, place of business, or place of employment and shall, whenever required, exhibit the license or premise permit, or both, to any member or authorized representative of the board.
(Acts 1986, No. 86-500, p. 956, §30; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-90 Immunity of veterinarians from suit for emergency care of animals or human victims; nonliability to animal hospital

- (a) Any licensed veterinarian who in good faith as a volunteer and without fee renders emergency care or treatment to a domestic animal shall not be liable in a suit for damages as a result of his or her acts or omissions which may occur during emergency care or treatment, nor shall he or she be liable to any animal hospital for its expense if under emergency conditions he or she orders an animal hospitalized or causes his or her admission to a hospital.
- (b) Any licensed veterinarian who in good faith renders or attempts to render emergency care at the scene of an accident or emergency to the human victim or victims thereof shall not be liable for any civil damages as a result of any act or omissions by persons rendering or attempting to render the emergency care.
(Acts 1986, No. 86-500, p. 956, §31; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-91 Eligibility for graduate of nonaccredited school to take examination

A person who is a graduate of a college of veterinary medicine not accredited by the American Veterinary Medical Association shall be eligible to take the regularly scheduled state licensing examination given by the board upon furnishing all the following required documents or items:

(1) The certificate of the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates (ECFVG).

(2) A certificate evidencing the completion of a one-year internship as required by the ECFVG in a veterinary hospital or clinic approved by the Alabama State Board of Veterinary Medical Examiners. This internship can be completed in more than one hospital or clinic; however, a minimum of three months shall be spent in any one place and the intern shall receive a variety of veterinary experience. This internship may commence prior to or following the national and state examinations and all shall be completed within an 18-month period. The sponsoring practitioner of the internship shall give a complete written report to the board at the completion of each three months which shall include a performance evaluation of the intern. The board shall insure that the internship was satisfactorily completed by the applicant prior to issuance of a state license. The ECFVG certificate shall be in addition to all other requirements expected for licensing of veterinarians in Alabama.

(3) Proof of his or her citizenship of the United States and of good moral character.

(Acts 1986, No. 86-500, p. 956, §32; Acts 1997, No. 97-168, p. 243, §3, Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §1.)

Section 34-29-92 Service of applicants as student preceptees for minimum period

The Alabama State Board of Veterinary Medical Examiners may require that all applicants serve as a student preceptee working under the supervision of a veterinarian licensed in any state for a minimum period of nine consecutive weeks.

(Acts 1986, No. 86-500, p. 956, §33; Acts 1997, No. 97-249, p. 431, §1.)

Section 34-29-94 Veterinary technician licensing requirements; authorized acts; unlicensed assistants; emergency care; suspension, revocation of license; continuing education

(a) In order to obtain a license as a veterinary technician, the applicant shall do all of the following:

(1) Submit a complete notarized application on a form prescribed by the board setting forth that the applicant meets all of the following qualifications:

a. At least 18 years of age.

b. Of good character.

c. Has attained a competent school education and has received a diploma in veterinary technology from an American Veterinary Medical Association accredited school, or other school of veterinary technology approved by the board.

(2) Submit an application accompanied by an authenticated copy of the college transcript of the applicant signed by the dean or the registrar of the school, college, or university.

(3) Submit an application accompanied by a photograph of reasonable likeness of the applicant taken within six months of the date of the application.

(4) Submit an application fee as prescribed by the board.

(b) Notification and penalty for nonrenewal of licenses for veterinary technicians shall be applied as provided in this article for veterinarians.

(c) The board may adopt the Veterinary Technician National Examination and passing criteria prepared by the Professional Examination Service (PES), or any other veterinary technician national examination as the sole veterinary technicians examination or in addition to a state examination at its discretion.

(1) Examination of applicants for licensing as veterinary technicians in Alabama shall be held at a time, place, and date set by the board. Appropriate public notice of the time and place of the examination shall be given at least 90 days in advance of the date set forth for the examination.

(2) A passing score on the AVMA approved National Licensing Examination shall be determined by the professional examination provider based on a national criteria which reflects a passing score of at least 70 percent. Each applicant who passes the examination and meets all other requirements for licensure prescribed by the board shall be granted a license as a veterinary technician and shall be registered as such and a record kept by the board, and shall receive a license in a form to be prescribed by the board.

(d) There shall be an annual renewal of each veterinary technician's license and the renewal fee established and published by the board.

(e) The supervising veterinarian may require a licensed veterinary technician to perform any task for which he or she has been trained as delineated in the American Veterinary Medical Association's essential tasks list for veterinary technician teaching programs. The following tasks may be performed under the level of supervision indicated unless specifically prohibited by regulation and the supervision shall be under a licensed veterinarian currently registered to practice in this state, provided the veterinarian makes examinations in a manner and frequency consistent with the accepted standard of care for the condition of the patient and for the condition being treated:

(1) A licensed veterinary technician may perform the following tasks under the indirect supervision of a veterinarian. If the animal is anesthetized, these tasks shall require the direct supervision of a veterinarian:

- a. Dental prophylaxis.
- b. Enemas.
- c. Electrocardiography.
- d. Application of bandages.
- e. Catheterization of the unobstructed bladder and inserting indwelling catheter.
- f. Gavage.
- g. Ear flush.
- h. Surgical site preparation.
- i. Diagnostic imaging:
 1. Patient preparation and positioning.
 2. Operation of X-ray and ultrasound machines.
 3. Oral and rectal administration of radio-opaque materials.
- j. Injections of medications not otherwise prohibited:
 1. Intramuscular.
 2. Subcutaneous.
 3. Intravenous.
 4. Intradermal.
- k. Oral medications.
 1. Topical medication.
- m. Laboratory:
 1. Collection of tissue during or after a veterinarian has performed necropsy.
 2. Urinalysis.
 3. Hematology.
 4. Parasitology.
 5. Exfoliative cytology.
 6. Microbiology.

- 7. Blood chemistry.
- 8. Serology.
- 9. Coprology.
- n. Administration of preanesthetic drugs.
- o. Oxygen therapy.
- p. Removal of partially exposed foreign objects from skin and feet.
- q. Removal of sutures.
- r. Euthanasia.
- s. Administration of immunological agents.
- t. Blood collection for diagnostic purposes.
- u. Cystocentesis.
- v. Placement of a device to allow vascular access.
- w. Handling of biohazardous waste materials.

(2) A licensed veterinary technician may perform the following tasks under the direct supervision of a veterinarian:

- a. Endotracheal intubation.
- b. Blood administration and collection.
- c. Fluid aspiration.
- d. Intraperitoneal injections.
- e. Assist during surgery and diagnostics and treatment procedures.
- f. Monitoring of vital signs of anesthetized patient.
- g. Application of splints.
- h. Induce anesthesia by intravenous, intramuscular, or subcutaneous injection, or by inhalation.
- i. When the animal is anesthetized, those tasks listed under subdivision (1).
- j. Suturing skin lacerations, the site shall be examined by a veterinarian prior to and following suture.

(3) An unlicensed assistant may perform the following tasks under the indirect supervision of a licensed veterinarian or licensed veterinary technician:

- a. Blood collection for diagnostic purposes.
- b. Fecal sample collection.
- c. Surgical site preparation.
- d. Administration of previously prescribed medications: Ophthalmic, otic, oral, topical, or parenteral.
- e. Handling of biohazardous waste materials.

(4) An unlicensed assistant may perform the following tasks under the immediate supervision of a licensed veterinarian or a licensed veterinary technician:

- a. Blood collection and administration.
- b. Placement of a device to allow vascular access.
- c. Gavage.
- d. Diagnostic imaging:
 - 1. Patient preparation and positioning.
 - 2. Film exposure.
 - 3. Oral and rectal administration of radio-opaque materials.
- e. Intravenous injections of medications not otherwise prohibited.
- f. Exfoliative cytology preparation.
- g. Application of bandages.
- h. Ear flush.
- i. Electrocardiography.

j. Removal of sutures.

k. Euthanasia.

l. Assist during surgery and diagnostics.

m. Place endotracheal tube.

(f) Under the conditions of an emergency, a licensed veterinary technician may render the following lifesaving aid and treatment:

(1) Application of tourniquets or pressure bandages, or both, to control hemorrhage.

(2) Administration of pharmacological agents and parenteral fluids shall only be performed after direct communication with a veterinarian authorized to practice in this state and the veterinarian is either present or in route to the location of the distressed animal.

(3) Resuscitative respiratory procedures.

(4) External cardiac massage.

(5) Application of temporary splints or bandages to prevent further injury to bones or soft tissue.

(6) Application of appropriate wound dressings and external supportive treatment in severe burn cases.

(g) Any persons licensed or certified pursuant to this article who gratuitously and in good faith give emergency treatment to a sick or injured animal at the scene of an accident or emergency shall not be liable for damages to the owner of the animal in the absence of gross negligence.

(h) Any licensed veterinary technician who in good faith renders or attempts to render emergency care at the scene of an accident or emergency to the human victim or victims thereof shall not be liable for any civil damages as a result of any act or omission by the person in rendering or attempting to render the emergency care.

(i) Any veterinary technician shall display his or her license at his or her place of employment as to be easily accessible to the public or his or her clients.

(j) The board shall revoke the license of any veterinary technician convicted of or pleading nolo contendere to a felony, a crime involving moral turpitude, or who is guilty of one or more of the following:

(1) Soliciting patients from any practitioner of the healing arts.

(2) Willfully or negligently divulging a professional confidence or discussing a diagnosis or treatment of a veterinarian without the express permission of the veterinarian.

(3) The habitual or excessive use of intoxicants or drugs.

(4) Fraud or misrepresentation in applying for or procuring a license to perform as a veterinary technician or in applying for or procuring an annual registration.

(5) Impersonating another person licensed as a veterinary technician or allowing any person to use his or her license as a technician.

(6) Abetting or aiding the practice of veterinary medicine by a person not licensed by the board.

(7) Gross negligence in the performance of duties, tasks, or functions assigned to him or her by a licensed veterinarian.

(8) Manifest incapability or incompetence to perform as a veterinary technician.

(k) The board may revoke or suspend any license which they may have issued for violation of this article relating to the practice of veterinary medicine or the conduct of veterinary technicians, or both, for the violation of the administrative code of the board after notice and hearing proceedings, as provided by Section 34-29-79. Appeals from any adverse action of the board under this section shall be made to the Circuit Court of Montgomery County.

(l) Any veterinarian who permits a veterinary technician to work and perform the duties of a licensed technician in his or her office without having been issued a license or any licensed veterinary technician working in a veterinary office without a license shall be guilty of a misdemeanor. Nothing, however, in this article shall be construed to prevent a student of veterinary technology from performing duties necessary to complete course requirements from an accredited school or college of veterinary technology while under the supervision of a competent instructor of veterinary medicine recognized by the Alabama State Board of Veterinary Medical Examiners.

(m) A minimum number of hours of continuing education shall be required yearly for license renewal as provided by the administrative code of the board.

(n) Graduates of veterinary technology programs not accredited by the AVMA may become eligible for licensure by meeting all of the requirements of the AVMA and successfully passing the AVMA approved veterinary technician licensing examination.

(Acts 1986, No. 86-500, p. 956, §35; Acts 1989, No. 89-236, p. 310, §§3, 4; Acts 1997, No. 97-249, p. 431, §1; Act 2006-590, p. 1596, §1; Act 2010-536, p. 905, §1.)

Article 5 Impaired Veterinary Professionals.

Section 34-29-110 Definitions

For the purposes of this article the following terms shall have the following meanings:

(1) IMPAIRED. The inability of a veterinary professional to practice veterinary medicine or veterinary technology with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances, or as a result of any physical or mental condition.

(2) VETERINARY PROFESSIONAL. A veterinary licensed to practice veterinary medicine and veterinary technicians who are licensed to practice veterinary technology.

(Act 2000-453, p. 815, §1.)

Section 34-29-111 Duties of board; Alabama Veterinary Professionals Wellness Committee; liability

(a) It shall be the duty and obligation of the State Board of Veterinary Medical Examiners to promote the early identification, intervention, treatment, and rehabilitation of veterinary professionals licensed to practice veterinary medicine or veterinary technology in Alabama who may be impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances, or as a result of any physical or mental condition.

(b) In order to carry out this obligation the State Board of Veterinary Medical Examiners may contract with any nonprofit corporation or medical professional association for the purpose of creating, supporting, and maintaining a committee of veterinary professionals to be designated the Alabama Veterinary Professionals Wellness Committee. The committee shall consist of not less than 10 nor more than 15 veterinary professionals licensed to practice in Alabama and selected in a manner prescribed by the board. The board may expend available funds as necessary to adequately provide for the operational expenses of the Alabama Veterinary Professionals Wellness Committee, including, but not limited to, the actual cost of travel, office overhead, and personnel expense. The funds provided by the board for the purpose of operating expenses shall not be subject to any provision of law requiring competitive bidding.

(c) The Board of Veterinary Medical Examiners may enter into an agreement with a nonprofit corporation or medical professional association for the Alabama Veterinary Professionals Wellness Committee to undertake those functions and responsibilities specified in the agreement which may include any or all of the following:

- (1) Contracting with providers of treatment programs.
- (2) Receiving and evaluating reports of suspected impairment from any source.
- (3) Intervening in cases of verified impairment.
- (4) Referring impaired veterinary professionals to treatment programs.
- (5) Monitoring the treatment and rehabilitation of impaired veterinary professionals.
- (6) Providing post-treatment monitoring and support of rehabilitated impaired veterinary professionals.
- (7) Performing other activities as agreed by the Board of Veterinary Medical Examiners and the Alabama Veterinary Professionals Wellness Committee.

(d) The Alabama Veterinary Professionals Wellness Committee shall develop procedures in consultation with the Board of Veterinary Medical Examiners for the following:

- (1) Periodic reporting of statistical information regarding impaired veterinary professionals program activity.
- (2) Periodic disclosure and joint review of the information as the board deems appropriate regarding reports received, contracts or investigations made, and the disposition of each report, provided, however, that the committee shall not disclose any personally identifiable information except as provided in this article.

(e) Any veterinary professional licensed in Alabama who shall be duly appointed to serve as a member of the Alabama Veterinary Professionals Wellness Committee and any auxiliary personnel, consultants, attorneys, or other volunteers or employees of the committee taking any action authorized by this article, engaging in the performance of any duties on behalf of the committee, or participating in any administrative or judicial proceeding resulting therefrom, shall, in the performance and operation thereof, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any nonprofit corporation or medical professional association or state or county veterinary medical association that contracts with or receives funds from the State Board of Veterinary Medical Examiners for the creation, support, and operation of the Alabama Veterinary Professionals Wellness Committee shall, in so doing, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

(f) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the Alabama Veterinary Professionals Wellness Committee and any findings, conclusions, recommendations, or reports resulting from the investigations, interventions, treatment, or rehabilitation, or other proceedings of such committee are declared to be privileged and confidential. All records and proceedings of the committee pertaining to the impaired veterinary professional shall be confidential and shall be used by the committee and the members thereof only in the exercise of the proper function of the committee and shall not be public records nor available for court subpoena or for discovery proceedings. In the event of a breach of contract between the committee and the impaired veterinary professional, any and all records pertaining to the conduct determined to cause the breach of contract will be disclosed to the regulatory board upon its request for disciplinary purposes only. Nothing contained herein shall apply to records made in the regular course of business of a veterinary professional and information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any civil proceedings merely because they were presented or considered during the proceedings of the Alabama Veterinary Professionals Wellness Committee.

(g) The Alabama Veterinary Professionals Wellness Committee shall render an annual report to the State Board of Veterinary Medical Examiners concerning the operations and proceedings of the committee for the preceding year. The committee shall report to the board any veterinary professional who in the opinion of the committee is unable to practice veterinary medicine or veterinary technology with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances, or as a result of any physical or mental condition when it appears that the veterinary professional is currently in need of intervention, treatment, or rehabilitation and the veterinary professional has failed or refused to participate in programs of treatment or rehabilitation recommended by the committee. A report to the Alabama Veterinary Professionals Wellness Committee shall be deemed to be a report to the Board of Veterinary Medical Examiners for the purposes of any mandated reporting of veterinary professional impairment otherwise provided for by law.

(h) If the Board of Veterinary Medical Examiners has reasonable cause to believe that a veterinary professional is impaired, the board may cause an evaluation of the veterinary professional to be conducted by the Alabama Veterinary Professionals Wellness Committee for the purpose of determining if there is an impairment. The Alabama Veterinary Professionals Wellness Committee shall report the findings of its evaluation to the Board of Veterinary Medical Examiners.

(Act 2000-453, p. 815, §2.)

Article 6 Euthanasia in Animals.

Section 34-29-130 Permit to purchase, possess, and use certain agents for euthanizing animals

(a) The State Board of Veterinary Medical Examiners, hereinafter called the board, shall adopt rules providing for the issuance of permits authorizing the purchase, possession, and use of sodium pentobarbital, sodium pentobarbital with lidocaine, or other similar agents at facilities approved by the board that are operated for the collection and care of stray, neglected, abandoned, or unwanted dogs and cats, or federally licensed wildlife rehabilitation centers, for the purpose of euthanizing injured, sick, or abandoned animals which are in their lawful possession. The rules shall set forth guidelines for the proper storage and handling of the substances and other provisions as may be necessary to ensure that these drugs are used solely for the purpose set forth in this section. The rules shall also provide for an application or inspection fee and an annual renewal fee.

(b) Any facility approved by the board that operates for the collection and care of stray, neglected, abandoned, or unwanted dogs and cats, or a federally licensed wildlife rehabilitation center may apply to the board for a permit to purchase, possess, and use sodium pentobarbital and sodium pentobarbital with lidocaine pursuant to subsection (a). Upon certification by the board that the applicant meets the qualifications set forth in the rules, a permit shall be issued.

(c) The board may revoke or suspend the permit upon a determination that the permittee is using the scheduled substances for any purpose other than that set forth in this section or if the permittee fails to follow the rules of the board regarding proper storage and handling of the substance.

(Act 2004-523, p. 1067, §1.)

Section 34-29-131 Exemptions

(a) The board shall provide by rule that sodium pentobarbital, a sodium pentobarbital derivative, or other authorized injectable agents that act on the central nervous system shall be the only means of euthanasia of dogs and cats at facilities approved by the board that are operated for the collection and care of stray, neglected, abandoned, or unwanted dogs and cats.

(b) The board shall promulgate rules providing for the use of carbon monoxide, CO, and inhalant anesthetics as an acceptable alternative to the injectable agents for individual animals or mass euthanasia in small animals other than dogs or cats. Rules shall include provisions for the type of chamber and gas used, training and inspection requirements, humane comfort of the animals, and safety precautions for personnel.

(c) Euthanasia shall be performed only by a licensed veterinarian or an employee or agent of a facility approved by the board that is operated for the collection and care of stray, neglected, abandoned, or unwanted animals, provided the employee or agent has successfully completed a euthanasia technician certification course. The curriculum for the course shall be approved by the board and shall include, at a minimum, all of the following:

- (1) The pharmacology, proper administration, and storage of euthanasia solutions.
- (2) Federal and state laws regulating the storage and accountability of scheduled drugs.
- (3) OSHA Safety and Material Safety Data Sheet Regulations.
- (4) Euthanasia stress management.
- (5) Proper disposal of euthanized animals.

(d) Notwithstanding the foregoing, a licensed veterinary technician, in accordance with Section 34-29-94, and regulations adopted pursuant thereto, who is an employee or agent of a licensed veterinarian or animal shelter as defined in Section 34-29-130, may perform euthanasia without completing the certification course required by subsection (c).

(e) Within by January 31, 2012, any animal shelters operated for the collection and care of stray, neglected, abandoned, or unwanted animals, which operated a gas chamber prior to that date shall have dismantled and removed its gas chamber and shall provide documentation to that effect to the board.

(Act 2004-523, p. 1067, §2; Act 2011-626, p. 1479, §2.)

Section 34-29-132 Euthanasia in emergency situation

Whenever an emergency situation exists which requires the immediate euthanasia of an injured, diseased, or dangerous animal, a law enforcement officer, a veterinarian, or an agent or designee of a local animal control unit may humanely destroy the animal, as provided herein.

(1) Whenever any domestic animal is so injured or diseased as to appear useless and is in a suffering condition, and it reasonably appears to any officer that the animal is imminently near death and cannot be cured or rendered fit for service, and the officer has made a reasonable and concerted, but unsuccessful, effort to locate the owner, the owner's agent, or a veterinarian, then the officer, acting in good faith and upon reasonable belief, may immediately destroy the animal by shooting the animal or injecting the animal with a barbiturate drug. If the officer locates the owner or the owner's agent, the officer shall notify the owner or the owner's agent of the animal's location and condition. If the officer locates only a veterinarian, the officer shall destroy the animal only upon the advice and recommendation of the veterinarian.

(2) In the absence of negligence, wantonness, or willful conduct, no officer or veterinarian acting in good faith and with due care pursuant to this article may be held liable either criminally or civilly for euthanizing an animal, nor shall any civil or criminal liability attach to the employer of the officer or veterinarian.

(3) A court order shall not be necessary to carry out the provisions of this section.

(Act 2004-523, p. 1067, §3.)

Section 34-29-133 Animals not to be left unattended until death; disposal of body upon confirmation of death

No animal may be left unattended between the time euthanasia procedures are first begun and the time that death occurs, nor may the body of the animal be disposed of until death has been confirmed by a euthanasia technician or other qualified person as defined by this chapter.

(Act 2004-523, p. 1067, §4.)

Section 34-29-134 Violations of article

(a) The Attorney General may bring action to enjoin any violation of this article.

(b) Any person who violates this article shall be guilty of a Class B misdemeanor and upon conviction shall be punished as provided by law.

(Act 2004-523, p. 1067, §§5, 6.)

Section 34-29-135 Relation to Section 34-29-94

Notwithstanding the provisions of Section 34-29-94, this article shall prevail in all cases in which there is a direct conflict.

(Act 2004-523, p. 1067, §9.)

Appendix II - Professional Services by Vendor

	FY2020	FY2021	FY2022	FY2023
Administrative Services				
<i>Education Training Consultants</i>				
American Association Of Veterinary State Boards	\$ 400.00	\$	\$	\$
<i>Collection Services</i>				
Alabama Interactive		235.00	535.00	
<i>Professional Information and Research Services</i>				
US Department of Homeland Security - CIS			50.00	
<i>Mailing</i>				
Department of Finance	154.40	77.35	137.15	139.52
<i>Professional Medical Consulting</i>				
Dr. Jerome B Williams	43,249.99	43,250.00	43,250.00	43,250.00
<i>Personnel Department Services</i>				
Personnel Department	1,486.00	1,883.00	1,634.00	2,089.00
Total Administrative Services	45,290.39	45,445.35	45,606.15	45,478.52
Data Processing				
<i>Data Processing</i>				
Office of Information Technology	3,186.23	3,227.88	13,964.69	17,755.70
<i>Finance and IT Planning Oversight</i>				
Department of Finance	336.13	343.20	337.48	314.60
<i>Interfund Contract Programs</i>				
Department of Finance	16,800.00			
<i>State Business Systems (SBS)</i>				
Department of Finance	2,039.39	3,586.56	4,099.04	4,116.70
<i>Comptroller Services</i>				
Department of Finance	2,093.24	2,235.76	2,310.29	2,591.00
Total Data Processing	24,454.99	9,393.40	20,711.50	24,778.00
Legal Services				
<i>Professional Legal Services</i>				
Attorney General's Office	4,946.84	7,065.00	2,190.00	1,350.00
Total Legal Services	4,946.84	7,065.00	2,190.00	1,350.00
Total Professional Services	\$ 74,692.22	\$ 61,903.75	\$ 68,507.65	\$ 71,606.52



Appendix III: Board Members

ALABAMA STATE BOARD OF VETERINARY MEDICAL EXAMINERS

8100 SEATON PLACE – SUITE A, MONTGOMERY, AL 36130-5330

Tammy S. Cargile
Executive Director

The following are the names, cities, and expiration of terms, and date of appointments or reappointments of each current Board member and the agency head.

William T. Berry, DVM
29451 Old School House Road
Ardmore, AL 35739

President

First Term: 07-21-2016 to 07-20-2020
Second Term: 08-20-2020 to 07-20-2024
Email: dvmwtb@aol.com
Employed: Berry Animal Hospital, PC. Ardmore, AL

David C. Tyree, DVM
31671 Highway 278 East
Addison, AL 35540

Vice President

First Term: 06-05-2020 to 03-14-2024
Second Term: 07-11-2024 to 03-14-2028
Email: addivet56@gmail.com
Employed: David Tyree Mobile Services

Thomas W. Fell, Jr., DVM
6112 Hampton Oaks Drive
Mobile, AL 36693

Board Member

First Term: 09-17-2021 to 09-16-2025
Email: twfell@comcast.net
Employed: Payne Animal Clinic, Greensboro, AL

Charles D. Hart, Jr., DVM
6874 McFrancis Road
Trussville, AL 35173

Board Member

First Term: 11-18-2022 to 10-10-2026
Email: drhart@claychalkvilleanimal.com
Employed: Clay-Chalkville Animal Clinic, Pinson, AL

Tomeshia Hubbard, DVM
117 Jewel Circle
Bessemer, AL 35022

Board Member

First Term: 03-15-2024 to 03-14-2028
Email: Bdbaka@hotmail.com
Employed: Alabama Veterinary Allergy & Dermatology Services, Birmingham, AL

Jonathan E. Zeiger, DVM
1522 Dye Creek Lane
Pell City, AL 35128

Board Member

Frist Term: 03-15-2022 to 03-14-2026
Email: jonedzeiger@gmail.com
Employer: Arab Veterinary Hospital, Arab, AL

Mrs. Brenda Glover
900 AL Highway 61
Greensboro, AL 36744

Board Member

First Term: 09-28-2022 to 09-27-2026
Email: Khglover5960@att.net
Employed: Not Employed

Lisa Hethcox, LVT
3921 Warrior Valley Road
Altoona, AL 35952

Board Member

First Term: 07-18-2022 to 03-14-2026
Email: lisahethcox@yahoo.com
Employed: Research Department at University of Alabama at Birmingham, Birmingham, AL

Tammy S. Cargile
8100 Seaton Place – Suite A
Montgomery, AL 36116

**Executive
Director**

Frist Term: 09-01-2010 to Present
Email: Tammy.Cargile@ASBVME.alabama.gov



Tammy S. Cargile, Executive Director

(334) 395-5112 (334) 395-5117 (fax)

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Appendix IV - Board's Response



Tammy S. Cargile
Executive Director

ALABAMA STATE BOARD OF VETERINARY MEDICAL EXAMINERS

8100 SEATON PLACE – SUITE A, MONTGOMERY, AL 36130-5330

October 1, 2024

Dixie B. Thomas, CFE
Director of Operational Audits
Examiners of Public Accounts
P.O. Box 302251
Montgomery, AL 36130-2251

RE: Significant Issues / Prior Findings

Dear Ms. Thomas:

In regard to your request, I am submitting the following in response to the significant issues / prior findings from the Sunset Audit:

Prior Significant Issue 2020-01: The Board has adopted an administrative rule to charge a \$25.00 fee to verify a licensee. The fee is not authorized by statute.

Attorney General's Opinion Number 87-222 concluded that: "Where the Legislature established a sufficiently definite policy, standard or rule an administrative agency may be empowered to deal with the issuing of a license or permit and to fix reasonable fees for such issuance; where the Legislature has not established such a sufficiently definite policy, rule or standard the administrative agency may not be empowered to deal with such issuing of licenses or permits or establishing of fees."

Current Status: Unresolved. The Board still has a Verification of License Fee of \$25.00 enumerated in **Administrative Rule** 930-X-1-.06 for Veterinarians and Veterinary Technicians. The Board does not appear to be charging the fee; however, the administrative rule has not been amended to remove the fee not authorized by statute.

ASBVME Response: The ASBVME Board has not charged this fee since we received the finding in 2020, however it is still listed in Rule 930-X-1-.06. Fees, and will be taking out at the next Rule Making Hearing.



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Prior Finding 2020-001: The Board did not verify if aliens applying for licensure were lawfully present in the United States. Applicants submitted the required documents for licensure, but the Board did not submit the documents to the Systematic Alien Verification for Entitlements (SAVE) program. As a result, the Board may have issued licenses to individuals that may not be lawfully present in the United States.

According to the *Code of Alabama 1975*, Section 31-13-7(f), no official of this state or political subdivision of this state shall attempt to independently make a final determination of whether an alien is lawfully present in the United States. Further, the *Code of Alabama 1975*, Section 31-13-7(i) states that an alien's lawful presence in the United States shall be verified by the federal government through the Systematic Alien Verification for Entitlements program operated by the United States Department of Homeland Security.

Current Status: Unresolved. The Board continues to obtain required documents for licensure but does not submit the documents to the Systematic Alien Verification for Entitlements (SAVE) program.

ASBVME Response: The ASBVME Board did not do this because when we received documentation from the Universities for the Faculty Members they had already performed this search on all foreign faculty members, and also any Active DVMs were confirmed through a process from the American Association of Regulatory State Boards before their National Board Scores were sent to the ASBVME, however, from this date forward the ASBVME will be performing this task as well.

Prior Finding 2020-004:

The Board did not notify the Secretary of State of vacancies on the Board. The Board did not notify the Secretary of State of vacancies for one member whose term expired October 10, 2018; one member whose term expired July 20, 2020; and two members whose terms expired March 4, 2020. As a result, interested candidates were not given sufficient notice of upcoming board member appointments.

The *Code of Alabama 1975*, Section 36-14-17 (c)(1) states, "The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy scheduled to occur on the board as a result of the expiration of a term at least 45 days before the vacancy occurs."



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Current Status: Unresolved. The Board did not notify the Secretary of States of vacancies occurring as a result of the expiration of Board members' terms that expired on September 17, 2021, and October 10, 2022.

ASBVME Response: The Executive Director thought she had performed this task for the Board Member(s) that were vacating their role as Board Member both on September 17, 2021, as well as October 10, 2022, however the Executive Director was unable to locate her email from the Alabama Secretary of State showing that this had actually been executed.

Significant Issues from Questionnaires

Significant Issue 2024-001:

Three of seven (43%) Board Members responding to our survey indicated that the Veterinary Practice Act should be updated. Additionally, three of seven (43%) Board Members responding to our survey believe the Board's laws should be updated to include telemedicine, stand-alone mobile practices, and online pharmacies. Some of the issues cited include reaching underserved rural areas with mobile units without requiring the mobile practice to be attached to a brick-and-mortar practice and the risks involved with telemedicine.

ASBVME Response: The ASBVME Board spends a considerable amount of time discussing these issues, i.e.: reaching underserved rural areas with mobile units without requiring the mobile practice to be attached to a brick-and-mortar practice and the risks involved with telemedicine. These are complex issues, and the solution has yet to be discovered.

Significant Issue 2024-002:

Seven of seventeen (41%) licensed veterinarians responding to our survey indicated that staffing concerns are the most significant issue facing their profession in Alabama. Some of the issues cited include the lack of qualified applicants for employees and the lack of large animal veterinarians.

ASBVME Response: This is out of the jurisdiction of the ASBVME.



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Significant Issue 2024-003: Eighteen licensed veterinary technicians responded to our survey and the following were noted from the responses:

•**Six of eighteen (33%) licensed veterinary technicians responding to our survey consider title protection the most significant issues facing their profession in Alabama.** Some of the issues cited include unlicensed personnel performing procedures that should only be done by licensed technicians and the lack of motivation of veterinary assistants to pursue a degree and licensure.

ASBVME Response: Regarding the unlicensed personnel performing procedures that should only be done by a licensed technicians, if this Board does not receive a formal complaint to such, then we are not aware this is occurring.

•**Seven of eighteen (39%) licensed veterinary technicians responding to our survey consider salary and low wages the most significant issues facing their profession in Alabama.** Some of the issues cited include low wages contributing to a lack of interest in the profession and veterinarians opting to pay an unlicensed person less rather than hire a licensed veterinary technician.

ASBVME Response: This is outside the jurisdiction of the ASBVME.

Significant Issue 2024-004: Five of eighteen (29%) licensed veterinary technicians and two of five (40%) of licensed faculty responding to our survey indicated they are not adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws.

ASBVME Response: All licensees, whether they are Active DVMs, Active LVTs, Faculty or hold an Inactive License, receive blast emails and mail outs of any changes and/or interpretations of the Board's positions, policies, rules, and laws. This Board can not make individuals read their mail or emails.



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Prior Significant Issues from Questionnaires

Prior Significant Issue 2016-002: Complainants were not satisfied with their dealings with the Alabama Board of Veterinary Medical Examiners. Eighteen of twenty-eight complainants responding (64%) stated they were not satisfied with their dealings with the Alabama State Board of Veterinary Medical Examiners, 57% (16 of 28 complainants responding) did not think the Board did everything it could to resolve their complaint.

Current Status: Unresolved. Twenty-one of twenty-six (81%) complainants responding to our survey do not think the Board did everything it could to resolve their complaint.

ASBVME Response: Each complaint that is received into the ASBVME Office is investigated thoroughly. Complaints range from issues dealing with refunds for services received, to negative treatment outcomes. Many issues are multi-faceted and due to emotional attachments that many complainants have, they may perceive that the Board did not do everything it could to resolve complaints to their satisfaction.

The ASBVME has taken steps to improve complaint resolution timeliness, which it will continue to monitor. The Board will also be sure the complainants are kept abreast of the progress of their particular complaint. This will ensure complaints will be handled in an efficient and transparent manner.

To my knowledge the above clearly outlines the Boards response to these items..

Respectfully yours,

Tammy S. Cargile

Tammy S. Cargile
Executive Director