

Proposed Rule
LSA Document #08-679

DIGEST

Amends [888 IAC 1.1-4-1](#) to amend the definition of "fixed practice facility". Amends [888 IAC 1.1-5-1](#) to remove the definition of "veterinarian-client-patient relationship" from the standards of practice established by a noncode provision of Senate Enrolled Act 316 (P.L.58-2008). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[888 IAC 1.1-4-1](#); [888 IAC 1.1-5-1](#)

SECTION 1. [888 IAC 1.1-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[888 IAC 1.1-4-1](#) **Fixed practice facilities; standards**

Authority: [IC 25-38.1-2-14](#); [IC 25-38.1-2-23](#)

Affected: [IC 25-38.1-2](#)

Sec. 1. For the purposes of [888 IAC 1.1-4-1](#), **this section**, "fixed practice facility" means a stationary facility established to provide examination, diagnosis, and health maintenance to animals. Practitioners maintaining a fixed veterinary practice facility shall comply with the following standards:

~~(a)~~ **(1)** If medical treatment is provided to animals, appropriate areas for ~~such the~~ treatment shall be available within the facility ~~as well as~~ and housing for treatment and convalescence.

~~(b)~~ **(2)** If aseptic surgery is performed within the facility, the facility shall contain and use **the following**:

~~(1)~~ **(A)** An area designated for surgery.

~~(2)~~ **(B)** Adequate sterilization for **the following**:

~~(i)~~ Instruments.

~~(ii)~~ Gloves. ~~and~~

~~(iii)~~ Drapes.

~~(3)~~ **(C)** Sterile instruments, gloves, and drapes.

~~(4)~~ **(D)** Adequate lighting.

~~(5)~~ **(E)** Adequate drugs and equipment readily available to handle surgical emergencies, including, but not limited to, **the following**:

~~(i)~~ Endotracheal catheters. ~~and~~

~~(ii)~~ Oxygen or respiratory facilities.

~~(c)~~ **(3)** The facility shall provide adequate heating and ventilation for the comfort of animals treated and housed within.

~~(d)~~ **(4)** The facility shall be equipped with proper lighting in order that all parts thereof are clearly visible.

~~(e)~~ **(5)** The facility shall comply with all applicable state and local ordinances, including, but not limited to, **the following**:

~~(1)~~ **(A)** Hot and cold running water from a source approved by the appropriate authorities.

~~(2)~~ **(B)** Adequate clean and orderly toilets and lavatories for personnel and clients.

~~(3)~~ **(C)** Sanitary and ~~esthetic~~ **aesthetic** disposal of dead animals.

~~(f)~~ **(6)** All supplies, including food and bedding, shall be stored in facilities ~~which~~ **that** adequately protect against:

~~(A)~~ infestation;

~~(B)~~ contamination; or

~~(C)~~ deterioration.

Refrigeration shall be provided for all supplies that are of a perishable nature, including food, drugs, and biologicals.

~~(g)~~ **(7)** Excrement shall be promptly removed and disposed of in an appropriate manner.

~~(h)~~ **(8)** The:

~~(A)~~ exterior of the facility shall be clean and in good repair; and

~~(B)~~ surrounding grounds must be clean and well-maintained.

~~(i)~~ **(9)** Appropriate exterior identification shall be posted to clearly indicate that the location is a veterinary practice facility.

(j) **(10)** All interior areas of the facility, including the:

- (A) entrance;
- (B) reception area;
- (C) office;
- (D) dispensing area; and
- (E) examination rooms;

shall be clean, orderly, and free from hazards.

(k) **(11)** If grooming services are performed within the facility, the grooming area shall be clean and orderly.

(l) **(12)** The animal housing area shall be:

- (A) clean;
- (B) orderly; and
- (C) well-lighted.

(m) **(13)** Exercise runs, if provided, shall be:

- (A) clean;
- (B) secure; and
- (C) free of hazards.

(n) **(14)** The following equipment shall be available within the facility:

- (1) **(A)** A lined waste receptacle.
- (2) **(B)** A sink.
- (3) **(C)** Disposable towels.
- (4) **(D)** An adequate table with an impervious surface, capable of being disinfected after each examination.
- (5) **(E)** A stethoscope.
- (6) **(F)** A thermometer.
- (7) **(G)** A refrigerator.
- (8) **(H)** Other equipment appropriate to the type of practice.

(o) **(15)** Laboratory equipment shall be:

- (A) available within the facility; or shall be
- (B) readily accessible.

(p) **(16)** If radiological services are provided within the a fixed practice facility, the facility must contain the following: ~~equipment shall be contained therein:~~

- (1) **(A)** An x-ray machine.
- (2) ~~developing tanks.~~

(B) The ability to develop radiographic images.

However, if radiological services are not provided within the facility, appropriate arrangements ~~shall~~ **must** be made to provide ~~these~~ **the** services outside the facility.

(Indiana Board of Veterinary Medical Examiners; [888 IAC 1.1-4-1](#); filed Apr 26, 1988, 2:10 p.m.: 11 IR 3045; readopted filed Jul 18, 2001, 10:20 a.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:53 p.m.: [20070808-IR-888070070RFA](#))

SECTION 2. [888 IAC 1.1-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[888 IAC 1.1-5-1](#) Standards of practice

Authority: [IC 25-38.1-2-14](#); [IC 25-38.1-2-23](#)

Affected: [IC 25-1-9](#)

Sec. 1. A veterinarian may be found guilty of the incompetent practice of veterinary medicine and may be disciplined under [IC 25-1-9](#) if the veterinarian does any of the following:

- (1) Fails to maintain written animal health records as defined by section 2 of this rule.
- (2) Dispenses or prescribes drugs or therapy unless a veterinarian-client-patient relationship has been established. As used in this subdivision, "veterinarian-client-patient relationship" means the following:
 - (A) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions.
 - (B) The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal, or by medically appropriate and timely visits to the premises where the animal is kept.
 - (C) The veterinarian is readily available or has arranged for emergency coverage, for follow-up evaluation in

~~the event of adverse reactions, or the failure of the treatment regimen.~~

(3) Knowingly provides prescription drugs or access to prescription drugs for use other than in the proper course of veterinary diagnosis or treatment.

(4) Performs a treatment or procedure that is beyond the skill or knowledge of the practitioner.

(5) Permits, delegates, or requires an employed veterinarian to:

(A) improperly perform the duties of an accredited veterinarian; **or**

~~(6) Permits, delegates, or requires an employed veterinarian to~~ **(B)** perform services that would constitute a violation of standards provided by this section.

(Indiana Board of Veterinary Medical Examiners; [888 IAC 1.1-5-1](#); filed Apr 26, 1988, 2:10 p.m.: 11 IR 3046; filed Aug 11, 1989, 1:35 p.m.: 13 IR 86; filed Dec 27, 1993, 9:00 a.m.: 17 IR 1003; filed May 2, 2001, 10:05 a.m.: 24 IR 2707; readopted filed Jul 19, 2007, 12:53 p.m.: [20070808-IR-888070070RFA](#))

[Notice of Public Hearing](#)

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