NVAP Reference Guide - Compliance and Regulations

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Compliance

The forms you submit to APHIS as an accredited veterinarian are scrutinized by VS personnel for accuracy and completeness. When errors or irregularities are found, APHIS management may request help from investigators in the agency's Investigative and Enforcement Services (IES) unit. But in many cases, the APHIS–VS Area Offices first works with the accredited veterinarian to resolve the issue.

IES' role is to gather all the pertinent facts regarding the issue and present them to appropriate VS officials in an investigative case report. In most cases, VS officials are responsible for determining the appropriate disposition of the investigative case file. In all cases, VS officials must approve any action initiated with respect to the veterinarian's accreditation.

Many of the inquiries that accredited veterinarians receive from IES investigators involve situations in which the interstate movement of livestock failed to meet State or Federal requirements. IES investigators look into allegations that an accredited veterinarian did not abide by the Standards for accredited veterinarian duties identified in 9 CFR part 161.4. A copy of 9 CFR part 161.

If you are the subject of an IES investigation, the IES investigator will explain the alleged violation to you during the interview process. It is important that you present the facts as well as your reasons for handling a situation in a particular way. In accreditation cases especially, VS officials are interested in all the background information regarding the alleged violation. All pertinent case information is compiled and evaluated by VS officials. A decision is then made as to how to proceed with disposition of each case.

The investigator may ask you to sign an affidavit containing your statement about the alleged violation. IES investigators are authorized to take affidavits and can explain what an affidavit is and what it means.

Dispositions can include letters of information or warning, informal conferences, formal hearings, suspension or revocation of accreditation, and civil and criminal penalties. APHIS strongly supports these quality-control mechanisms in the interest of furthering the agency’s mission of protecting American agriculture.

The Role of IES

IES’ primary responsibility is to investigate alleged violations of APHIS regulations. IES investigators nationwide provide assistance to VS with the following activities:

- Interviewing and collecting information from accredited veterinarians, witnesses, alleged violator(s), and others involved in the alleged violation(s);
- Identifying applicable sections of the CFR, acts, and laws;
- Collecting evidence associated with alleged violations;
- Preparing investigative case files; and
- Working with the VS program officials to assess appropriate penalties and sanctions.

Your Responsibility for Compliance

The Animal Health Protection Act (AHPA) governs the accreditation of veterinarians as codified in 9 CFR parts 160 and 161. As an accredited veterinarian, you should familiarize yourself with these regulations because you are obliged to comply with these standards. Noncompliance can result in violations and possible administrative, civil, or criminal sanctions.

The following are a few examples of violations of the veterinary accreditation standards identified in 9 CFR 161.4 that IES investigators may cite:

- 161.4(b)—Failing to complete an official form accurately and fully. Submitting incomplete forms or leaving sections blank is a violation.
- 161.4(d)—Failing to perform an official test and to submit specimens. Submitting fraudulent blood samples for official testing is a violation.
- 161.4(h)—Failing to keep oneself currently informed on regulations pertaining to procedures applicable to disease control and eradication programs.
- 161.4(j)—Failing to ensure the security and proper use of official certificates, reports, tags, and similar items or documents issued to you. Allowing an unauthorized person such as an owner or a broker to issue official certificates is a violation.

An IES investigator may also cite a violation of 9 CFR 161.6(f), knowingly issuing or signing a false, incorrect, or mislabeled animal health or inspection certificate, blood sample, official brucellosis vaccination certificate, or official tuberculin test certificate.

Actions and Penalties

All pertinent case-file information is compiled by IES and evaluated by VS officials. The APHIS –VS Assistant Director determines the appropriate enforcement action for most cases involving violations of Veterinary Accreditation Program regulations. In cases involving alleged violations of 9 CFR 161.6(f), IES may recommend enforcement action, including civil penalties, and the Assistant Director makes the final decision regarding whether a proposed action is appropriate. USDA may carry out one or more of the following actions:

- Provide written notification when the accredited veterinarian has not complied with the Standards for Accredited Veterinarian Duties;
- Hold an informal conference; and/or
- Proceed with an administrative hearing before an administrative law judge. USDA will then determine the final disposition and penalties, if applicable, and may take one or more of the following actions:
    - Issue a written notice of information or warning;
    - Suspend or revoke veterinary accreditation; and/or

- Pursue civil or criminal penalties through the Office of the General Counsel and/or Department of Justice.

The AHPA does not allow for monetary penalties for most violations of the Veterinary Accreditation Program. However, if your actions involve interstate violations of livestock movement regulations, the categories in 9 CFR 161.6(f), or if your actions contribute to any violations of the AHPA other than veterinary accreditation, your case may be referred to the USDA Office of Inspector General, USDA Office of General Counsel, or the U.S. Department of Justice, and you may be assessed civil or criminal monetary penalties.

IES Contact Information

IES contributes to the overall APHIS mission to protect American agriculture by providing regulatory enforcement support. IES has investigators nationwide.

IES' headquarters office is located at:

USDA, APHIS, MRPBS, IES
4700 River Road, Unit 85
Riverdale, MD 20737–1234
(301) 851-2948

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