

# RULES PERTAINING TO THE PRACTICE OF VETERINARY MEDICINE

TEXAS ADMINISTRATIVE CODE  
TITLE 22, PART 24  
CHAPTER 571



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## **CHAPTER 571 LICENSING**

### **SUBCHAPTER A GENERAL**

#### **§571.1 Definitions**

The following words and terms, when used in the Veterinary Licensing Act (Chapter 801, Texas Occupations Code) or the Rules of the Board (Texas Administrative Code, Title 22, Part 24, Chapters 571 - 577) shall have the following meaning:

- (1) Board--the Texas Board of Veterinary Medical Examiners.
- (2) EDPE--Equine Dental Provider Jurisprudence Examination.
- (3) Locally derived scaled score--the equivalent of the criterion referenced passing point for the national examination or the NAVLE.
- (4) Name on license--licenses will be issued to successful applicants in the name of the individual as it appears on the birth certificate, court order, marriage license, or documentation of naturalization.
- (5) National Board of Veterinary Medical Examiners (NBVME)--the organization responsible for producing, administering and scoring the NAVLE.
- (6) National examination--the examination in existence and effective prior to the inauguration date of the NAVLE and which consists of the national board examination (NBE) and the clinical competency test (CCT).
- (7) North American Veterinary Licensing Examination (NAVLE)--the examination which replaced the national examination in the year 2000.
- (8) Passing Score--an examination score of at least 75 percent on the national examination and NAVLE, which is based on a locally derived scaled score; an examination score of at least 75 percent on the VTNE, which is based on a locally derived scaled score; an examination score of at least 85 percent on the SBE, the LVTE, or the EDPE. The examination score on the SBE, LVTE, or the EDPE is valid for one year past the date of the examination.
- (9) SBE--State Board Examination.
- (10) School or college of veterinary medicine--a school or college of veterinary medicine that is approved by the Board and accredited by the Council on Education of the American Veterinary Medical Association (AVMA). Applicants who are graduates of a school or college of veterinary medicine not accredited by the Council on Education of the AVMA are eligible provided that the applicant presents satisfactory proof to the Board that the applicant is a graduate of a school or college of veterinary medicine and possesses an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) certificate.
- (11) VTNE--Veterinary Technician National Examination.
- (12) LVTE--Licensed Veterinary Technician jurisprudence examination.
- (13) Veterinary Technician Program--a program of education for veterinary technicians accredited by AVMA.

(14) Renewal year--the year between the first day of the month after a licensee's birth month and the last day of the licensee's birth month in the following year.

**Source Note:** *The provisions of this §571.1 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4416; amended to be effective May 4, 2014, 39 TexReg 3419; amended to be effective November 22, 2015, 40 TexReg 8021*

### **§571.3 Criminal History Evaluation Letters**

(a) Purpose: The purpose of this section is to provide a process by which an individual may request a criminal history evaluation letter regarding the person's eligibility for a license issued by the Texas Board of Veterinary Medical Examiners, pursuant to §53.102 of the Texas Occupations Code.

(b) Prior to applying for licensure, an individual seeking licensure may request that agency staff review the person's criminal history to determine if the person is ineligible for licensure based solely on the person's criminal background.

(c) Requestors must submit their requests in writing on a form provided by the Board which includes:

(1) a statement by the petitioner or applicant indicating the reason(s) and basis of potential ineligibility;

(2) if the potential ineligibility is due to criminal conduct and/or conviction, any court documents including, but not limited to, indictments, orders of deferred adjudication, judgments, probation records and evidence of completion of probation, if applicable; and

(3) the required fee as provided in §577.15 of this title (relating to Fee Schedule) which is not refundable.

(d) The agency may require additional documentation including fingerprint cards before issuing a criminal history evaluation letter.

(e) The agency shall provide criminal history evaluation letters that include the basis for ineligibility if grounds for ineligibility exist to all requestors no later than the 90th day after the agency receives all required documentation to allow the agency to respond to a request.

(f) If a requestor does not provide all requested documentation within one year of submitting the original request, the requestor must submit a new request along with appropriate fees.

(g) All evaluation letters shall be based on existing law at the time of the request. All requestors remain subject to the requirements for licensure at the time of application and may be determined ineligible under existing law at the time of application. If a requestor fails to provide complete and accurate information to the agency, the agency may invalidate the criminal history evaluation letter. Additional criminal history after the submission of the Petition for Criminal History Evaluation Letter to the Board may invalidate the Criminal History Evaluation Letter.

(h) An individual shall be permitted to apply for licensure, regardless of the agency's determination in a criminal history evaluation letter.

**Source Note:** *The provisions of this §571.3 adopted to be effective May 29, 2011, 36 TexReg 3187*

#### **§571.4 Qualifications for Licensed Veterinary Technician License**

(a) To be eligible for licensure as a licensed veterinary technician, an applicant must present satisfactory proof to the Board that the applicant:

- (1) is at least 18 years old;
- (2) has obtained at least a passing score on:
  - (A) the VTNE; and
  - (B) the LVTE; and
- (3) is a graduate of a Veterinary Technician Program.
- (4) A person must first take and pass the VTNE in order to apply for the LVTE.

(b) The Board may refuse to issue a licensed veterinary technician license to an applicant who meets the qualification criteria but is otherwise subject to denial of license as provided in Texas Occupations Code §801.401 and §801.402.

**Source Note:** *The provisions of this §571.4 adopted to be effective May 4, 2014, 39 TexReg 3420*

#### **§571.5 Qualifications for Veterinary License**

(a) To be eligible for veterinary licensure, an applicant must present satisfactory proof to the Board that the applicant:

- (1) is at least the age of majority;
- (2) has obtained at least a passing score on:
  - (A) the NAVLE if an applicant sits for that examination subsequent to its inauguration date; or
  - (B) the national examination if an applicant sat for that examination prior to the inauguration date of the NAVLE; and
  - (C) the SBE; and
- (3) is a graduate of a school or college of veterinary medicine that is approved by the Board.

(b) The Board may refuse to issue a veterinary license to an applicant who meets the qualification criteria but is otherwise subject to denial of license as provided in Texas Occupations Code §801.401 and §801.402.

(c) An applicant may petition the Board in writing for an exception to subsection (a)(2)(A) or (B) of this section. In deciding whether to grant the petition, the Board may consider:

- (1) the availability of the national examination or NAVLE at the time the petitioner originally applied for licensure;
- (2) the number of years the petitioner has been in active practice;
- (3) petitioner's license status and standing in other jurisdictions;
- (4) petitioner's status as a diplomate in an AVMA recognized veterinary specialty; and
- (5) any other factors that may be related to petitioner's request for an exception.

(d) As a condition of granting an exception under subsection (c)(2) of this section, the Board may impose additional requirements that are reasonably necessary to assure that the petitioner is competent to practice veterinary medicine in Texas.

**Source Note:** *The provisions of this §571.5 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4416; amended to be effective May 4, 2014, 39 TexReg 3420*

#### **§571.6 Qualifications for Equine Dental Provider License**

(a) To be eligible for licensure as an equine dental provider, an applicant must present satisfactory proof to the Board that the applicant:

(1) has obtained at least a passing score of 85 on the EDPE; and

(2) is certified by the International Association of Equine Dentists or other Board-approved entity.

(b) The Board may refuse to issue an equine dental provider license to an applicant who meets the qualification criteria but is otherwise subject to denial of license as provided in Texas Occupations Code §801.401 and §801.402.

**Source Note:** *The provisions of this §571.6 adopted to be effective June 19, 2012, 37 TexReg 4417; amended to be effective May 4, 2014, 39 TexReg 3420*

#### **§571.7 Veterinary Licensing Eligibility**

(a) An applicant for a veterinary license may apply for the SBE provided that the applicant is a graduate of an approved and accredited veterinary medical school or college, as defined in §571.1(10) of this title (relating to Definitions).

(b) An applicant for a veterinary license may sit for the NAVLE provided that the applicant is a graduate of:

(1) an approved and accredited veterinary medical school or college, as defined in §571.1(10) of this title; or

(2) a veterinary medical school or college not approved and accredited, but who is enrolled in the ECFVG or PAVE certification program, and meets the requirements of subsection (c) of this section, if applicable.

(c) When applying for the NAVLE through NBVME, an applicant who is a graduate of a veterinary medical school or college not approved and accredited, and is enrolled in the ECFVG or PAVE certification program, shall submit proof that the applicant passed all English language proficiency tests required by the certification program of choice and must have completed all other requirements of each program to be considered eligible to apply for the NAVLE.

(d) A person must first take and pass the national examination or the NAVLE in order to apply for the SBE.

(e) A candidate for the NAVLE must take the examination within the testing window in which the candidate is authorized for testing. A candidate, who fails to take the examination within the appropriate testing window or fails to obtain a passing score on NAVLE, and desires to take the examination during a subsequent testing window must comply with NBVME application requirements.

(f) Eligibility Prior to Graduation. An applicant for a veterinary license who has not graduated from veterinary medical school may apply for the SBE provided the following conditions have been met:

(1) An applicant must be enrolled in an approved and accredited veterinary medical school or college as defined in §571.1(10) of this title and must obtain a document from the dean of the school or college from which the applicant expects to graduate certifying that the applicant is within 60 days of completion of a veterinary college program and is expected to graduate.

(2) An applicant enrolled in a joint or combined degree program who has completed the applicant's veterinary medical education but has not received a diploma or transcript certifying the award of the applicant's DVM degree, must obtain a letter from the dean of the school or college of veterinary medicine stating that the applicant did in fact graduate before the applicant is eligible to sit for the SBE.

(3) To apply for the NAVLE through NBVME, a candidate shall, at the time an application is submitted, demonstrate that the candidate is:

(A) a student enrolled in an approved and accredited school or college of veterinary medicine as defined in §571.1 10) of this title, and who has submitted a document from the dean of the school or college from which the student expects to graduate, certifying that the applicant is within ten months of the student's expected graduation date and is expected to graduate, and has demonstrated compliance with all of the NBVME's testing requirements for the NAVLE; or

(B) a graduate of a school or college of veterinary medicine not approved and accredited, who is enrolled in the ECFVG or PAVE certification program and shall submit proof that the applicant passed all English language proficiency tests required by the certification program of choice and must have completed all other requirements of each program.

**Source Note:** *The provisions of this §571.7 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4417; amended to be effective March 22, 2016, 41 TexReg 2166*

### **§571.9 Special Veterinary Licenses**

(a) General requirements for special veterinary licensure; examination scores; issuance and renewal.

(1) The Board shall schedule a jurisprudence examination at least once a year for applicants for special veterinary licenses.

(2) An applicant for a special veterinary license under §801.256(a)(1) - (3), Texas Occupations Code, must:

(A) be at the age of majority;

(B) be a graduate of a Board approved veterinary program at an institution of higher education or possess an Educational Commission for Foreign Veterinary Graduates (ECFVG) Certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) Certificate; or

(C) provide to the Board a written affirmation by the dean of a Board approved veterinary program at an institution of higher education in this state or the executive director of the Texas Animal Health Commission or the executive director of the Texas Veterinary Medical Diagnostic Laboratory that the applicant:

(i) meets a critical need for staffing at the institution of higher education or the Texas Animal Health Commission or the Texas Veterinary Medical Diagnostic Laboratory; and

(ii) is certified by a nationally recognized veterinary specialty board or is eligible for that certification; and

(D) pass the Board's jurisprudence examination. The applicant must submit a completed application for examination to the Board by no later than forty-five (45) days prior to the examination date. The completed application includes payment of examination fees and certification from the applicant's employer attesting to the applicant's employment position.

(3) For purposes of this section, a "Board approved veterinary program at an institution of higher education" means any program which is recognized and accredited by an appropriate body of the American Veterinary Medical Association (AVMA).

(4) The applicant must submit with his application a written statement from his employer describing the applicant's official duties that require the issuance of a special license under §801.256(a)(1) - (3), Texas Occupations Code. Upon completion of the jurisprudence examination, the Board shall notify the applicant by letter of his score. For candidates who attain a passing score of 85 percent, the letter shall constitute the special license for limited practice in the State of Texas.

(5) A special veterinary license will be issued for the renewal year in which the requirements for licensure have been met.

(6) A special veterinary license is subject to the renewal requirements set out in §801.303, Texas Occupations Code.

(7) An applicant who fails the jurisprudence examination for a special veterinary license and wishes to be re-examined will be required to resubmit an application and fees for a later scheduled jurisprudence examination.

(b) Applicant requirements for unrepresented or under represented specialty practice, as further defined in subsection (c) of this section. An applicant for a special license to practice a veterinary medicine specialty in this state must:

(1) be a graduate of a board approved veterinary program at an institution of higher education as defined in §571.15(a)(3) of this title (relating to Temporary Veterinary License) or possess an ECFVG or PAVE Certificate;

(2) present proof of a current active license in good standing in another state or jurisdiction of the United States that has licensing requirements substantially equivalent to the requirements of the Veterinary Licensing Act, Texas Occupations Code Chapter 801;

(3) not currently be holding a special veterinary license under this section; and

(4) have a certification from an employing sponsor or controlling authority approved by the board that the need for a special veterinary license exists.



(c) The board may issue a special veterinary license to an applicant for an unrepresented or under represented specialty practice if the board finds that:

- (1) there is a need, shortage, or demand for the specialty practice in the State of Texas;
- (2) the applicant is competent to practice veterinary medicine in the particular specialty; and
- (3) the applicant has taken and passed the jurisprudence examination for special veterinary license.

(d) Change of special veterinary license status. A request by the holder of a special veterinary license to change the license from one category to another must be submitted to the Board for approval.

**Source Note:** *The provisions of this §571.9 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4418; amended to be effective November 22, 2015, 40 TexReg 8022*

### **§571.11 Provisional Veterinary Licensure**

(a) The Board may issue a provisional veterinary license to a person seeking regular veterinary licensure in Texas. The Board may not issue a provisional veterinary license to an individual who has previously taken and failed any examination offered by the Board and required to obtain a Texas veterinary license. The Board may not reissue, extend, or renew a provisional veterinary license.

(b) The Board may grant a provisional veterinary license containing specific practice restrictions to a person who meets the following criteria:

- (1) present proof of a current active license in good standing in another state or jurisdiction of the United States that has licensing requirements substantially equivalent to the requirements of the Veterinary Licensing Act, Texas Occupations Code Chapter 801;
- (2) proof of receipt of a passing score on the national examination or NAVLE, except that the Board may, upon written petition of the applicant, provide an exception to this requirement based on the applicant's satisfaction of the other requirements of this section and consideration of factors set out in §571.5(c) of this title (relating to Qualifications for Veterinary License);
- (3) a passing score of 85 percent on the Board's jurisprudence examination;
- (4) payment of the required application fee;
- (5) proof of graduation from a college of veterinary medicine accredited by the Council on Education of the American Veterinary Medical Association (AVMA) or an Educational Commission for Foreign Veterinary Graduates (ECFVG) Certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) Certificate; and
- (6) proof of veterinary experience, which may be satisfied by letter of reference from at least two licensed veterinary employers or licensed veterinary colleagues with direct knowledge of the applicant's veterinary practice and experience.

(c) The Board's Executive Director will issue a provisional veterinary license to an applicant following verification of the requirements set out in subsection (b) of this section and receipt of the documents and fee required in subsection (d) of this section.

(d) An applicant for a provisional veterinary license must submit completed information on an application form designated by the Board, together with the required supporting documentation and an application fee in an amount set by the Board and contained in §577.15 of this title (relating to Fee Schedule).

(e) An applicant for a veterinary license, who is the spouse of an active duty member of the United States armed forces and held a veterinary license in this state within the preceding five years that was cancelled for failure to renew while the applicant lived in another state for at least six months, may apply for a provisional license and is exempt from the requirements of subsection (b) of this section, except that the applicant must attain a passing score of 85 percent on the Board's jurisprudence examination, and pay the required application fee.

(f) A provisional veterinary license is valid until the earlier of:

- (1) 14 days after the first available regularly scheduled SBE;
- (2) announcement of the results of the first available SBE; or
- (3) cancellation, if the provisional licensee fails to appear at the first available regularly scheduled SBE held after the issuance of the provisional license.

(g) The Board shall process any additional requirements necessary to complete a provisional veterinary licensee's application for regular licensure within 180 days after the issuance of a provisional veterinary license. The Board is not required to conduct a licensure examination if a regularly scheduled SBE does not occur within the 180-day period.

**Source Note:** *The provisions of this §571.11 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4419; amended to be effective December 23, 2013, 38 TexReg 9363*

### **§571.13 Temporary Veterinary Licensure During Declared State of Disaster**

(a) An individual who is licensed to practice veterinary medicine in any of the United States may be issued a temporary veterinary license during a state of disaster declared by the Governor of the State of Texas under the following circumstances:

- (1) The applicant must complete an Application for Temporary Emergency License.
- (2) The Board will verify that the veterinarian is licensed in the states indicated in the Application and will confirm good standing.
- (3) The applicant must file an application with the Texas Department of Public Safety for a controlled substances registration.
- (4) An application fee and the SBE are waived.

(b) A veterinarian granted a temporary emergency license under this section shall abide by the Texas Veterinary Licensing Act and the Board's rules. Violations of the Act, Board rules, or the temporary emergency license will subject the temporary licensee to disciplinary action by the Board.

(c) A temporary veterinary license issued under this rule will be valid for 120 days or until the end of the declaration of disaster, whichever is earlier.

**Source Note:** *The provisions of this §571.13 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4420*

### **§571.15 Temporary Veterinary License**

- (a) The board may issue a temporary veterinary license to an applicant who:
- (1) is at the age of majority; and
  - (2) is a graduate of a school or college of veterinary medicine that is approved by the Board and accredited by the Council on Education of the American Veterinary Medical Association (AVMA); or
  - (3) is a graduate of a school or college of veterinary medicine not accredited by the Council on Education of the AVMA and presents satisfactory proof to the Board that the applicant is a graduate of a school or college of veterinary medicine and possesses an Educational Commission for Foreign Veterinary Graduates (ECFVG) Certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) Certificate. The Board may refuse to issue a license to an applicant who meets the qualification criteria but is otherwise disqualified as provided in the Texas Occupations Code, §801.401; and
  - (4) has attained a passing score of at least 75% on:
    - (A) The NAVLE if an applicant sits for that examination subsequent to its inauguration date; or
    - (B) The national examinations referred to as the NBE (National Board Examination) and the CCT (Clinical Competency Test) required prior to the inauguration date of the NAVLE; and
  - (5) presents proof of a current active license in good standing in another state or jurisdiction of the United States or foreign country that has licensing requirements substantially equivalent to the requirements of the Veterinary Licensing Act, Texas Occupations Code Chapter 801; and
  - (6) at the time of application, is not subject to final or pending disciplinary action in any foreign country, state or jurisdiction in which the applicant is now licensed or has ever held a license; and
  - (7) presents proof of having earned a minimum of 17 hours of acceptable continuing education related to veterinary medicine or general scientific subjects within 12 months preceding application for temporary license.
- (b) The applicant who earns the temporary veterinary license must be under general supervision of a Texas licensed veterinarian who possesses an active, current license in the state of Texas.
- (c) The applicant for a temporary veterinary license shall submit to the Board a complete application in the form designated by the Board with the supporting required documentation as set out in subsection (a) of this section, as well as:
- (1) A letter of good standing not older than six months from each jurisdiction in which the applicant is currently actively licensed or has been previously licensed;
  - (2) a certified copy of the applicant's veterinary school transcript including a graduation date;
  - (3) a certified copy of the applicant's birth certificate;
  - (4) a certified report from the official reporting service verifying that the applicant passed the national examination or the NAVLE, subject to a petition by the applicant for an exception

to this requirement in accordance with §571.5(c) of this title (relating to Qualifications for Veterinary License);

(5) official verification of board certification if applicant is certified by a nationally recognized veterinary specialty board, if applicable; and

(6) an application fee in an amount set by the Board and contained in §577.15 of this title (relating to Fee Schedule).

(d) The temporary veterinary license application and all supporting documentation must be received in the board office PRIOR to being issued a temporary veterinary license. A temporary veterinary license will only be issued once the applicant's file is complete and ALL required, supporting documentation and fee has been received. The Board's Executive Director will issue a temporary veterinary license to an applicant following verification of the requirements set out in subsections (a) - (c) of this section, and receipt of the documents and fee required.

(e) The temporary veterinary license is valid only for a specific patient, client, continuing education course, or task per issuance. A temporary veterinary license granted under this section is valid for 30 days from the date of original issue, per temporary veterinary license issued. The temporary veterinary license should be available for review at the place of practice for the period the applicant is in Texas under the temporary veterinary license.

(f) The temporary veterinary license is not renewable nor can it be reissued. The applicant must cease and desist the practice of veterinary medicine the day after the expiration of the temporary veterinary license. Continued practice of veterinary medicine without the valid, temporary veterinary license is a violation of current laws and rules and is viewed as the practice of veterinary medicine without a license. Disciplinary action can be taken and includes, but is not limited to, the refusal of the Board to issue a second temporary veterinary license, for which the applicant may otherwise be eligible, and possibly the issuance of a future, regular license.

(g) An applicant may request a second temporary veterinary license within the same calendar year, provided no more than two temporary veterinary licenses are issued per applicant. After the second temporary veterinary license, if the applicant wishes to continue to practice in the State of Texas, he/she must seek regular licensing and must be eligible for such regular license as set out in current laws and rules governing the issuance of a regular license in the State of Texas.

**Source Note:** *The provisions of this §571.15 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4420; amended to be effective May 4, 2015, 40 TexReg 2417*

#### **§571.17 Expedited and Alternative Licensure Procedure for Military**

(a) For any military service member, military veteran, or military spouse, as defined under Texas Occupations Code §55.001, the Board shall issue a license if the military service member, military veteran, or military spouse is not subject to denial of license as provided in Texas Occupations Code §801.401 and §801.402 and has not surrendered his or her Texas license in lieu of disciplinary action in the last five years, and held a Texas license within the last five years or holds a current license issued by another jurisdiction that has the following licensure requirements:

(1) Veterinary licensure:

(A) at least a passing score on:

(i) the NAVLE if an applicant sits for that examination subsequent to its inauguration date; or

- (ii) the national examination if an applicant sat for that examination prior to the inauguration date of the NAVLE; and
  - (B) is a graduate of a school or college of veterinary medicine.
- (2) Equine Dental Provider licensure:
  - (A) certified by International Association of Equine Dentists or other Board-approved entity; and
  - (B) equine dental providers work only under supervision by a veterinarian licensed in the jurisdiction.
- (3) Licensed Veterinary Technician licensure:
  - (A) at least a passing score on the VTNE; and
  - (B) graduate of Veterinary Technician Program.
- (b) A license issued under this section is valid for 12 months from the date the license is issued. When a license issued under this section expires, the licensee must submit information showing that he or she has met all requirements for regular licensure.
- (c) The terms military service member, military veteran, and military spouse are as defined in Chapter 55, §55.001, of the Texas Occupations Code.

**Source Note:** *The provisions of this §571.17 adopted to be effective May 4, 2014, 39 TexReg 3421; amended to be effective November 22, 2015, 40 TexReg 8022*

## SUBCHAPTER B EXAMINATIONS

### §571.21 Application for the SBE, LVTE, and EDPE

The applicant for either the SBE, LVTE, or the EDPE shall apply on the appropriate form furnished by the Board. The completed application, including the completion of any terms and conditions as set forth by a Board order and the payment of appropriate fees, must be received at the Board offices no later than 45 days prior to the date of the examination for which the applicant desires to sit.

**Source Note:** *The provisions of this §571.21 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4421; amended to be effective May 4, 2014, 39 TexReg 3421*

### §571.23 National Licensing Examination

- (a) Results of National Board Examinations. The Board will accept certified scores issued by the:
  - (1) American Association of Veterinary State Boards (AAVSB), or its successor, for the national examination or the VTNE; and
  - (2) the official reporting service for the NAVLE.
- (b) Score Information. All requests for information on examination scores shall be processed as follows:
  - (1) All requests from other state licensing boards for an applicant's raw scores on the VTNE, the national examination or NAVLE will be referred to the official reporting service for those examinations.

(2) All requests from other state licensing boards for an applicant's locally derived scale scores on the VTNE, the national examination or NAVLE will be based upon national data submitted by the official reporting service for those examinations.

(3) Upon written request of an applicant, the Board will certify the score of the SBE or LVTE to another state licensing board. Upon written request of an applicant, the Board will make LVTE, national examination or NAVLE scores available for informational purposes only to another state licensing board but will not certify the scores.

(4) The Board will not disclose any actual examination documents or materials.

**Source Note:** *The provisions of this §571.23 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4421; amended to be effective May 4, 2014, 39 TexReg 3422*

### **§571.25 Reapplication for SBE, LVTE, and EDPE**

(a) An applicant for either the SBE, LVTE, or EDPE must submit a new application and the current fees at least 45 days prior to the date of the examination for which the applicant desires to sit, if the applicant:

(1) does not appear for the scheduled examination; or

(2) fails to attain a passing score on the scheduled examination.

(b) The Board shall refund the examination fee for either the SBE, LVTE, or EDPE if the applicant:

(1) provides notice of not less than fourteen (14) days before the date of the examination, that the applicant is unable to take the examination; or

(2) is unable to take the examination because of an emergency.

(c) For purposes of subsection (b)(2) of this section, an "emergency" shall be defined as any immediate, unforeseen event that would render a person unable or unfit to take an examination, and may include a death in the family or an injury or other event that could be reasonably considered to be an emergency. Matters of inconvenience or failure to satisfy an examination prerequisite, shall not be considered an emergency.

**Source Note:** *The provisions of this §571.25 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4421; amended to be effective May 4, 2014, 39 TexReg 3422*

### **§571.27 Disability Accommodations**

(a) The Board will evaluate all requests for examination protocol modifications to determine whether the applicant:

(1) has a disability, as defined by the Americans with Disabilities Act of 1990 (ADA); and

(2) is qualified for protection under Title II of the ADA. Such modifications must maintain the security of the examination. Exam modifications that fundamentally alter the nature or security of the exam are not permitted. Qualified individuals with disabilities are required to request reasonable accommodations every time they apply to take an examination, by the deadline for submission of disability accommodation requests as set out in the schedule on the Board website.

(b) To request a modification of examination protocol on the basis of a disability, an applicant shall complete the ADA Accommodations Request Form available on the Board website, and

submit documentation providing evidence of a substantial current limitation to physical or academic functioning. A prior history of accommodations, without demonstration of a current need, will not necessarily warrant approval of testing modifications.

(1) Documentation for all disabilities shall describe the specific diagnosed disability, the extent of the disability, the criteria for the diagnosis, the type and length of treatment and the recommended accommodation.

(2) The diagnosed disability must be specific. Terms such as "problems," "deficiencies," "weaknesses," "differences," and "learning disabilities" are not the equivalent of a specific diagnosed disability.

(3) Documentation must state the specific requested accommodation. "Extended time" or "unlimited time" is not sufficient. Documentation shall indicate why specific accommodations are needed and how the effects of the specific disability are mediated by the recommended accommodations.

(4) Documentation must state any medication that the applicant is currently taking that is directly linked to the disability and any effect that medication may have relating to the major life activity affected by the disability.

(5) Documentation can include, but is not limited to, clinical evaluations performed by a licensed or qualified professional (e.g., physician or psychologist) who has conducted an examination of the applicant and has diagnosed a physical or mental impairment. Clinical evaluations can include, but are not limited to, a letter or detailed report from an evaluating professional on the evaluating professional's official letterhead. If submitting a clinical evaluation, an applicant shall also submit the examining professional's area of specialization and professional credentials, including any relevant certification and licensure.

(6) Documentation shall not be older than three years from the date of submission.

(7) All medical records provided to the Board are confidential under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(c) The entity giving the examination (i.e., TBVME or NBVME) shall be responsible for reviewing and determining whether to grant disability accommodation requests. Once accommodations have been granted, they may not be altered during the examination unless prior approval of the Executive Director is obtained.

**Source Note:** *The provisions of this §571.27 adopted to be effective November 20, 2011, 36 TexReg 7666*

## **SUBCHAPTER C RECIPROCAL LICENSING AGREEMENTS**

### **§571.31 Reciprocal Licensing Agreements**

The Board shall not accept applications for licensure under any former reciprocal licensing agreements with any state, nor shall the Board license by endorsement.

**Source Note:** *The provisions of this §571.31 adopted to be effective May 29, 2011, 36 TexReg 3187*

## SUBCHAPTER D LICENSE RENEWALS

### §571.51 Application

Application for license renewals shall be on forms furnished by the board. Failure to complete the application in its entirety will be grounds to reject the application which will be returned to the applicant.

**Source Note:** *The provisions of this §571.51 adopted to be effective May 29, 2011, 36 TexReg 3187*

### §571.53 Exemptions

The Registration Exemption Certification is to be completed by all veterinarians claiming active military or retiree status. Upon completion of the certification, the registration fee will be waived for that registration period.

**Source Note:** *The provisions of this §571.53 adopted to be effective May 29, 2011, 36 TexReg 3187*

### §571.54 Retired Veterinary License Status

- (a) "Retirement" means the voluntary and permanent conclusion of a veterinary licensee's practice of veterinary medicine.
- (b) A veterinarian may not retire his license if he is currently the subject of an open complaint investigation or a contested case.
- (c) If a veterinary licensee retiring for the first time requests reinstatement of his license in the same renewal year in which he retired, the licensee must:
  - (1) pay the annual renewal fee plus a \$25 administrative processing fee to reinstate the license; and
  - (2) comply with the following continuing education requirements:
    - (A) If a retired veterinary licensee has maintained an annual average of 17 hours of approved continuing education, no additional continuing education hours will be required.
    - (B) If a retired veterinary licensee has maintained an annual average of less than 17 hours of approved continuing education, the retired licensee must complete 34 hours of continuing education in the twelve months immediately following reinstatement.
- (d) If a veterinary licensee has been retired for longer than one renewal period, the retired veterinary licensee may reinstate the license by:
  - (1) petitioning the Board in writing for reinstatement and completing an examination for reinstatement application with supporting documentation and fees; and
  - (2) submitting to reexamination and complying with all requirements for obtaining an original license. At the discretion of the Board, the petitioner may be required to take and pass the NAVLE prior to applying for and taking the SBE.
- (e) By no later than 30 days before the end of the current renewal year in which a licensee's veterinary license is retired for the first time, the Board shall inform the retired veterinary licensee that he or she may:
  - (1) apply to reinstate the license in accordance with subsection (d) of this section; or
  - (2) remain in retired status.



(f) The retired veterinary licensee shall notify the Board of his or her decision by no later than the end of the current renewal year in which the licensee's veterinary license is retired for the first time.

(g) If the retired veterinary licensee decides to remain in retired status, he or she will no longer receive license renewal notices and will not be required to renew his or her retired veterinary license.

**Source Note:** *The provisions of this §571.54 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4422; amended to be effective May 4, 2014, 39 TexReg 3422*

### **§571.55 Delinquent Letters**

The executive director shall prepare monthly delinquency letters addressed to all licensees, who are delinquent for the renewal year ending that month, on the 10th calendar day after the end of each month. A one-year delinquency letter shall be mailed to each delinquent licensee. Once a licensee is delinquent for one year, his/her license is cancelled.

**Source Note:** *The provisions of this §571.55 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4422; amended to be effective November 22, 2015, 40 TexReg 8023*

### **§571.56 Military Service Fee Waiver**

(a) The license and examination fees are waived for a licensee that can prove that he or she is:

(1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for a license from the Board; or

(2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for a license from the Board.

(b) No late fee is assessed for failing to timely renew a licensee if such failure is due to the licensee serving as a military service member.

(c) The terms military service member, military veteran, and military spouse are as defined in Chapter 55, §55.001, of the Texas Occupations Code.

**Source Note:** *The provisions of this §571.56 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4422; amended to be effective November 22, 2015, 40 TexReg 8023*

### **§571.57 Application of Monetary Funds to Outstanding Balances**

When a person pays monetary funds to the Board to renew a license, the monetary funds paid shall first be applied to any outstanding unpaid fees, assessed costs owed by that person from a final Board order, as authorized under §575.10 of this title (relating to Costs of Administrative Hearings), or administrative penalties owed from a final Board order, as authorized under §573.62(b) of this title (relating to Violation of Board Orders/Negotiated Settlements).

**Source Note:** *The provisions of this §571.57 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective December 23, 2013, 38 TexReg 9364*

### **§571.58 Application Form and Photograph**

An applicant for license reinstatement must make application in the form of an affidavit on a form furnished by the board and shall be required to attach to said application a permanent-type, current photograph of the applicant.

**Source Note:** *The provisions of this §571.58 adopted to be effective May 29, 2011, 36 TexReg 3187*

### **§571.59 Expired Veterinary Licenses**

- (a) A veterinarian's license expires on the first day of the month following his/her birth month and is considered delinquent. Within 90 days of the last day of the month of a licensee's birth month, a licensee must renew an unexpired license, in writing, by paying the required fee and furnishing all information required by the Board for renewal.
- (b) A veterinary licensee who has failed to renew his or her license for a period of one year or more and wishes to reinstate the license may be required to appear before the Board to explain why the licensee allowed the license to expire and the licensee's reasons for wanting it reinstated. Subject to subsections (c) and (d) of this section, the licensee must take and pass the SBE and comply with §571.3 of this title (relating to Criminal History Evaluation Letters).
- (c) A military spouse, military veteran, or military service member, as defined by Chapter 55, §55.001, of the Texas Occupations Code, who has failed to renew his or her Texas license for a period of one year or more may receive a license in accordance with §571.17 of this title (relating to Expedited Licensure Procedure for Military Spouses) if the military spouse, military veteran, or military service member meets the requirements of §571.17.
- (d) A licensee who has failed to renew his or her license for a period of one year or more may reinstate the licensee's expired license without taking and passing the SBE if the licensee:
  - (1) previously had a Texas license and lived and/or practiced in Texas;
  - (2) moved to another state and is licensed and practices in that state;
  - (3) has been practicing in the other state during the past two years preceding application for reinstatement in Texas;
  - (4) intends to return to and practice in Texas;
  - (5) furnishes a letter of good standing from all states where the licensee is currently licensed; and
  - (6) submits a complete application for license reinstatement within two years of the date the license expired and could not be renewed.
- (e) A veterinary licensee who has failed to renew his or her license for a period of one year or more, shall have his or her license cancelled.

**Source Note:** *The provisions of this §571.59 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4423; amended to be effective November 22, 2015, 40 TexReg 8023*

### **§571.60 Expired Licenses for Equine Dental Providers and Licensed Veterinary Technicians**

- (a) Licensed veterinary technician and equine dental provider licenses expire on the first day of the month after his/her birth month and are considered delinquent. Within 90 days of the last day of a licensee's birth month, a licensee must renew an unexpired license, in writing, by paying the required fee and furnishing all information required by the Board for renewal.

(b) A licensed veterinary technician or an equine dental provider licensee, who has failed to renew his or her license for a period of one year or more and wishes to reinstate the license, may be required to appear before the Board to explain why the licensee allowed the license to expire and the licensee's reasons for wanting it reinstated. The licensee must take and pass the EDPE or the LVTE, as appropriate for his or her license.

(c) A licensed veterinary technician or an equine dental provider licensee, who is the spouse of a person serving on active duty as a member of the armed forces of the United States who held an equine dental provider or veterinary technician license in Texas within the past five years, and has failed to renew his or her license for a period of one year or more while the licensee was living in another state for at least six months, may reinstate his or her license without appearing before the Board. The licensee must still take and pass the EDPE or the LVTE, as appropriate for his or her license.

(d) A licensed veterinary technician or equine dental provider licensee, who had failed to renew his or her license for a period of one year or more, shall have his or her license cancelled.

**Source Note:** *The provisions of this §571.60 adopted to be effective June 19, 2012, 37 TexReg 4423; amended to be effective May 4, 2014, 39 TexReg 3423; amended to be effective November 22, 2015, 40 TexReg 8024*

#### **§571.61 Inactive License Status**

(a) Application. A licensee may request his/her license be placed on inactive status, whether or not he/she is practicing within the State of Texas, provided:

(1) his or her current license is active and is in good standing;

(2) a request in writing, on the form prescribed by the Board, is made for his or her license to be placed on official inactive status; and

(3) the original request is made during the annual license renewal period within three months prior to the first day of the licensee's birth month; provided however, that subsequent requests for continued inactive status may be accepted by the Board at any time during the renewal year if accompanied by the appropriate delinquent penalty.

(b) Restrictions. The following restrictions shall apply to veterinary licensees whose licenses are on inactive status:

(1) Except as provided in §801.004, Texas Occupations Code, the licensee may not engage in the practice of veterinary medicine or otherwise provide treatment to any animal in the State of Texas.

(2) If the licensee possesses or obtains a federal Drug Enforcement Administration (DEA) and/or a Department of Public Safety (DPS) controlled substances registration for a Texas location, the licensee must comply with §573.43 and §573.50 of this title (relating to Misuse of DEA Narcotics Registration and Controlled Substances Records Keeping for Drugs on Hand, respectively).

(c) Return to Active Status. A licensee on inactive status wishing to practice within the State of Texas must receive written approval from the Board prior to returning to active status. In addition to other information which may be requested or required by the Board, the following conditions apply to licensees applying to return to active status.

(1) A licensee who is licensed and practicing in another state or jurisdiction must prove he or she is in good standing in that state or jurisdiction.

(2) A licensee on inactive status must pay the total annual renewal fee, less the amount of the inactive annual renewal fee, plus a \$25 administrative processing fee to obtain a regular license. The regular annual renewal fee shall not be prorated for applications to return to active status made after the annual renewal period.

(d) Continuing Education Requirements.

(1) If a licensee on inactive status requesting a return to regular license status has maintained an annual average equal to the number of continuing education hours required annually for renewal of the license, not including any portion of the reactivation year, the licensee will be placed on regular license status without any additional requirements. If the average annual continuing education is less than the number of hours required annually for renewal of the license, the licensee will be placed on regular license status but must complete twice as many continuing education hours as is required to renew the license in the twelve months immediately following the licensee's attaining of regular license status.

(2) For the year of reactivation, proof of continuing education shall not be required for an active license renewal in the year following reactivation.

(3) For purposes of this subsection, the terms "year" and "annual" mean the renewal year.

(e) Cancellation of Inactive License. A license maintained on inactive status will be automatically cancelled at the end of nine consecutive years. A new license will be issued only upon completion of all requirements for licensure. During the ninth consecutive year of inactive status, the Board will notify the inactive licensee that during the following year, his or her license must be on regular status or the license will be cancelled.

(f) Annual Renewal Fees. The annual fee for a license on inactive status shall be as set by the Board in §577.15 of this title (relating to Fee Schedule).

**Source Note:** The provisions of this §571.61 adopted to be effective May 29, 2011, 36 TexReg 3187; amended to be effective June 19, 2012, 37 TexReg 4424; amended to be effective May 4, 2014, 39 TexReg 3423; amended to be effective November 22, 2015, 40 TexReg 8024

### §571.63 Default on Student Loan

(a) Denial. The Board may deny an application for a license if it receives information from an administering entity that the applicant has defaulted on a student loan or has breached a student loan repayment contract by failing to perform his or her service obligation under the contract. The Board may rescind a denial under this subsection upon receipt of information from an administering entity that the applicant whose application was denied is now in good standing.

(b) Renewal.

(1) The Board shall not renew a license of a licensee who is in default of a student loan or a repayment agreement except as provided in paragraph (2) of this subsection.

(2) For a licensee in default of a loan or repayment agreement, the Board shall renew the license if the licensee presents to the board a certificate certifying that:

(A) the licensee has entered into a repayment agreement on the defaulted loan; or

(B) the licensee is not in default on the loan or on the repayment agreement.

**Source Note:** The provisions of this §571.63 adopted to be effective June 19, 2012, 37 TexReg 4425

### **§571.65 Default on Child Support**

The Board shall suspend and/or deny a renewal of a license upon receipt of a final order suspending a license under Chapter 232 of Texas Family Code for failure to pay child support and/or where the Office of the Attorney General has notified the Board to suspend and/or not renew a license for failure to pay child support.

**Source Note:** *The provisions of this §571.65 adopted to be effective June 19, 2012, 37 TexReg 4425*