

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control Department or Agency Alabama State Board of Veterinary Medical Examiners  
Rule No. 930-X-1-31  
Rule Title: Premises Permits  
 New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

\*\*\*\*\*  
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*  
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer *Thomas J. Cayle*  
Date *Jan 22, 2018*

(DATE FILED)  
(STAMP)

APA-1

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Alabama State Board of Veterinary Medical Examiners  
Rule No. 930-X-1-31  
Rule Title: Minimum Standards for Veterinary Facilities (renumbering to 930-X-1-31.01)  
         New  Amend          Repeal          Adopt by Reference         

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?                                 Yes                                

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?                                 Yes                                

Is there another, less restrictive method of regulation available that could adequately protect the public?                                 No                                

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?                                 No                                

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?                                 No                                

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?                                 Yes                                

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Does the proposed rule have an economic impact?                                 No                                

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*  
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer *Tammy J. Cayle*  
Date Jan. 22, 2018

(DATE FILED)  
(STAMP)

ALABAMA STATE BOARD OF VETERINARY MEDICAL EXAMINERS

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama State Board of Veterinary Medical Examiners

RULE NO. & TITLE: 930-X-1-.31 Premises Permits (New)  
930-X-1-.31 Minimum Standards for Veterinary Facilities (Amended)


INTENDED ACTION: New and Amended

SUBSTANCE OF PROPOSED ACTION: Rule 930-X-1-.31 will be renumbered 930-X-1-.31.01 and titled "Minimum Standards for Veterinary Facilities". New Rule 930-X-1-.31 will be titled "Premises Permits" and is created to require all veterinary premises to require permit.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written Comments, views, or arguments will be received by the Alabama State Board of Veterinary Medical Examiners at 1:30 p.m. on March 21, 2018. Comments should be directed to Tammy S. Cargile, Executive Director, at 8 Commerce Street, Suite 910, Montgomery, AL 36130-5330, or via fax at (334) 262-8716. A public hearing will be held at 1:30 p.m. on March 21, 2018, at 8 Commerce Street, Suite 910, Montgomery, AL 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 21, 2018

CONTACT PERSON AT AGENCY: Tammy S. Cargile, Executive Director  
8 Commerce Street, Suite 910  
Montgomery, AL 36130-5330  
(334) 262-8068

  
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Tammy S. Cargile, Executive Director  
Alabama State Board of Veterinary  
Medical Examiners

**Rule 930-X-1-.31. Premises Permits.**

- (1) All veterinary facilities must acquire a premises permit. The owner and all associate veterinarians must be listed on the premises permit.
- (2) Premises permits must be displayed within the practice in such a manner as to be easily viewed by the public.
- (3) All service agreements for any premises, including after hour emergency agreements and other supportive agreements, must be displayed with phone numbers and addresses within the practice in such a manner as to be easily viewed by the public.
- (4) All licensed veterinarians owning or associated with the premises, shall be individually responsible for immediately reporting to the Board any changes, modifications, or terminations of any service agreements.
- (5) An emergency service agreement is no longer needed when a permitted Emergency Clinic is located within the same locale, for small animals the same locale generally means that an Emergency Clinic is located within an hour or 45 miles of the premises. If an Emergency Clinic is not located within an hour or 45 miles of a facility, arrangements must be made for emergency services. An emergency service agreement is not required for a large animal practice when the services will be provided by the nearest large animal hospital or veterinary school.
- (6) An applicant for an initial premises permit must allow ample time for the Board to process the premises permit application. When an application, which is not for a renewal or change in ownership or association, requires an evaluation or inspection, the applicant must file a complete application at least 90 days before the permit is needed. All new veterinary facilities must complete a premises permit application and remit the inspection fee along with all required documents to the Board office. Evaluations or inspections will not be scheduled for incomplete premises applications even when the applicant believes that the missing information is minor, incidental, or unimportant. The Board has a limited number of inspectors and to ensure that all applicants receive premises permits timely, the Board will strictly adhere to an inspection schedule. An Inspector/Compliance Officer will contact the veterinarian to schedule an inspection date. Upon meeting or exceeding all mandatory minimum standards the Board will issue a premises permit.
- (7) In the event a facility fails to pass an initial premises inspection/evaluation, applicant must correct any 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.

(8) All licensed veterinarians owning or associated with the premises shall be individually responsible for management of the premises. Short term relief veterinarians without management responsibilities will not be required to be listed on the premises permit.

(9) The application must designate one veterinarian as the primary administrative contact to work with the Board. The administrative contact veterinarian for the facility shall be the individual responsible for ensuring and coordinating administrative compliance with the practice act and the rules of the administrative code. The administrative contact veterinarian is individually responsible for written, telephonic, and electronic communication to and from the Board. This may not be delegated to administrative staff.

(10) Upon meeting the requirements of the practice act and the administrative code, including applicable mandatory minimum standards for facilities, the following types of premises permits are available:

- (a) Veterinary or Animal Hospital or Clinic- available only for a facility providing quality examination, diagnostic, and health maintenance services for medical and surgical treatment of animals, including housing and nursing care for animals during illness and convalescence. Veterinarians working out of these facilities may make occasional house or farm calls to treat animals at the owner/client's premises without becoming a mobile clinic when reasonable circumstances prevent an owner/client from bringing an animal to the facility. A Mobile Small Animal Clinic may be permitted as a full-service clinic by meeting or exceeding all mandatory requirements for both full-service and mobile premises.
- (b) Specialty Practice or Specialty Clinic- available only for a facility where veterinarians have advanced training in a specialty, are diplomats of an approved specialty college, and provide complete specialty services. These facilities must meet the minimum standards applicable for all facilities in addition to any minimum standards applicable to the specialty;
- (c) Central Hospital- available only for a full-service facility, mainly utilized as a referral facility, and providing specialized care, including 24-hour nursing care and specialty consultation on a permanent or on-call basis, and the facility must also meet the requirements of subsection (a) by providing quality examination, diagnostic, and health maintenance services for medical and surgical treatment of animals, including housing and nursing care for animals during illness and convalescence;
- (d) Satellite Clinic- available only for a supportive facility owned by or associated with, by having privileges at a permitted veterinary hospital, clinic, or full-service central hospital designated on the premises permit as

the primary facility. Veterinarians on the premises permit of the primary facility must verify in the outpatient premises permit application that its outpatient clinic, if offering limited services, has ready access to the primary facility and is located within one hour or 45 miles of the primary facility, and that a veterinarian from the primary facility will be on call during and after the operation of the satellite to render aid, if necessary. In exceptional circumstances, upon approval of the board, the one hour or 45-mile limitation may be extended to a reasonable distance based upon the geographic location of the satellite clinic. Satellite clinics are primarily fixed branch locations of the primary facility and may be full or limited services facilities with necessary service agreements. The operation of any satellite clinic must be under the direct supervision of a licensed veterinarian who remains on the premises during the entire time of operation

- (e) Outpatient Clinic- available only for a supportive facility owned by or associated with, by having privileges at a permitted veterinary hospital, clinic or full-service central hospital designated on the premises permit as the primary facility. An outpatient clinic is mainly utilized for wellness and minor medical issues not requiring general anesthesia, surgery, or hospitalization. Veterinarians on the premises permit of the primary facility must verify in the outpatient premises permit application that its outpatient clinic, if offering limited services, has ready access to the primary facility and is located within one hour or 45 miles of the primary facility, and that a veterinarian associated with the primary facility will be on call during and after the operation of the outpatient clinic to render aid, if necessary. In exceptional circumstances, upon approval of the board, the one hour or 45-mile limitation may be extended to a reasonable distance based upon the geographic location of the outpatient clinic. The operation of any outpatient clinic must be under the direct supervision of a licensed veterinarian who remains on the premises during the entire time of operation
- (f) Mobile Small Animal Clinic-available only for a supportive facility owned by or associated with, by having privileges at a permitted veterinary hospital, clinic, or full-service central hospital designated on the premises permit as the primary facility. Veterinarians on the premises permit of the primary facility must verify in the mobile small animal clinic premises permit application that its mobile small animal clinic, if offering limited services, has ready access to the primary facility and is located within one hour or 45 miles of the primary facility, and that a veterinarian associated with the primary facility will be on call during and after the operation of the mobile small animal clinic to render aid, if necessary. In exceptional circumstances, upon approval of the board, the one hour or 45-mile limitation may be extended to a reasonable distance based on the geographic location of the mobile small animal clinic. The operation of

any Mobile Small Animal Clinic must be under the direct supervision of a licensed veterinarian who remains on the premises during the entire time of operation.

- (g) Large Animal Mobile Clinic- available only for a facility providing examination, diagnostic, preventive medicine, and minor surgical services for large animals not requiring confinement or hospitalization, including any other surgeries required by emergencies in the field. Large animal mobile units may be, but are not required to be, self-contained units. Complete hospital facilities may be provided without a service agreement by the nearest large animal hospital or veterinary school. Veterinarians operating out of a Large Animal Mobile Clinic may diagnose and treat an owner/client's small animals on the owner/client's premises without becoming a Mobile Small Animal Clinic.
- (h) Emergency Clinic- available only for a treatment facility specializing in emergency veterinary medicine, established to receive patients from the public without prior appointments and to accept referrals from other veterinary facilities, to treat acute injuries and illnesses which require immediate attention, to provide diagnostic and treatment during hours when local veterinary hospitals are normally closed. Emergency clinics shall meet or exceed all mandatory requirements for a full-service facility as provided in subsection (a) as well meet all other requirements of the practice act and the administrative code. Emergency clinics are not required to enter into service agreements with referring veterinarians who are within the same locale.
- (i) Virtual Premises – Any telephonic, electronic, virtual, or web based facility that provides veterinary medical services, including advice or diagnoses, to owners, clients or their animals in the State of Alabama must have a premises permit. All veterinarians working out of this facility and providing services to consumers or animals residing in the State of Alabama must have a license to practice veterinary medicine in the State of Alabama and establish a valid VCPR. The Board hereby adopts the AAVSB (American Association of Veterinary State Boards) model policy for the appropriate use of Telehealth Technologies in the practice of veterinary medicine to the extent it is not inconsistent with Alabama law.

(11) All veterinarians must ensure that they comply with all federal, state, county and municipal laws, ordinances and regulations.

(12) Field Compliance Officers/Inspectors will periodically inspect all veterinary practices operating under a premises permit in accordance with the provisions of the practice act and the administrative code. Inspections will be conducted during normal hours of operation.

(13) The premises permit may be revoked, suspended, or denied and penalties imposed for violations of the practice act, the administrative code, and other applicable law.

*Author: Alabama State Board of Veterinary Medical Examiners*

*Statutory Authority: Code of Ala. 1975, §34-29-69.*

*History. New – Filed date 1-22-18*



**Rule 930-X-1-.31.01. Minimum Standards for Veterinary Facilities.**

All locations in which veterinary medicine is practiced shall be adequate for the maintenance of good hygiene and the practice of veterinary medicine. All areas of a veterinary facility shall be maintained in a clean, inoffensive, odor free condition at all times. The minimum standards for all facilities in which veterinary medicine is practiced shall be:

(a) General facility requirements:

1. adequate space and safeguards for each patient
2. kept clean and in good repair
3. grounds clean and well maintained
4. parking area sufficient for clients and staff
5. facilities for the separation of inpatients
6. signs and exterior lighting in good taste and useful in identifying the hospital
7. hospital names not confusing to hospital identification
8. adequate heating, cooling and ventilation necessary to maintain a state of relative comfort for patients and staff
9. proper lighting in rooms used for the practice of veterinary medicine, increased lighting in the surgery area, and available emergency lighting
10. hot and cold running water
11. adequate sanitary storage relative to building size
12. floors and walls must be easily cleaned and sanitized
13. small animals (example: dogs) housed outside must have adequate shelter and bedding.

(b) Records must be:

1. maintained on every animal and be legibly documented in an accurate and timely manner.

Exception: Herd or flock animal records may be kept on a per client rather than a per animal basis.

2. readily accessible and permit prompt retrieval of information.
3. kept for a minimum of three years following the last office visit or discharge of the animal from the veterinary facility.
4. identify the patient's problem and condition as specifically as possible.
5. filed in an adequate filing system.
6. Paperless recordkeeping should meet all recording criteria and proof of periodic backup must be provided.

(c) Examination Facilities:

The following must be provided:

1. Table constructed of impervious and smooth material which can be sanitized between patients
2. Waste receptacle or chute
3. Adequate lighting and space to include available emergency lighting
4. Laboratory aides and diagnostic equipment (including an otoscope, ophthalmoscope, stethoscope, thermometer, and microscope)
5. Adequate equipment for administration of oxygen

(d) Pharmacy:

The following must be provided:

1. Administration in accordance with ethical practice
2. Storage, safekeeping and preparation of drugs in accordance with all state and federal laws
3. Labels on all dispensed drugs (with the exception of pre-labeled manufactured drugs with proper instructions) which include:
  - (i) Name, address and telephone number of the prescribing and dispensing facility
  - (ii) Name of client
  - (iii) Name of animal

- (iv) Date dispensed
- (v) Direction for use
- (vi) Name and strength of drugs
- (vii) Name of prescribing veterinarian
- (viii) THE FOLLOWING WARNINGS

- (I) Veterinary Use Only!
- (II) Keep Away From Children!

4. Records of all drugs administered or dispensed shall be kept on the client's records and shall include dispensation reports made to the Public Health Department's Prescription Drug Monitoring Program. (if for a companion animal, such record shall be on the individual patient's record.)

5. Distribution and administration of controlled drugs must be adequately documented and placed in childproof packaging or special packaging in accordance with all state and federal codes

6. Periodic Controlled substance inventory must be performed and the DEA Biennial Inventory report must be readily accessible for inspection by both state and federal representatives

7. Blood storage or blood donor availability

(e) Clinical Pathology:

The following must be provided:

1. Either available on premise when the animal is brought in the hospital for treatment or provided by a pathology service outside the hospital within a reasonable time:

- (i) Blood chemistry
- (ii) Culture and antibiotic sensitivity
- (iii) Complete blood count
- (iv) Histopathology
- (v) Complete necropsy

2. Within the hospital:

(i) Refrigeration

(ii) Urinalysis (Dipstick is adequate but specific gravity determination must be provided)

(iii) Mechanical method of determination of anemia

(iv) Flotation tests for internal parasite ova

(v) Adequate test to diagnose heartworm infestation

(vi) Skin scrapings for external parasites

3. Instrumentation for in hospital tests must be adequate.

(f) Radiology must provide:

1. Functioning radiographic equipment adequate to produce diagnostic radiographs which are appropriate to conventional practice needs.

2. Compliance with all State Health Department regulations including the use of a film badge service, the posting of safety regulations, and the use of leaded aprons and gloves.

3. Film which is adequately and permanently identified with the premise name, name of the owner, patient name, and date. Case identifier is recommended.

(g) Surgery must:

1. Be performed in a manner compatible with current veterinary medical practice with regard to anesthesia, asepsis, life support and monitoring procedures as well as recovery care, while always maintaining a level of safe humane care to patients.

2. Be performed in a room designed and reserved for surgery which is clean, orderly, well lighted and have available emergency lighting.

3. Provide and use gas anesthesia and a positive pressure oxygen delivery system for small animal patients where medically indicated. Large animal anesthesia may be performed compatible with current local veterinary practice.

4. Provide sterilization of instruments with steam pressure sterilization or

autoclave. Gas sterilization is acceptable only for those instruments which cannot be autoclaved. Cold sterilization is acceptable under field conditions.

5. Provide instruments and equipment commensurate with the type of surgical services being provided.
  6. Provide emergency drugs readily available to the surgical area.
  7. Provide a table constructed of impervious and smooth material.
  8. Provide a separate prep area outside the surgical suite.
  9. Sterilize and use for surgery; instruments, gowns, towels, drapes, gloves, caps, and masks. Surgical packs should be routinely sterilized and dated and re-sterilized at a minimum of every forty-five (45) days.
- (h) Housekeeping must provide:
1. A safe, functional, pleasant environment for clients, patients, and staff.
  2. Clean, sanitary living quarters for patients. Bedding must be changed often to keep patients clean and dry and to minimize odors.
  3. Daily cleaning and disinfecting of feeding bowls, instruments, cages, runs, etc.
  4. Waste collection and removal in a safe, sanitary manner, utilizing interior and exterior waste receptacles which are removed often.
  5. Prompt, sanitary and esthetic disposal of dead animals, biological waste, and medical waste (including sharps) which comply with all federal, state, county and municipal laws, ordinances and regulations. Those dead animals not claimed within five calendar days by the owner or agent shall be disposed of at the discretion of the veterinarian
  6. Elimination or control of vermin and insect pests.
  7. Adequate and daily feedings of wholesome, nutritional, and palatable food (except where medically contra-indicated).
  8. Adequate and daily fresh water within easy reach of all patients (except where medically contra-indicated.)
  9. Adequate storage of animal foodstuffs to avoid contamination and spoilage.

- (i) Maintenance must provide:
1. Constant upkeep of grounds and facilities to provide a safe, functional and pleasant environment for clients, patients and staff.
  2. Constant upkeep of patient cages and other housing to maintain a safe, sanitary environment for inpatients.
  3. Fire protection equipment within easy access.
- (j) A library shall be provided with basic textbooks and periodicals as necessary to remain updated and accessible.
- (k) Emergency service must be provided and readily available. After hours and emergency information provided by answering machines should be clear and concise as to whom will be responding or what facility will be accepting the referral.
- (l) Use of sterilization to be per manufacturer's recommendations including use of protective eye, outerwear and posting of hazard warning signs.
- (m) New facilities must pass evaluation before opening.
- (n) A practice must be inspected and approved immediately following a change in ownership and before any further operation of the facility.
- (o) A premise permit may be revoked, suspended or denied if evaluation reveals that the premises do not meet the standards set by administrative code or if the license of the responsible veterinarian has been suspended or revoked.
- (p) Failure to pass evaluation will constitute a warning and a period of fourteen days will be given before reevaluation. Failure to pass the second evaluation will result in suspension of the premise permit and closure of the facility until the necessary changes are made. The veterinarian in such a facility can request reevaluation no sooner than seven days after the closure. If significant progress towards correction of deficiencies is noted during the requested evaluation, a request for extension to correct deficiencies can be made to the Board. A detailed plan for compliance must accompany this request for extension and approved by the Board.
- (q) The Board may, after notice and a hearing, impose a penalty against any owner, operator or responsible veterinarian of any premises operating without a premise permit in violation of this section or any rule promulgated by the Board. No penalty so imposed shall exceed \$1,000.00 for each count or separate offense.

(r) Imposition of penalties under this Rule shall not prohibit other disciplinary proceedings by the Board.

*Author: Alabama State Board of Veterinary Medical Examiners*

*Statutory Authority: Code of Ala. 1975, §34-29-69.*

*History. Amended – Filed date 1-22-18*