



Fall 2008

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Term: 4/12/02-12/31/09

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Term: 1/05/07-12/31/09

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Pharmacy Issues Update

Update on Terminal Distributor Licenses: Currently, if a veterinary business is incorporated, then the corporation needs to obtain a terminal drug distributor's license from the Ohio Board of Pharmacy. [Section 4729.51 ORC](#) excludes a licensed health professional authorized to prescribe drugs from requiring a distributor license. A corporation was not considered a "licensed health professional". However, this law changed recently with the passage of legislation ([HB 283](#)) which will be effective on 9/10/2008. The new law exempts from the "terminal distributor of dangerous drugs" licensing requirement a business entity that is a corporation, limited liability corporation, or professional association which is composed solely of one licensed veterinarian as (shareholder or owner).

Issues Discussed

Recently Bill Winsley, Executive Director of the Ohio Board of Pharmacy has been a guest at the OVMLB meetings to discuss various issues involving the practice of veterinary medicine. The issues and resolutions are also posted on the Board's web site which licensees are encouraged to review periodically.

Renewal Information

Certificates of Registration expire for RVTs March 1, 2009. Renewal notices will be sent out in January, 2009 to the address of record. A veterinarian or RVT must inform the Board of any change of address in writing by email, fax, or postal mail. It is anticipated that the Board will have on-line renewal capability beginning January, 2009. It will be a voluntary process. Instructions will be sent to all renewal applicants with their renewal form.

The Board has filed rules to remove the requirement for a notary signature on the renewal application. In place of the notary requirement, there will be an affirmation statement for the licensee to sign that all the information is true and accurate to the best of his or her knowledge.

- 1) **Drug Samples**— The sections of the law applicable to sample distribution are [Section 2925.01](#) and [3719.81](#) of the Ohio Revised Code and 21 U.S.C. 353, Section 503 of the Federal Code. Basically, if the veterinarian receives the drug free of charge, he or she must prescribe the drug free of charge and it must be distributed in the original container. If the veterinarian wishes to change the prescribed dosage on the sample's label, he or she should provide written instructions to accompany the sample (it does not have to be directly on the sample) and document in the record what was provided and the instructions. Additionally, veterinarians should maintain a record of samples accepted and distributed.
- 2) **Supplying Drugs to Another Veterinarian**— A Veterinarian is not permitted to supply drugs to another veterinarian. [Section 4729.29\(A\) ORC](#) authorizes a prescriber (veterinarian) to personally furnish to the prescriber's patient. However, the Board does take into consideration an emergency situation when considering the health and welfare of a patient.
- 3) **Prescription Refills**—A veterinary-client-patient relationship must exist before refilling a prescription. There are no set parameters for a veterinarian. However, the standards for a physician may be helpful: a physician can not refill Schedule II drugs; a physician can refill schedule III and IV drugs five times in a six month period; and Schedule V and non-controllable can be refilled up to one year.
- 4) **Therapeutic Pet Food**— Therapeutic pet food is not a "dangerous drug" and therefore does not require a prescription.
- 5) **Recycled Drugs**—It is illegal to recycle drugs. There are exceptions in the law but they are very stringent and do not allow for the drugs to have been in the patient's control. There is a requirement for guaranteeing the stability of the drug, etc. If a drug is outdated, it is considered adulterated.

You can access the Pharmacy Board's web site at <http://pharmacy.ohio.gov>.

Veterinary "Nurse":

The Board discourages the use of the term "nurse" in the practice of veterinary medicine. The Veterinary Medical Practice Act only recognizes the terms "Veterinarian", "Registered Veterinary Technician", and "Animal Aide" as those able to provide veterinary medicine. The Ohio Board of Nursing discourages the use of the term "nurse" unless the individual is licensed as an RN or LPN. The Ohio Veterinary Medical Licensing Board has taken the same position.

RVT & Animal Aide Duties:

The Board receives multiple inquiries regarding RVT and Animal Aide duties. While not every duty is listed in law and rules, the following might be helpful. [Section 4741.19 ORC](#) deals specifically with the RVT duties and required supervision. Rule [4741-1-14 OAC](#) deals specifically with the Animal Aide duties and supervision. For instance, since Section [4741.19\(C\)\(2\)](#) specifically states that an RVT under direct supervision may perform dental prophylaxis, an animal aide is not permitted. The law and rules can be found on the Board's web site.

Dept. of Agriculture

The Ohio Department of Agriculture, Dairy Division, operates under the Ohio Administrative Code Section 901:11-1-02, and the adopted Pasteurized Milk Ordinance (PMO), 2007 edition.

Item 15r, Drug and Chemical Control, of the 2007 PMO states the following:

Drugs shall be properly labeled to include the name and address of the manufacturer or distributor for OTC drugs, or veterinary practitioner dispensing the product for Rx and extra label use drugs. If the drug is dispensed by a pharmacy on the order of a veterinarian, the labeling shall include the name of the prescribing veterinarian and the name and address of the dispensing pharmacy, and may include the address of the prescribing veterinarian.

Drug labels shall also include:

- a. Directions for use, and prescribed withholding times;
- b. Cautionary statements, if needed; and
- c. Active ingredient(s) in the drug product.

If more than one licensed practitioner is listed on the veterinarian's prescription label, the prescribing veterinarian must be identified on that label. The Ohio Department of Agriculture, Dairy Division, asks for your cooperation in complying with these rules and regulations.

Veterinary Student Loan Repayment Program

The student loan program was developed to provide large animal veterinary services in veterinary resource shortage areas. \$10.00 of each veterinary license renewal fee is deposited in the loan repayment fund. The Board is pleased to announce that they received 9 applications this year and were able to offer four candidates the ability to participate in the program. Those candidates and their awards are as follows:

- Dr. David T. Brennan, DVM of Greenwich was awarded \$15,000 for a 2 year service agreement.

- Dr. Andrew S. Bowman, DVM of Bellevue was awarded \$10,000 for a 1 year service agreement.
- Dr. Mary Mowrer, DVM of St. Clairsville was awarded \$10,000 for a 1 year service agreement.
- Dr. Gabriel Middleton, DVM of Orrville was awarded \$7,500 for a 1 year service agreement.

The deadline for the 2009 applications is May 1, 2009. The application for those interested in applying, as well as the criteria for selection, is available on the Board web site.

Other Board Issues and Updates**Intracardiac Euthanasia**

At the December Board meeting, the board determined by general consensus that as a general rule, the practice of intracardiac euthanasia is not the preferred method of euthanasia, but realize there are circumstances where it may be absolutely necessary.

Equine Dentistry

At the March 2008 meeting, the Board rescinded an earlier policy adopted at the June 13, 2007 Board meeting regarding equine dentistry. Ohio law does not define "equine dentist" nor does it recognize the training of someone who is certified in equine dentistry. Chapter 4741 ORC recognizes a veterinarian, an RVT, or a dentist working WITH a veterinarian, as those individuals permitted to perform equine dentistry as it is considered the practice of veterinary medicine ([Section 4741.01 ORC](#)).

Continuing Education

The Board filed rules to amend the continuing education rule which will now recognize national and state accredited scientific continuing education opportunities such as RACE or AVMA approved courses. The rule is available for preview on the Board's web site. The effective date for the rule was August 24, 2008.

Additionally, the Board has posted on the Board web site, scientific continuing education events that have been approved at the previous board meetings.

As a reminder, veterinarians are required to have 30 hours of continuing education for renewal: 20 hours must be scientific/clinical-related hours and 10 hours may be veterinary related hours such as practice management. An RVT is required to have ten hours of continuing education for renewal: 6 hours must be scientific/clinical-related hours and 4 hours may be in related areas such as client communication. Those renewing for the first time post-graduation are not required to have the continuing education hours.