



Duties of LVTs and Unlicensed Personnel Employed by a Veterinarian

THE NYSVMS LICENSED VETERINARY TECHNICIAN COMMITTEE recommends that all NYS veterinarians review the following New York State regulations regarding the legal duties and responsibilities of licensed veterinary technicians. Allowing unlicensed employees to perform LVT duties is illegal practice of the profession of veterinary technology, and exposes the veterinarian, the practice and other employees to significant legal liability. Both the veterinarian and an unlicensed individual performing the duties reserved to a licensed veterinary technician can be disciplined by the New York State Education Department for illegal practice or for facilitating illegal practice.

Only a LVT can be referred to as veterinary technician and can legally perform the duties outlined below. A practice may have no more than three LVTs working per veterinarian on duty to allow for adequate supervision.

Please review and adhere to the laws and regulations below. Do not put yourself, your practice, your employees or your patients at risk. New York State Education Law and Education Department regulations contain information on the limitations of the work that may be done by licensed veterinary technicians and unlicensed staff employed in a veterinary hospital.

Licensed Veterinary Technician

The definition of the profession of veterinary technology establishes the general scope of practice for the licensed veterinary technician:

Education Law § 6708. Definition of practice of veterinary technology.

1. The practice of the profession of veterinary technology is defined as the performance of services within the field of veterinary medicine by a person who, for compensation or personal profit, is employed by or under the supervision of a veterinarian to perform such duties as are required in carrying out medical orders as prescribed by a licensed veterinarian requiring an understanding of veterinary science, but not requiring professional service as set forth in section sixty-seven hundred one of this article [containing the definition of the practice of veterinary medicine].

2. The commissioner shall promulgate regulations defining the functions a veterinary technician may perform that are consistent with the training and qualifications for a license as a veterinary technician. The commissioner may further require that a licensee may practice within an area of specialization only upon the successful completion of an examination established for the purpose of establishing competence in a specific area of practice in the field of

veterinary technology.

Regulations promulgated pursuant to this section of law list broad areas of duties that may only be performed by a licensed veterinary technician (or a licensed veterinarian):

8 NYCRR Part 62.7 Practice of veterinary technology.

(a) Functions. The functions of a veterinary technician may include, but shall not be limited to:

- (1) collecting of appropriate specimens and performing laboratory procedures in clinical pathology and histopathology;
- (2) exposing radiographic film;
- (3) preparing and administering medications on medical orders of the supervising veterinarian;
- (4) assisting in medical procedures;
- (5) inducing and maintaining anesthesia under the onsite supervision of the licensed veterinarian; and
- (6) assisting in surgical procedures in the physical presence of the licensed veterinarian.

(b) Supervision. The functions of a veterinary technician shall be performed pursuant to the direction and under the general supervision of a licensed veterinarian. Such general supervision shall not be construed to require the physical presence of the supervising veterinarian at the time and place where such services are performed except as required by this Part.

Guidelines for the Practice of Veterinary Medicine and Veterinary Technology established by the NYS Board for Veterinary Medicine outline appropriate "supervision" as follows:

1. When an individual is practicing under the general supervision of a licensed veterinarian, the veterinarian must be readily available to communicate with the person under supervision.
2. When an individual is practicing under the direct supervision of a licensed veterinarian, the veterinarian must be on the same premises as the person under supervision.
3. When an individual is practicing under the immediate personal supervision of a licensed veterinarian, the veterinarian must be within audible or visual range of both the person under supervision and the animal patient and be able to intervene personally in the procedure, if necessary.

§6709. Practice of veterinary technology and use of title "veterinary technician."



Only a person licensed under sections sixty-seven hundred eleven and sixty-seven hundred eleven-A of this article or exempted from its provisions by section sixty-seven hundred twelve shall practice veterinary technology or use the title “veterinary technician.”

Unlicensed Staff

Section 6713 of the Education Law addresses the types of duties that may be performed by unlicensed staff:

Education Law § 6713. Special provisions.

1. An unlicensed person may provide supportive services to a veterinarian, including but not limited to administering oral or topical medications, incidental to and/or concurrent with such veterinarian personally performing a service or procedure, provided such supportive services do not require the knowledge of veterinary science.

The licensed veterinarian supervising other staff is responsible for the proper delegation of duties to them. If a veterinarian has staff performing duties that are not permitted by the provisions of the laws and regulations cited above, the veterinarian may be charged with professional misconduct based on a charge of “delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience or by licensure, to perform them.”

[8 NYCRR Part 29(b)(10)]

Veterinarian

§6702. Practice of veterinary medicine and use of title “veterinarian.”

1. Only a person licensed or exempt under this article shall practice veterinary medicine or use the title “veterinarian.”
2. A licensed veterinarian or a professional service corporation organized for the practice of veterinary medicine may employ veterinary technicians to assist them in the practice of their profession in such capacities as are prescribed by law and as from time to time may be set by the commissioner or the state board of veterinary medicine. A veterinarian or professional service corporation may not employ veterinary technicians in a ratio exceeding three technicians per supervising licensed veterinarian. Nothing in this section shall be construed as prohibiting a veterinarian from employing unlicensed lay persons for the performance of non-technical duties.

Information provided by NYSVMS Executive Board Counsel Barbara J. Ahern, Esq., and NYSVMS LVT Committee Chair James Zgoda, DVM.

MEMBER QUESTION:

Our technician recently graduated, but has not passed the licensing exam. What role can they currently fill in our office?

NYSVMS: Once a student graduates from the veterinary technician program, but before he/she pass the licensing exam, he/she must be treated as an unlicensed technician. However, if he/she obtains a limited permit for the practice of veterinary technology (see below), he/she can perform duties reserved for a licensed veterinary technician while the limited permit remains in effect. The limited permit is automatically revoked if they fail the licensing exam.

Without a limited permit, until he/she is licensed he/she cannot perform tasks he/she may have performed in your practice during their preceptorship, under your supervision, if he/she was enrolled in one of the traditional programs; or as part of his/her curriculum, under your supervision, if he/she was enrolled in one of the distance learning programs. It is important to keep in mind the distinction between the teaching activities a student may perform and the regular duties that a licensed veterinary technician on your staff can perform.

§6711-a. Limited permits to engage in the practice of veterinary technology.

Permits limited as to eligibility, practice, and duration, shall be issued by the department to eligible applicants as follows:

1. Eligibility. Persons shall be eligible for a limited permit who fulfill all requirements for a license as a veterinary technician except those relating to the examination and citizenship or permanent residence in the United States.
2. Duration. A limited permit issued pursuant to subdivision one of this section shall be valid for one year or until the individual has had the opportunity to take the state veterinary technician licensing examination and receive the results of this examination, whichever shall occur first. It may be renewed once at the discretion of the department if the permit holder has not had a reasonable opportunity to take the state veterinary technician licensing examination during the period for which such limited permit was originally issued.
3. Fees. The fee for each limited permit and for each renewal shall be \$50.