

Adopt Vet 400, previously effective 8/1/19 (Document #12842, Interim), and expired 1/28/20, to read as follows:

CHAPTER Vet 400 CONTINUED STATUS

PART Vet 401 RENEWAL

Vet 401.01 Application for Renewal.

(a) Each applicant for renew his or her license shall file the “Application for Renewal of Licensure to Practice Veterinary Medicine” form, revised 4/2022 and the application shall:

- (1) Be supplied by the board; and
- (2) Contain the following preprinted statement:

“I acknowledge that knowingly making a false statement on this application form is a misdemeanor under RSA 641:2, I. I certify that the information I have provided on all parts of the application form and in the documents that I have personally submitted or caused to be submitted to support my application is complete and accurate to the best of my knowledge and belief.

I also certify that I have read the statute and the rules of the Board and promise that, if I am licensed, I will abide by them. Based on the statute and rules governing the profession for which I am applying I have not committed any acts that would be grounds for disciplinary action in this or any other State.”

(b) The effect of the renewal applicant’s signature on the application form for renewal of license described in (a) above shall be:

- (1) The applicant’s acknowledgement that knowingly making a false statement on the application form is a misdemeanor under RSA 641:2, I;
- (2) The applicant’s certification that:
 - a. The information provided on all of the parts of the application form and in the documents personally submitted to support the application is complete and accurate to the best of the applicant’s knowledge and belief; and
 - b. The applicant has read the statutes and administrative rules of the board; and
- (3) The applicant’s promise to abide by the statutes and administrative rules of the board.

(c) Each applicant for renewal of their license shall meet all requirements of Vet 302.

Vet 401.02 Extension of Time.

(a) The board may grant an extension of time for obtaining continuing education hours provided that the board finds there is good cause for the extension and the licensee complies with the following:

- (1) A request for an extension shall be made in writing prior to expiration date of license;
 - (2) The licensee states what form of continuing education he or she is attending and when; and
 - (3) The licensee notifies the board when the continuing education hours have been accumulated.
- (b) The board’s consideration of whether good cause exists shall include:
- (1) The licensee’s adherence to the rules would cause hardship;
 - (2) The request for an extension is necessary because of any neglect or misfeasance on the part of the petitioner; and
 - (3) The extension may be detrimental to public welfare and safety.
- (c) Continuing education credits shall not be required for new graduates of a veterinary education program for their first renewal after graduation.

PART Vet 402 REVOCATION, SUSPENSION, AND OTHER SANCTIONS

Vet 402.01 Misconduct. Misconduct sufficient to support disciplinary proceedings shall be:

- (a) The practice of fraud or deceit in procuring or attempting to procure a license to practice;
- (b) Conviction of a felony or any offense involving moral turpitude in accordance with RSA 332 G:10;
- (c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession;
- (d) Unfitness or incompetency to practice the profession or any particular aspect or specialty thereof as evidenced by negligent or willful acts performed in a manner inconsistent with the health or safety of animals under the care of the licensee, the intentional injury of an animal or human in a context related to the profession, or a pattern of conduct inconsistent with the basic skills and knowledge required to practice the profession;
- (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the person unfit to practice;
- (f) Mental or physical incompetency to practice;
- (g) Willful or repeated violation of the provisions of RSA 332-B;
- (h) Suspension or revocation of a license, in a jurisdiction with license requirements comparable to those of this state, and not reinstated;
- (i) The use of advertising or solicitation which is false, misleading, or fraudulent or is otherwise deemed unprofessional;

- (j) Having professional association with or employing any person practicing veterinary medicine unlawfully;
- (k) Fraud or dishonesty in the application or reporting of any test disease in animals;
- (l) Failure to keep the veterinary premises and equipment in a safe, clean, and sanitary condition;
- (m) Failure to report as required by law, or making false report of any contagious or infectious disease;
- (n) Dishonesty or gross negligence in the inspection of foodstuffs, maintenance of medical records, or the issuance of health, vaccination, or inspection certificates;
- (o) Unprofessional conduct as defined in rules adopted by the board; or
- (p) Practice without a currently valid license or permit.

Vet 402.02 Sanctions.

(a) Pursuant to RSA 332-B:14, III, disciplinary measures available to the board to sanction misconduct shall be:

- (1) By reprimand;
- (2) By suspension, limitation, or restriction of license;
- (3) By revocation of license;
- (4) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient; or
- (5) By the imposition of civil penalties of up to \$2,000 per violation, or in the case of continuing violations, not more than \$200 per day, whichever is greater.

Vet 402.03 Procedure for Imposition of Sanctions. Other than immediate license suspension authorized by RSA 541-A:30, III and RSA 332-B:15-a, the board shall impose disciplinary sanctions only:

- (a) After prior notice to the licensee and the opportunity for the licensee to be heard; or
- (b) By agreement in a settlement between the board and the licensee made pursuant to RSA 328-B:14, IV.

Vet 402.04 Determinations Required for Sanctions.

(a) In determining which sanction or combination of sanctions to impose, the board shall:

- (1) First determine the nature of the act or omission constituting the misconduct done by the licensee;

- (2) Next determine whether the misconduct has one or more of the characteristics listed in (b) below: and
 - (3) Finally, apply the standards in Vet 402.05.
- (b) The characteristics shall be:
- (1) The misconduct actually caused physical or mental harm;
 - (2) The misconduct had the potential to cause physical or mental harm; or
 - (3) The misconduct repeated earlier misconduct done by the licensee, as determined by:
 - a. An earlier hearing;
 - b. An earlier settlement agreement predicated on the same misconduct by the licensee;
 - c. Any previous board actions; or
 - d. An admission by the licensee.
 - (4) The misconduct was not the first misconduct by the licensee, as determined by:
 - a. An earlier hearing;
 - b. An earlier settlement agreement predicated on the same misconduct by the licensee; or
 - c. An admission by the licensee.
 - (5) The misconduct was intentional rather than the result of negligence or inadvertence.

Vet 402.05 Standards for the Selection of Sanctions. The board shall select appropriate sanction(s):

- (a) From the list in Vet 402.02; and
- (b) By choosing, in light of the characteristics determined pursuant to Vet 402.04, the sanction or combination of sanctions:
 - (1) Most likely to protect public health and safety;
 - (2) Most likely to prevent future misconduct by the licensee;
 - (3) Takes into account any acknowledgement of fault by the licensee and any cooperation by the licensee with the board's investigation of misconduct;
 - (4) Takes into account the licensee's state of mind at the time of the offense
 - (5) Most likely to correct any attitudinal, educational or other deficiencies which led to the licensee's misconduct;

- (6) That encourages the responsible practice of veterinary medicine; and
- (7) That demonstrate to the licensee and the public the board's intention to ensure that its licensees practice in accordance with applicable law and to promote public welfare.

Vet 402.06 Disciplinary Action in Another Jurisdiction.

(a) Failure of a licensee to notify the board within 15 days of disciplinary action in another jurisdiction shall result in disciplinary action of up to and including revocation of New Hampshire veterinary license if the same offense would result in disciplinary action in New Hampshire.

(b) The licensee shall have details of the disciplinary action forwarded to the board directly from that jurisdiction within 30 days of the action.

Vet 402.07 Unauthorized Practice. When the board determines that one of the following measures is likely to be the most effective way to stop unauthorized practice as defined in RSA 332-B:1-a, the board shall:

- (a) Issue a cease and desist order against the person or entity engaged in the unauthorized practice or
- (b) Seek an injunction against such person or entity.

Vet 402.08 Notification of AAVSB. The Board shall report to VIVA any disciplinary actions or findings of misconduct in this state.

PART Vet 403 CONTINUING EDUCATION

Vet 403.01 Continuing Education Requirements.

(a) The licensee shall obtain a minimum of 30 hours of continuing education during the immediately preceding 24 months of the date of renewal as set forth in RSA 332-B:13, III with a minimum of 6 hours earned per each 12-month period preceding the renewal.

(b) Continuing education courses shall be a course sponsored or approved by one of the following organizations:

- (1) The American Association of Veterinary State Boards, Registry of Approved Continuing Education (RACE);
- (2) American Animal Hospital Association (AAHA);
- (3) American Association of Avian Pathologists (AAAP);
- (4) American Association of Bovine Practitioners (AABP);
- (5) American Association of Equine Practitioners (AAEP);
- (6) American Association of Feline Practitioners (AAFP);
- (7) American Association of Food Hygiene Veterinarians (AAFHV);

- (8) American Association of Industrial Veterinarians (AAIV);
- (9) American Association of Rehabilitative Veterinarians (AARV);
- (10) American Association of Small Ruminant practitioners (AASRP);
- (11) American Association of Swine Veterinarians (AASV);
- (12) American Association of Veterinary Clinicians (AAVC);
- (13) American Board of Veterinary Practitioners (ABVP);
- (14) American Board of Veterinary Toxicology (ABVT);
- (15) American College of Laboratory Animal Medicine (ACLAM);
- (16) American College of Poultry Veterinarians (ACPV);
- (17) American College of Theriogenologists (ACT);
- (18) American college of Veterinary Anesthesia and Analgesia (ACRAA);
- (19) American College of Veterinary Behaviorists (ACVB);
- (20) American College of Veterinary Clinical Pharmacology (ACVCP);
- (21) American College of Veterinary Dermatology (ACVD);
- (22) American college of Veterinary Emergency and critical care (ACVCC);
- (23) American College of Veterinary Internal Medicine (ACVIM);
- (24) American College of Veterinary Microbiologists (ACVM);
- (25) American College of Veterinary Nutrition (ACVN);
- (26) American College of Veterinary Ophthalmologists (ACVO);
- (27) American College of Veterinary Pathologists (ACVP);
- (28) American College of Veterinary Preventive Medicine (ACVPM);
- (29) American College of Veterinary Radiology (ACVR);
- (30) American College of Veterinary Surgeons (ACVS);
- (31) American College of Zoological Medicine (ACVZM);
- (32) American Embryo Transfer Association (AETA);

- (33) American society of Laboratory Animal practitioners (ASLAP);
- (34) American Veterinary Dental College (AVDC);
- (35) American Veterinary Medical Association (AVMA);
- (36) Association of Avian Veterinarians (AAV);
- (37) Atlantic Coast Veterinary Conference (ACVC);
- (38) Fetch dvm360 Conference;
- (39) International Association for Aquatic Animal Medicine (IAAAM);
- (40) National Association of State Public Health Veterinarians;
- (41) North American Veterinary Community (NAVC), including VMX;
- (42) Penn State Dairy Production Medicine (certificate programs);
- (43) State and Regional Veterinary Medical Associations;
- (44) US Animal Health Association (USAHA);
- (45) Veterinary Emergency Critical Care Society (VECCS);
- (46) Veterinary Orthopedic Society (VOS); and
- (47) Western Veterinary Conference (WVC).

(c) A minimum of 24 hours per renewal shall be medical courses with a maximum of 6 hours earned in non-medical courses including practice management, professional development, and professional wellness.

(d) A maximum of 6 credits shall be from programs accredited by the United States Department of Agriculture (USDA).

(e) A maximum of 4 hours shall be in complementary and alternative veterinary therapies.

(f) At least one hour shall be in the content area of medical records, law or ethics.

(g) At least one hour shall be in the area of opioid use or prescribing of opioids.

(h) A maximum of one contact hour of continuing education for professional wellness per biennium.

(i) A minimum of 50% of continuing education hours shall be obtained through in person or simultaneously interactive remote learning.

(j) No more than 50% of the required continuing education shall be through passive prerecorded learning.

(j) Documentation of continuing education courses shall be:

(1) A certificate of attendance containing the following information:

- a. Name of organization providing or sponsoring the course;
- b. Date of the course;
- c. Title of the course;
- d. Name of speaker; and
- e. Number of hours earned at the course;

(2) Proof of completion of a course approved by the American Association of Veterinary State Boards, RACE shall have the RACE number printed on it in addition to the information described in (1) above; and

(3) Maintained for no less than 3 years.

(k) Continuing education courses not approved by organizations listed in (c) above shall be submitted to the board for preapproval and shall be considered appropriate for approval if the:

- (1) Course is specific to the licensee's practice type or location; and
- (2) Course is designed to enhance the licensee's veterinary skills;

(l) Requests for approval of continuing education described in (l) above shall be submitted to the board a minimum of 10 weeks in advance of attendance.

(m) Requests for continuing education credits for international conferences that are not RACE approved shall be submitted to the board a minimum of 10 weeks in advance of attendance accompanied by proof of the host country's certification organization showing that the organization is equivalent to RACE.

Vet 403.02 Audit Procedure.

(a) The board shall select on a random basis a minimum of 3% of the renewal applications submitted in each renewal year for an audit of completion of the continuing education required by Vet 403.01.

(b) Audited renewal applicants who reported on the renewal application form that they completed continuing education shall:

(1) Provide continuing education on the "Veterinary Board Continuing Education Audit Form" dated 5/2022;

(1) Attach to the "Veterinary Board Continuing Education Audit For" proof in the form of the documentation described in Vet 403.01(j); and

(2) Do so no later than the date on the letter informing them that they have been audited.

(c) If the board observes that the documents submitted pursuant to (b)(1) above do not support the renewal applicant's claim of continuing education, the board shall review the possibility that the renewal applicant made an error on the renewal application form or in submitting documents.

(d) In making the review called for by (c) above the board shall seek further information from the renewal applicant if doing so will aid in the review.

(e) If, having completed the review required by (c) above, the board believes that the renewal applicant made an error in reporting or in submitting documents and did not intentionally falsely report continuing education, the board shall:

(1) Require correction of the error; or

(2) If the error cannot be corrected issue a notice of hearing to determine if the license violated the rules governing continuing education.

(f) If, having completed the review required by (d) above, the board believes that the renewal applicant has intentionally falsely reported continuing education, the board shall commence a disciplinary adjudicative proceeding.

PART Vet 404 ONGOING REQUIREMENTS

Vet 404.01 Change of Address. Each licensed veterinarian shall notify the board of any change of his or her address within 30 days of the change.

Vet 404.02 Change of Name. Each licensed veterinarian shall in practice situations use their legal name, the name in which the licensee's license is issued, shall notify the board in writing within 30 days of a name change and provide the board with a copy of the legal documentation.

PART Vet 405 RESPONSIBILITY FOR THE ACTIONS OF VETERINARY NURSES, VETERINARY TECHNICIANS, AND VETERINARY ASSISTANTS

Vet 405.01 Veterinary Nurses, Veterinary Technicians, or Veterinary Assistants' Acts and Conduct.

(a) All veterinary nurses, veterinary technicians, and veterinarian assistants who assist a licensed veterinarian in the care and treatment of animals shall be the professional responsibility of the licensed veterinarian being assisted. The licensed veterinarian shall supervise the veterinary nurses, veterinary technicians, and veterinary assistants.

(b) The veterinary nurses, veterinary technicians, or veterinary assistants' acts and conduct shall be deemed at all times to be the acts and conduct of the supervising licensed veterinarian.

(c) Licensees shall refer to Vet 800 which describes the training and scope of activity allowed to be performed by a veterinary nurses, veterinary technicians, and veterinary assistants in the practice of veterinary medicine.

PART Vet 406 REINSTATEMENT OF AN EXPIRED LICENSE

Vet 406.01 Application for reinstatement.

(a) An applicant seeking to qualify through reinstatement shall:

- (1) Apply using the application and procedures as described in Vet 301.01; and
- (2) Meet all requirements of Vet 302 except the requirement for providing NAVLE, NBE, or CCT scores and transcripts.

(b) A individual shall have up to 5 years after expiration of the license to reinstate the license by submitting the application for renewal and payment of fees in addition to complying with current continuing education requirements by providing proof of CE for all non-licensed years in accordance with Vet 403 using the “Continuing Education Audit Form described in Vet 403.02(b)(1).

(c) After 5 years have elapsed, the individual shall reapply for licensure as a new applicant.

APPENDIX I

Rule	State Statute
Vet 401.01	RSA 332-B:7-a, V, RSA 332-B:13, I, II, & III
Vet 401.02	RSA 332-B:13, III
Vet 402.01 through 402.08	RSA 332-B:14, II, & III
Vet 403.01	RSA 332-B:13, III
Vet 403.02	RSA 332-B:13, III
Vet 404.01 and 404.02	RSA 332-B:13, I
Vet 405.01	RSA 332-B:7-a, X
Vet 406	RSA 332-B:7-a, II, RSA 332-B:17