

**RULES
OF
BUREAU OF HEALTH, LICENSURE AND REGULATION
BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-06
CHEMICAL CAPTURE**

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1730-06-.01 PURPOSE.

The rules in this chapter implement the program for the chemical capture of a dog or a cat.

Authority: Chapter 805 of the Public Acts of 2008, §§2 and 3, and T.C.A. §§44-17-601 and 63-12-144 [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.02 DEFINITIONS.

The following definitions are applicable to this chapter:

- (1) "Animal" means a dog or a cat;
- (2) "Certified Governmental Animal Control Agency" means a state, county, or municipal animal shelter, or dog pound, which temporarily houses stray, unwanted, or injured animals;
- (3) "Animal Chemical Capture Technician" means an individual employed by a certified governmental animal control agency who is certified by the Board to perform the chemical capture of dogs or cats;
- (4) "Board" means the Tennessee Board of Veterinary Medical Examiners;
- (5) "Certificate Holder" means a person who holds a current, unexpired certificate to perform chemical capture as a certified governmental animal control agency or animal chemical capture technician;
- (6) "Chemical Capture" shall have the same meaning as set forth in T.C.A. §§44-17-601 and 63-12-144, which provides that chemical capture is the capture of a dog or cat by means of sedation using approved drugs and appropriate drug administering equipment by a certified governmental animal control agency;
- (7) "Direct Supervision" means the in-person, on-site supervision of a veterinary technician or animal chemical capture technician by a licensed veterinarian;
- (8) "Person" means individual, corporation, partnership, association, or organization;

(Rule 1730-06-.02, continued)

- (9) "Protocol" means written statement prepared by a licensed veterinarian and maintained by the certified governmental animal control agency establishing the procedures for performing chemical capture;
- (10) "Veterinarian" shall have the same meaning as set forth in T.C.A. §63-12-103(15);

Authority: Chapter 805 of the Public Acts of 2008, §§2 and 3, and T.C.A. §§44-17-601 and 63-12-144 [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.03 APPLICATION REQUIREMENTS.

- (1) Agency Application.
 - (a) A certified governmental animal control agency with a valid premises permit issued by the Board that applies for a certificate to perform chemical capture shall submit the following to the Board office:
 - 1. a completed application to perform chemical capture;
 - 2. the required initial certification fee;
 - 3. a written protocol to be approved by the Board; and
 - 4. proof of employment of a full-time licensed veterinarian on staff at the agency.
- (2) Animal Chemical Capture Technician Application.
 - (a) An applicant for a certificate to perform chemical capture as an animal chemical capture technician shall submit the following to the Board office:
 - 1. a completed application;
 - 2. a passport size picture that is signed by the applicant;
 - 3. the required application fee and initial certification fee;
 - 4. results of a criminal background check to be sent from the vendor directly to the Board office;
 - 5. proof of having successfully completed initial marksmanship training for use of the tranquilizer gun in chemical capture taught by an instructor skilled in using the tranquilizer gun; and
 - 6. proof of having successfully completed a sixteen (16) hour chemical immobilization certification course within twenty-four (24) months of applying for certification. The chemical immobilization certification course must be approved by the Board as provided in T.C.A. § 63-12-144(b) and cannot have been taken before April 10, 2008.
- (3) If an applicant does not complete the application process within sixty (60) days after the Board office receives the application because the application lacks the required information

(Rule 1730-06-.03, continued)

or fails to meet the prerequisites for certification, then the application will be closed, the application fee will not be refunded, and the applicant shall reapply for certification.

- (4) Any application submitted may be withdrawn; provided, however, that the application fee will not be refunded.
- (5) The Board may designate one (1) Board member or the Board administrator to review applications for initial certification provided that the final approval for certification is made and ratified by the Board.

Authority: Chapter 805 of the Public Acts of 2008, §§ 2 and 3, and T.C.A. §§ 44-17-601 and 63-12-144 [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.04 RENEWAL AND REINSTATEMENT.

- (1) A certificate issued to a certified governmental animal control agency or animal chemical capture technician to perform chemical capture pursuant to this chapter shall expire two (2) years from the date of its issuance and shall become invalid on such date unless renewed.
- (2) Agency Renewal.
 - (a) A certified governmental animal control agency may renew a current, valid certificate prior to its expiration date by submitting a renewal application form approved by the Board, the required renewal fee, a written protocol, proof of having a current and valid premises permit, and any other information required by the Board for renewal.
- (3) Technician Renewal.
 - (a) A certified animal chemical capture technician may renew a current, valid certificate prior to its expiration date by submitting a renewal application form approved by the Board, the required renewal fee, proof of quarterly recertification in marksmanship training to ensure target accuracy and proper loading and discharging of the tranquilizer gun, and any other information required by the Board for renewal.
- (4) Late Renewal.
 - (a) Certificate holders may renew a certificate to perform chemical capture within thirty (30) days after the license expiration date with payment of the renewal fee and late renewal fee.
 - (b) An individual seeking to renew an animal chemical capture technician certificate after the thirty (30) day grace period following the certificate expiration date but not longer than one (1) year after the certificate expiration date, may apply for reinstatement by meeting the following conditions:
 1. completing a renewal application form;
 2. paying all past due renewal fees;
 3. paying a late fee as provided in rule 1730-06-.06(10);

(Rule 1730-06-.04, continued)

4. submitting proof of having completed quarterly recertification in marksmanship training to ensure target accuracy with proper loading and discharging of the tranquilizer gun;
 5. meeting all of the requirements contained in subparagraph (3)(a) contained of this rule.
- (c) An individual seeking to renew an animal chemical capture technician certificate when the individual's certificate has been expired for more than one (1) year, shall reapply for certification.
 - (d) A person seeking to renew a certified governmental animal control agency certificate, after the thirty (30) day grace period following the certificate expiration, shall reapply for certification.
 - (e) A fee submitted by mail to the Board office for purposes of renewal will be deemed to have been submitted on the date received by the Board office.
- (5) Board staff, a Board member or the Board's designee may review renewal applications and accompanying documentation to ensure that a certificate holder has met the prerequisites to renewal.

Authority: Chapter 805 of the Public Acts of 2008, §§2 and 3, and T.C.A. §§44-17-601 and 63-12-144 [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.05 RETIREMENT.

- (1) A person who holds a current, active certificate to perform chemical capture as a certified governmental animal control agency or a certified animal chemical capture technician, but does not intend to perform chemical capture, may apply to convert an active certificate to inactive or retired status.
- (2) A person who holds an active certificate to perform chemical capture as a certified governmental animal control agency or a certified animal chemical capture technician, may apply for retired status by submitting a completed affidavit of retirement form requesting that the certificate be placed in retired status and attesting that the certificate holder will not perform chemical capture or in any way indicate or imply the holding of an active Tennessee certificate and will not use any words, letters, titles or figures that indicate the holding of an active certificate.
- (3) A person who holds a certificate to perform chemical capture as a certified governmental animal control agency or a certified animal chemical capture technician that has been retired for one (1) year or less may apply to reactivate the certificate as follows:
 - (a) submitting a written request to the Board office requesting certificate reactivation;
 - (b) paying certificate renewal fee; and
 - (c) submitting proof of recertification in marksmanship training.
- (4) A person who holds a certificate to perform chemical capture as a certified governmental animal control agency or a certified animal chemical capture technician that has been retired for more than one (1) year may apply to reactivate the certificate as follows:

(Rule 1730-06-.05, continued)

- (a) submitting a written request to the Board office requesting certificate reactivation;
- (b) paying certificate renewal fee;
- (c) submitting proof of recertification in marksmanship training; and
- (d) personally appearing before the Board.

Authority: Chapter 805 of the Public Acts of 2008, §§2 and 3, and T.C.A. §§44-17-601 and 63-12-144 [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.06 FEES.

- (1) Application fee (nonrefundable)..... \$50.00
- (2) Endorsement/Verification fee..... \$20.00
- (3) Initial certification fee (technician)..... \$100.00
- (4) Renewal fee (technician) \$100.00
- (5) Initial certification fee (agency). \$200.00
- (6) Renewal fee (agency)..... \$200.00
- (7) State regulatory fee..... \$10.00
- (8) Course approval fee..... \$20.00
- (9) Replacement certificate fee..... \$25.00
- (10) Late renewal fee..... \$80.00

Authority: Chapter 805 of the Public Acts of 2008, §§2 and 3, and T.C.A. §§44-17-601 and 63-12-144 [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.07 CIVIL PENALTIES.

- (1) The Board may, in a lawful proceeding respecting licensing (as defined in the Uniform Administrative Procedures Act), in addition to or in lieu of any other lawful disciplinary action, assess civil penalties for violations of statutes, rules or orders enforceable by the board in accordance with the following schedule:

Violation	Penalty
T.C.A. §44-17-601(b), (c), and (d)	\$0-\$1,000
T.C.A. §63-12-144 (c) and (d)	\$0-\$1,000
Rule 1730-06-.09	\$0-\$1,000
Rule 1730-06-.10	\$0-\$1,000
Rule 1730-06-.11	\$0-\$1,000

(Rule 1730-06-.07, continued)

- Board order \$0-\$1,000
- (2) Each day of continued violation may constitute a separate violation.
 - (3) In determining the amount of any penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
 - (a) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (b) The circumstances leading to the violation;
 - (c) The severity of the violation and the risk of harm to the public;
 - (d) The economic benefits gained by the violator as a result of noncompliance;
 - (e) The interest of the public; and
 - (f) Willfulness of the violation.
 - (4) Each violation of any statute, rule or order enforceable by the Board shall constitute a separate and distinct offense and render the person committing the offense subject to a separate civil penalty for each violation.

Authority: Chapter 805 of the Public Acts of 2008, §§2 and 3, and T.C.A. §§44-17-601, 63-01-134, and 63-12-144 [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.08 QUALIFYING EDUCATION.

- (1) Course approval requirements.
 - (a) Any person seeking to conduct an approved course for animal chemical capture technicians shall make application and submit to the Board any documents, statements, and forms as the Board may require. All courses shall be approved by the Board before they are offered. The complete application shall be submitted to the Board office no later than thirty (30) days prior to the scheduled date of the course. At a minimum, a person seeking approval to conduct a course for qualifying education shall provide:
 1. Name and address of the provider;
 2. Contact person with an address, telephone number, fax number, and email address;
 3. The physical location of the courses or programs;
 4. The number and type of education credit hours requested for each course;
 5. Topic outlines, which list the summarized topics covered in each course, and upon request, a copy of any course materials;
 6. If a prior approved course has substantially changed, a summarization of the changes; and

(Rule 1730-06-.08, continued)

7. The names and qualifications of each instructor.
- (b) Required topics include, but are not limited to:
1. Pharmacology;
 2. Proper administration;
 3. Recordkeeping;
 4. Chemical capture technology;
 5. Animal behavior;
 6. Post-immobilization procedures;
 7. Proper public and personnel safety; and
 8. Marksmanship training.
- (c) The Board may withhold or withdraw approval of any course based on the course provider's violation of or failure to comply with any provision of this rule. Such withholding or withdrawal conveys no right to a contested case proceeding pursuant to the Uniform Administrative Procedures Act compiled at T.C.A. Title 4, Chapter 5.

Authority: Chapter 805 of the Public Acts of 2008, §§2 and 3, and T.C.A. §§44-17-601 and 63-12-144(b) [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.09 PROTOCOLS.

- (1) The licensed veterinarian for the certified governmental animal control agency shall develop, implement, and maintain a written protocol for chemical capture by the agency which shall include, at a minimum, developing procedures for the following:
 - (a) the storage and administration of drugs used for chemical capture;
 - (b) the storage and administration of controlled substances used for chemical capture in accordance with federal laws and regulations;
 - (c) the maintenance of records relative to the storage and administration of drugs for chemical capture;
 - (d) the storage, use, and maintenance of the equipment used to perform chemical capture;
 - (e) the disposal of the dart, syringe, or other disposable instruments or disposable equipment used in the chemical capture of the animal;
 - (f) the care of the captured animal, including but not limited to procedures for removing the dart from the captured animal and providing first aid care to the dart wound;
 - (g) the appropriate care of the animal immediately upon capture;

(Rule 1730-06-.09, continued)

- (h) the transportation of the animal from the location of the chemical capture to a place where the animal can be provided with appropriate veterinary care;
 - (i) establishing the supervisory structure within the agency about who has decision-making authority to perform chemical capture on an animal;
 - (j) obtaining approval from supervising veterinarian or director at the certified governmental animal control agency to perform chemical capture of an animal;
 - (k) establishing criteria used to determine if chemical capture should be performed;
 - (l) documenting for each animal when and how other methods of capture have failed resulting in the chemical capture of the animal;
 - (m) documenting the condition of the animal before and after the chemical capture is performed;
 - (n) ensuring that the individuals performing the chemical capture use protective safety equipment;
 - (o) ensuring the safety of the public;
 - (p) using field emergency kits; and
 - (q) the recovery of the animal.
- (2) The licensed veterinarian at the certified governmental animal control agency shall ensure that all licensed veterinary technicians and certified animal chemical capture technicians at the agency shall receive a copy of the written protocol and any changes to the written protocol.
- (3) The licensed veterinarian shall submit an updated protocol to the Board office each time the agency's protocol changes and within thirty (30) days from date that the protocol has been changed.
- (4) The certified governmental animal control agency shall maintain its protocols for at least two (2) years after the date that the protocols were sent to the Board office.
- (5) The certified governmental animal control agency shall notify the Board office in writing when there is a change in the licensed veterinarian who is employed by the agency within thirty (30) days after the change occurs. The agency's premises permit shall not be valid unless a licensed veterinarian is employed full time by the agency.

Authority: Chapter 805 of the Public Acts of 2008, §§2 and 3, and T.C.A. §§44-17-601 and 63-12-144(a) [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.10 APPROVED DRUGS AND DRUG-ADMINISTERING EQUIPMENT.

- (1) A licensed veterinarian, licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal chemical capture technician may administer Telazol in performing chemical capture.

(Rule 1730-06-.10, continued)

- (2) A licensed veterinarian shall use his or her Drug Enforcement Administration number to obtain the controlled substances used in the chemical capture of animals.
- (3) All drugs used for chemical capture shall be approved by the Board. The licensed veterinarian, licensed veterinary technician working under the supervision of a licensed veterinarian, and animal chemical capture technician shall administer the chemical capture drugs approved by the Board to the species of animal for which the Food and Drug Administration has approved their use and shall administer the drugs in accordance with all other Food and Drug Administration rules, regulations, recommendations, and guidelines.
- (4) A licensed veterinarian shall ensure that the tranquilizer guns used for chemical capture shall have adequate sighting capabilities and the capability of tracking the darts that they shoot.
- (5) A licensed veterinarian shall ensure that the tranquilizer guns are securely stored and well-maintained in a high state of repair and accuracy at all times.

Authority: Chapter 805 of the Public Acts of 2008, §§2 and 3, and T.C.A. §§44-17-601 and 63-12-144 [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.11 RECORDKEEPING.

- (1) A record shall be maintained by the licensed veterinarian who supervises or performs chemical capture containing the following for each chemical capture performed:
 - (a) date the drug was administered;
 - (b) name, strength, and dosage amount of drug administered;
 - (c) method by which the drug was administered;
 - (d) the amount of any drug wasted, spilled or lost;
 - (e) description of the animal, including but not limited to the gender, breed and approximate weight;
 - (f) tag number or identification number for the animal;
 - (g) names of the persons who participated in the chemical capture and their roles, and particularly the name and title of the individual who administered the drug;
 - (h) location where the chemical capture occurred;
 - (i) location where the animal recovered from the chemical capture;
 - (j) name and title of the individual who cared for the animal after the chemical capture; and
 - (k) name and title of the individual approving the chemical capture of the animal.
- (2) A copy of all of the records relating to the chemical capture of an animal shall be maintained at the certified governmental animal control agency for a period of three (3) years from the date that the chemical capture was performed.

(Rule 1730-06-.11, continued)

- (3) In addition to the requirements contained in this rule, the licensed veterinarian working at the certified governmental animal control agency shall maintain an inventory of controlled substances in accordance with federal laws and rules.

- (4) The Board at any time may examine records related to chemical capture to ensure compliance with laws and rules.

Authority: Chapter 805 of the Public Acts of 2008, §§2 and 3, and T.C.A. §§44-17-601 and 63-12-144 [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.