

4741-2-01

**General provisions of a veterinary business facility license.**

- (A) A veterinary business facility not vested with a majority controlling interest ~~fully owned~~ by one or more ~~a~~ currently Ohio licensed veterinarians, must meet the requirements of section 4741.28 of the Revised Code to obtain a veterinary business facility license in order to provide veterinary medical services in the state of Ohio.
- (B) The board shall evaluate whether a program has met the requirements of section 4741.28 of the Revised Code before issuing an initial license.
- (C) A veterinary business facility will maintain minimum standards of sanitary and hygienic methods to be used in the humane care and treatment of animals as established in rule 4741-1-03 of the Administrative Code.
- (D) A veterinary business facility must meet and comply with all requirements as set forth in section 4741.28 of the Revised Code and rules adopted by the board in accordance with Chapter 119. of the Revised Code; and any other applicable state or federal laws and rules. Failure to meet and maintain these requirements shall be considered noncompliance and may affect the facility's licensure status. The board has the authority to suspend or revoke a license, to refuse to issue or, renew a license, ~~suspend, or revoke a license~~, and/or impose a civil penalty of up to ten thousand dollars on a person who owns, operates or controls a veterinary business facility for any violation of Chapter 4741. of the Revised Code and/or rules established by the board. The board shall suspend or revoke a license or impose civil penalties only pursuant to an adjudication process in accordance with Chapter 119. of the Revised Code for the following, but not limited to:
- (1) Any violation of Chapter 4741. of the Revised Code or rules established by the board;
  - (2) Falsification of or fraudulent submission of licensure or renewal application;
  - (3) False or misleading advertisement which causes any person to act to the person's detriment in the care or treatment of any animal;
  - (4) Failure to conform to the rules of the board or the standards of the profession governing proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals;
  - (5) Obtains a fee on the assurance that an incurable disease can be cured;
  - (6) Divides fees or charges or has any arrangement to share fees or charges with

- any other person, except on the basis of services performed;
- (7) Violates the federal and state laws regulating the storage and use of controlled substances;
  - (8) Fails to report promptly to the proper official any known reportable disease;
  - (9) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;
  - (10) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;
  - (11) Permits a person not a licensed veterinarian, a veterinary student, ~~or~~ a registered veterinary technician, or an animal aide to engage in work or perform duties in violation of this chapter;
  - (12) Has knowledge that the managing veterinarian is guilty of gross incompetence or gross negligence;
  - (13) Is practicing with a revoked, suspended, expired, or terminated license;
  - (14) Makes or files a report, health certificate, vaccination certificate, or other document which the facility knows is false, or negligently or intentionally fails to file a report or record required by an applicable state or federal law;
  - (15) Makes available a dangerous drug, as defined in division (D) of section 4729.02 of the Revised Code, to any person other than for the specific treatment of an animal patient;
  - (16) Refuses to permit a board investigator or the board's designee to inspect the business premises during regular business hours, except as provided in division (A) of section 4741.26 of the Revised Code;
  - (17) Violates any order of the board or fails to comply with a subpoena of the board;
  - (18) Fails to maintain medical records as required by rule of the board;
  - (19) Engages in cruelty to animals;

- (20) Uses, prescribes, or sells any veterinary prescription drug or biologic, or prescribes any extra-label use of any over-the-counter drug or dangerous drug in the absence of a valid veterinary-client-patient relationship.
- (E) It is the responsibility of the veterinary business facility to establish whether the managing veterinarian holds a current, valid Ohio license.

Effective: 09/01/2017

Five Year Review (FYR) Dates: 02/06/2017 and 02/06/2022

CERTIFIED ELECTRONICALLY

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Certification

04/13/2017

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Date

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Rule Amplifies: 4741.28  
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