NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF ANIMAL INDUSTRY
10B AIRLINE DRIVE, ALBANY, NY 12235

MUNICIPAL SHELTER INSPECTION REPORT - DL-90

Rating: **Satisfactory91** Purpose: **Inspection**

DATE/TOA: **2/15/12 10:00 am**

NIAGARA CO SPCA
2100 LOCKPORT RD
NIAGARA FALLS NY 14304

Inspector #: **56**
Inspector #: **14**

These are the findings of an inspection of your facility on the date(s) indicated above:

1. Shelter is structurally sound	Yes
2. Housing area and equipment is sanitized regularly	Yes
3. Repairs are done when necessary	Yes
All repairs recommended on Shelter Inspection Report dated 1/6/12 have been made.	
4. Dogs are handled safely	Yes
5. Adequate space is available for all dogs	Yes
6. Light is sufficient for observation	Yes
7. Ventilation is adequate	Yes
8. Drainage is adequate	Yes
9. Temperature extremes are avoided	Yes
10. Clean food and water is available and in ample amount	Yes
11. Veterinary care is provided when necessary	Yes
Dr. William Gerber is providing services until the end of February. A veterinary technician on staff also provides services.	
12. Dogs are euthanized humanely, by authorized personnel	Yes
Certified Euthanasia Technician Ebony Griggs or the Gerber Small Animal Hospital is currently providing this service.	

13. Complete intake and disposition records are maintained for all seized dogs Yes

Section 113.4 of Article 7 of NYS Ag & Mkt Law requires dog control officers, peace officers when acting pursuant to their special duties or police officers to make and maintain a complete record of any seizure and subsequent disposition of any dog. The information shall include a description of the dog, the date and time of seizure, the reason for seizure, the official identification number of the dog if known, the location of the seizure, the reason for seizure, and the owner's name and address if known. A copy of this record should be provided to the shelter. The shelter should then provide disposition information to the municipality they are contracted with to provide shelter services. The dog is the responsibility of the municipality until it is redeemed by the owner, euthanized due to medical necessity prior to the end of the redemption period or transferred to the shelter after being held for the duration of the redemption period. Euthanasia conducted prior to the end of the redemption period must conform to the provisions of Section 374.1 of Article 26 of NYS Ag & Mkt Law which includes having a written report on file detailing the medical issues that warranted the action.

On file at the shelter are seizure reports filled out by the seizing officer, intake/disposition receipts and computer records. There are also reports on file for unidentified dogs turned in to the shelter by the public. These documents record redemption, adoption or euthanasia information. Reports from dogs redeemed by their owners have the official identification number of the dog recorded or a copy of the dog license issued by the municipality attached. The shelter requires owners to pay impoundment fees to municipal clerk offices. The owner shows proof of payment to the shelter in order to redeem their dog. However, a record of this payment is not always on file at the shelter. A copy of the receipt issued by the municipality to the owner upon payment should be on file at the shelter.

All written and computer generated records and receipts should be filed in such a manner as to allow for easy reference when complete information regarding the seizure and disposition of an animal needs to be examined.

14. Dogs transferred for purposes of adoption in compliance with Article 7 Yes

15. Redemption period is observed before adoption, euthanasia or transfer Yes

16. Owners of identified dogs are properly notified Yes

17. Redeemed dogs are licensed before release Yes

18. Proper impoundment fees paid before dogs are released Yes

19. Written contract or lease with municipality Yes

The Town of Cambria renewed their contract. The City of Niagara Falls is contracting with the shelter on a month by month basis.

Town - City - Village Information for Inspection:

TCV CODE	TCV NAME
2904	Town of Lockport
2913	City of Lockport
2905	Town of Newfane
2906	Town of Niagara
2908	Town of Porter
2901	Town of Cambria
2911	Town of Wheatfield
2915	City of North Tonawanda
2914	City of Niagara Falls
2907	Town of Pendleton

REMARKS:

A report issued due to an investigation of the shelter conducted by The SPCA Serving Erie County states that the Department of Agriculture explained to an SPCA evaluator that a "certified euthanasia or licensed veterinary technician in a rescue or shelter environment can perform euthanasia with approval of the agent without physically having a veterinarian in the building". A discussion of NYS Education and Veterinary Practice Law and NYS Public Health Law regarding euthanasia was conducted with Brittany Anderson, Licensed Veterinary Technician, because the statement in the report is incomplete. Per NYS Education Law, a veterinary technician must be working under the supervision of a veterinarian. A veterinary technician can be deemed to be under the veterinarian's supervision if that veterinarian dispenses euthanasia solution to them. Section 62.7b of Subpart 62 of NYS Veterinary Medicine regulations defines "supervision". Per Section 80.134(e)(i) of Title 10 of NYS Health Law, "registered agents of societies or facilities may dispense solution for the euthanasia of animals only to registered individuals certified by the department to administer such a solution; or to a licensed and properly registered veterinarian and only for on-premise use." Therefore, the veterinary technician must also be certified as a euthanasia technician in order to euthanize under the direction of the agent. The Office of the Professions at the NYS Education Department and the NYS Health Department should be consulted for clarification.

NY State Health Department regulations can be found at www.health.ny.gov/professionals/narcotic/facilities/animal_control.htm and www.health.ny.gov/regulations/controlled_substance/part/80/docs/80.pdf.

NY State Veterinary Practice Law and Guidelines can be found at www.op.nysed.gov/prof/vetmed/article135.htm and www.op.nysed.gov/prof/vetmed/vetpg1.htm.

REPRESENTATIVE PRESENT FOR INSPECTION: **Joann Stenman**
TITLE: **Bookkeeper**

REVIEWED BY: **Inspector #: 14**
REVIEWED DATE: **02/17/2012**