

Model Veterinary Practice Act

[Revisions recommended by Task Force on AVMA Model Veterinary Practice Act
Draft Only, June 9, 2011]

New material is shown in underline, stricken material is shown in ~~strikethrough~~

Renumbering, and formatting inconsistencies will be corrected upon approval of the final draft.
At that time the commentary will be reviewed for consistency with the new revisions.

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Preamble

This statute is enacted as an exercise of the powers of the ~~state~~State to ~~promote~~protect the ~~public~~ health, safety, and welfare ~~and protect of the public and animals~~ by ensuring the delivery of competent veterinary medical care. It is hereby declared that the practice of veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this Act.

Comment [A1]: Revisions are recommended throughout the document to provide more consistency in punctuation and achieve gender neutrality.

Section 1 – Title

This Act shall be known as the [name of ~~state~~State] Veterinary Practice Act. Except where otherwise indicated by context, in this ~~act~~Act the present tense includes the past and future

Comment [A2]: The commentary will reflect that “State” may include a territory of the U.S., District of Columbia, Puerto Rico or other jurisdiction.

tenses and the future tense includes the present, each gender includes both genders, and the singular includes the plural, and the plural the singular.

Section 2 – Definitions [will be renumbered upon final revisions]

~~“Abandoned” means to forsake entirely, to neglect or refuse to provide or perform legal obligations for the care and support of an animal, or to refuse to pay for treatment or other services without an assertion of good cause. Such abandonment shall constitute the relinquishment of all rights and claims by the client to such an animal.~~

- 1) “Accredited college of veterinary medicine” means any veterinary college, school, or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that is accredited by the Council on Education of the American Veterinary Medical Association (AVMA).
- 2) “Accredited program in veterinary technology” means any postsecondary educational program that is accredited by the Committee on Veterinary Technician Education and Activities of the AVMA.
- 3) “Animal” means any animal other than a human.
- 4) “Board” means the [State Board of Veterinary Medicine].
- 5) “Client” means the patient’s owner, owner’s agent, or other person responsible for the patient.
- 6) “Complementary, alternative, and integrative therapies” means a heterogeneous group of preventive, diagnostic, and therapeutic philosophies and practices, ~~which at the time they are performed may differ from current scientific knowledge, or whose theoretical basis and techniques may diverge from veterinary medicine routinely taught in accredited veterinary medical colleges, or both.~~ These therapies include, but are not limited to, veterinary acupuncture, acuthery, and acupressure; veterinary homeopathy; veterinary manual or manipulative therapy (ie, therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy); veterinary nutraceutical therapy; and veterinary phytotherapy.
- 7) “Consultation” means when a licensed veterinarian receives advice in person, telephonically, electronically, or by any other method of communication from a veterinarian licensed in this or any other state or other person whose expertise, in the opinion of the licensed veterinarian, would benefit a patient. ~~Under any circumstance, the responsibility for the welfare of the patient remains with the~~ licensed veterinarian receiving consultation maintains the veterinarian-client-patient relationship.

- 8) “Credentialed veterinary technician or technologist” means a veterinary technician or veterinary technologist who is ~~validly and~~ currently registered, certified, or licensed by the Board.
- 9) “Direct supervision” means a licensed veterinarian is readily available on the premises where the patient is being treated and has assumed responsibility for the veterinary care given to the patient by a person working under their direction~~is readily available on the premises where the patient is being treated.~~
- 10) ~~11)~~ “ECFVG® certificate” means the certificate issued by the Educational Commission for Foreign Veterinary Graduates® of the AVMA indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.
- 11) “Extralabel use” means actual use or intended use of a drug in an animal in a manner that is not in accordance with the approved labeling. This includes, but is not limited to, use in species not listed in the labeling, use for indications (disease or other conditions) not listed in the labeling, use at dosage levels, frequencies, or routes of administration other than those stated in the labeling, and deviation from the labeled withdrawal time based on these different uses.
- 12) “Impaired veterinarian” means a veterinarian who is unable to practice veterinary medicine with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination from a competent authority or written consent based on clinical evidence, including deterioration of mental capacity, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish the person’s ability to deliver competent patient care.
- 13) “Indirect supervision” means a licensed veterinarian need not be on the premises; has given either written or oral instructions for treatment of the patient; ~~and is is~~ readily available by telephone or other forms of communication; and has assumed responsibility for the veterinary care given to the patient by a person working under their direction.
- 14) “Owner consent” means the veterinarian has informed the client, in a manner that would be understood by a reasonable person, of the diagnostic and treatment options, risk assessment, and prognosis, and has provided the client with an estimate of the charges for veterinary services to be rendered and the client has consented to the recommended treatment.
- 15) “Licensed veterinarian” means a person who is ~~validly and~~ currently licensed to practice veterinary medicine in ~~theis~~ Sstate.
- 16) “Patient” means an animal or group of animals that is examined or treated by a veterinarian.
- 17) “Person” means any individual, firm, partnership (general, limited, or limited liability), association, joint venture, cooperative, corporation, limited liability company, or any

Comment [A3]: The commentary will include a statement that states are encouraged to standardize the terms describing technician credentialing.

other group or combination acting in concert; and whether or not acting as a principal, partner, member, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

189) ~~2~~ “Practice of veterinary medicine” means:

- a) To diagnose, prognose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions by any method or mode; including the:
 - i. ~~the performance of any medical or surgical procedure, or~~
 - ii. ~~the~~ prescription, dispensing, administration, or application of any drug, medicine, biologic, apparatus, anesthetic, or other therapeutic or diagnostic substance, or
 - iii. ~~the~~ use of complementary, alternative, and integrative therapies, or
 - iv. ~~the~~ use of any ~~manual or mechanical~~ procedure for reproductive management, including but not limited to the diagnosis or treatment of pregnancy, fertility, sterility, or infertility~~reproductive management~~, or
 - ~~iv.v.~~ determination of the health, fitness, or soundness of an animal, or
 - ~~v.vi.~~ ~~the~~ rendering of advice or recommendation by any means including telephonic and other electronic communications with regard to any of the above.
- b) To represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subsection ~~1918~~(a).
- c) To use any title, words, abbreviation, or letters in a manner or under circumstances that induce the belief that the person using them is qualified to do any act described in subsection ~~1918~~(a).

1920) “Practice of veterinary technology” means:

- a) To perform patient care or other services that require a technical understanding of veterinary medicine on the basis of written or oral instruction of a veterinarian, excluding diagnosing, prognosing, performing surgery, or prescribing ~~drugs, medicine, or appliances~~.
- b) To represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subsection ~~2019~~(a).
- c) To use any title, words, abbreviation, or letters in a manner or under circumstances that induce the belief that the person using them is qualified to do any act described in subsection ~~2019~~(a).

20) ~~20~~ “Veterinarian” means a person who has received a professional veterinary medical degree from a college of veterinary medicine.

21) ~~21~~ “Veterinarian-client-patient relationship” means that all of the following are required:

- a. The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the ~~patient~~animal and the need for medical treatment, and the client has agreed to follow the veterinarian’s instructions.

- b. The veterinarian has sufficient knowledge of the ~~patient~~~~animal~~ to initiate at least a general or preliminary diagnosis of the medical condition of the ~~patient~~~~animal~~. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the ~~patient~~~~animal~~ either by virtue of an examination of the ~~patient~~~~animal~~, or by medically appropriate and timely visits to the premises where the ~~patient~~~~animal~~ ~~are is~~ kept, or when the veterinarian has reviewed the medical records of such examinations or visits.
- c. The veterinarian is readily available for follow-up evaluation or the veterinarian has arranged for either of the following:
 - (i) emergency coverage;
 - (ii) continuing care and treatment by another veterinarian who has access to the medical records.
- d. The veterinarian maintains medical records on the ~~patient~~.

Comment [A4]: A note in the commentary will point out that the term "patient" includes a group of animals such as a herd or flock.

22) ~~22)~~ "Veterinary medicine" means all branches and specialties included within the practice of veterinary medicine.

23) "Veterinary premises" means any premises or facility where the practice of veterinary medicine ~~occurs performed~~, including but not limited to a mobile clinic, outpatient clinic, satellite clinic, or veterinary hospital or clinic, but shall not include the premises of a veterinary client, research facility, a federal military base, or an accredited college of veterinary medicine.

24) "Veterinary prescription drug" means a drug that may not be dispensed without the prescription of a veterinarian and that bears the label statement: "CAUTION: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

~~25) 25) "Veterinary specialist" means that a veterinarian has completed all of the requirements to become a Diplomate within an AVMA-recognized veterinary specialty organization. "Veterinarian specialist" means a veterinarian that has been awarded certification from an AVMA-recognized veterinary specialty organization.~~

25)

26) ~~26)~~ "Veterinary technician" means a graduate of a two- or three-year accredited program in veterinary technology.

27) "Veterinary technologist" means a graduate of a four-year accredited program in veterinary technology.

Section 3 – Board of Veterinary Medicine

1) A Board of Veterinary Medicine shall be appointed by the governor and shall consist of five licensed veterinarians, one credentialed veterinary technician or technologist, and one member of the public who is not a veterinarian or veterinary technician or technologist. All

persons appointed to the Board shall have been residents of the ~~e is s~~State for at least the ~~two-five~~ years immediately preceding appointment. Each member shall be appointed for a term of five years or until a successor is appointed, except that the terms of the first appointees may be for shorter periods to permit a staggering of terms. Members of the Board appointed under the chapter that this ~~A~~act replaces may continue as members of the Board until the expiration of the term for which they were appointed. Vacancies due to death, resignation, or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve more than two consecutive full terms.

- a) ~~a)~~—A licensed veterinarian shall be qualified to serve as a member of the Board if ~~he they has have~~ been licensed to practice veterinary medicine in the ~~e is s~~State for the five years immediately preceding the time of ~~his-their~~ appointment. A credentialed veterinary technician or technologist shall be qualified to serve as a member of the Board if ~~he-they has have~~ been credentialed in the ~~e is s~~State for the five years immediately preceding ~~his-their~~ appointment.
- b) ~~b)~~—Each member of the Board shall be paid for each day or substantial portion thereof if ~~he is they are~~ engaged in the work of the Board, in addition to such reimbursement for travel and other expenses as is normally allowed to state employees.
- c) ~~c)~~—Any member of the Board may be removed in accordance with the Administrative Procedures Act of the ~~e is s~~State or other applicable laws.

2) The Board shall meet at least once each year at the time and place fixed by rule of the Board. Other necessary meetings may be called by the Board by giving notice as may be required by rule. Except as may otherwise be provided, a majority of the Board constitutes a quorum. Meetings shall be open and public except that the Board may meet in closed session to prepare, approve, administer, or grade examinations; or to deliberate the qualification of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian or credentialed veterinary technician or technologist.

3) The Board shall annually elect officers from its membership as may be prescribed by rule. Officers of the Board serve for terms of 1 year and until a successor is elected, without limitation on the number of terms an officer may serve. The duties of officers shall be prescribed by rule.

4) The Board shall have the power to:

- a) ~~a)~~—Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provisions of this ~~a~~Act, including the establishment and publication of standards of practice and professional conduct for the practice of veterinary medicine or veterinary technology.
- b) ~~b)~~—Adopt, promulgate, and enforce rules and regulations relating to specific duties and responsibilities; certification, registration, or licensure; and other matters

pertaining to veterinary technicians, veterinary technologists, or nonlicensed persons consistent with the provisions of this ~~a~~Act.

c) ~~e~~—Initiate disciplinary procedures, hold hearings, reprimand, suspend, revoke, or refuse to issue or renew credentials, and perform any other acts that may be necessary to regulate veterinary technicians and technologists in a manner consistent with the provisions of this ~~a~~Act applicable to veterinarians.

~~d~~ ~~d~~—Examine by established protocol the qualifications and fitness of applicants for a license to practice veterinary medicine or veterinary technology in the ~~s~~State.

~~d~~~~e~~ ~~e~~—Issue, renew, or deny the licenses and temporary permits to practice veterinary medicine in ~~this the state~~State.

~~e~~~~f~~ ~~f~~—Limit, suspend, or revoke the licenses of disciplined veterinarians or otherwise discipline licensed veterinarians consistent with the provisions of the ~~a~~Act and the rules and regulations adopted thereunder.

~~f~~~~g~~ ~~g~~—Establish and publish annually a schedule of fees for licensing, certification, and registration.

~~h~~ ~~h~~—Conduct investigations of suspected violations of this ~~a~~Act to determine whether there are sufficient grounds to initiate disciplinary proceedings. All investigations shall be conducted in accordance with the Administrative Procedures Act of the ~~e~~~~s~~State or other applicable laws.

~~g~~~~i~~ ~~i~~—Inspect veterinary premises and equipment, including practice vehicles, at any time in accordance with protocols established by rule.

~~h~~~~j~~ ~~j~~—Hold hearings on all matters properly brought before the Board and in connection thereto to administer oaths, receive evidence, make necessary determinations, and enter orders consistent with the findings. The Board may commission depositions, require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence, ~~and commission depositions~~. The Board may designate one or more of its members to serve as its hearing officer or may employ a hearing officer defined by state law. All hearings shall be conducted in accordance with the Administrative Procedures Act of ~~this the~~ State or other applicable laws.

~~h~~~~k~~ ~~k~~—Employ full or part-time personnel necessary to effectuate the provisions of this ~~a~~Act and purchase or rent necessary office space, equipment, and supplies.

~~l~~ ~~l~~—Appoint from its own membership one or more members to act as representatives of the Board at any meeting within or outside the ~~s~~State where such representation is is deemed desirable.

j)m) ~~m)~~ —Bring proceedings in the courts against any person for the enforcement of this ~~a~~Act or any regulations made pursuant thereto.

5) The powers enumerated above are granted for the purpose of enabling the Board to effectively supervise the practice of veterinary medicine and veterinary technology and are to be construed liberally to accomplish this objective.

Section 4 – License Requirement

No person may practice veterinary medicine or veterinary technology in the ~~state~~State who is not a licensed veterinarian or the holder of a valid temporary permit issued by the Board or a credentialed veterinary technician unless otherwise exempt pursuant to Section 6 of this ~~aet~~Act.

Section 5 – Veterinarian-Client-Patient Relationship Requirement

- 1) No person may practice veterinary medicine in the ~~S~~state except within the context of a veterinarian-client-patient relationship.
- 2) A veterinarian-client-patient relationship cannot be established solely by telephonic or other electronic means.

Section 6 – Exemptions

This ~~aet~~Act shall not be construed to prohibit:

1. Any employee of the federal, state, or local government, ~~_~~ performing their his official duties.
2. Any ~~student~~person who is enrolled:
 - a. ~~student~~ in an accredited college of veterinary medicine or an accredited program in veterinary technology performing duties or actions assigned by instructors or working under the direct supervision of a licensed veterinarian, or
 - b. in an accredited program of veterinary technology performing duties or actions other than diagnosis, prognosis, prescription, or surgery, as assigned by instructors or working under the direct supervision of a licensed veterinarian
3. Any person advising with respect to or performing acts that the Board has designated by rule as accepted livestock management practices.
4. Any person providing consultation to a licensed veterinarian in ~~this the state~~State on the care and management of a patient.
5. Any ~~member in good standing of another~~ licensed individual of a licensed or regulated profession within any the stateState; ~~who is or any member of an organization or group~~

~~approved by the Board within the rules and regulations,~~ providing assistance requested by a veterinarian licensed in the ~~state~~State, acting with owner consent from the client, and acting under the ~~direct or indirect~~supervision ~~and control~~ of the licensed veterinarian. ~~Providing assistance involves hands-on active participation in the treatment and care of the patient.~~ The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship.

6. Any veterinarian employed by an accredited college of veterinary medicine providing assistance requested by a veterinarian licensed in the ~~state~~State, acting with owner consent from the client, and acting under the ~~direct or indirect~~supervision ~~and control~~ of the licensed veterinarian. ~~Providing assistance involves hands-on active participation in the treatment and care of the patient.~~ The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship.

7. Any pharmacist, merchant, or manufacturer selling at ~~his~~their regular place of business medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases as permitted by law.

8. Any person lawfully engaged in the art or profession of ~~horseshoeing~~farriery.

~~9. Any person rendering advice without expectation of compensation.~~

~~10.9. Subject to the State's [animal cruelty law(s)]. Any an~~ owner of an animal and any of the owner's regular employees caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for purposes of circumventing this ~~A~~act. ~~Notwithstanding the provisions of this subsection 10, a veterinarian-client-patient relationship must exist when prescription drugs or nonprescription drugs intended for extralabel use are administered, dispensed, or prescribed. Individuals must comply with all laws, rules and regulations relative to the use of medicines and biologics.~~

~~11.10.~~ Any person who provides ~~appropriate~~ training for animals that does not include diagnosing or the prescribing or dispensing of any therapeutic agent.

~~12.11.~~ Any instructor at an accredited college of veterinary medicine or accredited program in veterinary technology performing ~~his~~their regular functions or any person lecturing or giving instructions or demonstrations at an accredited college of veterinary medicine or accredited program in veterinary technology or in connection with a veterinary or veterinary technology continuing education course or seminar.

~~13.12.~~ Any person selling or applying pesticides, insecticides, or herbicides as permitted by law.

Comment [A5]: The commentary will note that this provision does not preclude a State from adopting oversight requirements applicable to such licensed professionals, such as referral by a veterinarian, obtaining a veterinarian's medical clearance prior to treatment, certification by an approved entity, continuing education relating to working on animals, and liability coverage.

~~14.13.~~ Any person engaging in legally conducted bona fide scientific research ~~that reasonably requires experimentation~~ involving animals.

~~15.14.~~ Any credentialed veterinary technician, veterinary technologist, or other employee of a licensed veterinarian performing lawful duties ~~other than diagnosis, prognosis, prescription, or surgery~~ under the direction and supervision of such veterinarian who shall be responsible for the performance of the employee.

15. A veterinarian licensed or a veterinary technician credentialed in another state may practice in the State during an emergency or natural disaster without written examination or other qualification if:

- (1) an official declaration of the disaster or emergency has been declared by an authorized State official; or
- (2) an invitation has been extended to the veterinarian or veterinary technician by an authorized official entity. Such entities shall include the state veterinarian, local or state police department, or other state or local agency charged with managing or overseeing operations during official emergencies or disasters. Any graduate of a nonaccredited college of veterinary medicine who is in the process of obtaining an ECFVG@ certificate and is performing duties or actions assigned by instructors in an accredited college of veterinary medicine.

16. Any person who, without expectation of compensation, provides ~~emergency-immediate~~ veterinary care in the event of an emergency or ~~disaster-accident~~ situation.

17. Any person acting under the supervision of a licensed veterinarian to provide care in an animal shelter when at least the following three conditions are met:

- 1) the person is an employee of an animal shelter or its agencies,
- 2) the person is performing these tasks in compliance with a written protocol developed in consultation with a licensed veterinarian, and
- 3) the person has received proper training.

~~Such persons shall not diagnose, prescribe or perform surgery. Any animal shelter employee acting under the supervision of a licensed veterinarian or authorized by the Board to perform euthanasia in the course and scope of employment.~~

~~17.18.~~ Any person who lawfully provides care and rehabilitation of wildlife species under the supervision of a licensed veterinarian.

Comment [A6]: A new statement will be added in the commentary that this definition is not intended to allow for diagnosing, prognosing, prescribing or performing surgery.

Comment [A7]: The commentary will note that this exemption allows a shelter employee to perform tasks under supervision of a licensed veterinarian such as vaccinations, prophylactic treatment of parasites, testing for infectious diseases and humane euthanasia.

Section 7 – Veterinary Technicians and Technologists

- 1) No person may practice veterinary technology in the Sstate who is not a veterinary technician or technologist credentialed by the Board.
- 2) A veterinary technician or technologist who performs veterinary technology contrary to this Aact shall be subject to disciplinary actions in a manner consistent with the provisions of this Aact applicable to veterinarians.

- 3) Credentialed veterinary technicians and technologists shall be required to complete continuing education as prescribed by rule to renew their credentials.

Comment [A8]: If credentialing of unlicensed assistants and certified non-veterinarian practitioners continues to increase and evolve in the future, the AVMA may need to study how the Act should treat the use and activities of these non-licensed individuals.

Section 8 – Status of Persons Previously Licensed

Any person who holds a valid license to practice veterinary medicine or is credentialed as a veterinary technician in ~~the~~ Sstate on the date this Aact becomes effective shall be recognized as a licensed veterinarian or a credentialed veterinary technician and shall be entitled to retain this status so long as ~~they~~ he complies with the provisions of this Aact, including periodic renewal of the license.

Section 9 – Application for License: Qualifications

- 1) Any person desiring a license to practice veterinary medicine in ~~this the~~ sState shall make written application to the Board. The application shall show that the applicant is a graduate of an accredited college of veterinary medicine or the holder of an ECFVG® certificate and has passed the examination prepared by the National Board of Veterinary Examiners. The application shall also show that the applicant is a person of good moral character and provide such other information and proof as the Board may require by rule. The application shall be accompanied by a fee in the amount established and published by the Board.
- 2) Any person desiring to become a credentialed veterinary technician in the State shall make written application to the Board. The application shall show that the applicant is a graduate of an accredited program of veterinary technology and has passed the Veterinary Technician National Examination. The application shall also show that the applicant is a person of good moral character and provide such other information and proof as the Board may require by rule. The application shall be accompanied by a fee in the amount established and published by the Board.
- 3) If the Board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next State examination, or if the applicant is eligible for license by endorsement under Section 11 of this Aact, the Board may forthwith grant ~~them~~ him a license. If an applicant is found not qualified to take the examination or for a license by endorsement under Section 11 of this Act, the Board shall notify the applicant in writing within 30 days of such finding and the grounds therefore. An applicant found unqualified may request a hearing on the questions of ~~their~~ his qualifications under the procedure set forth in Section 16.

Section 10 – Examinations

- 1) The Board shall provide for at least one examination for licensing, certification, or registration during each calendar year and may provide for such additional examinations as are necessary. The Board shall give public notice of the time and

place for each examination at least 120 days in advance of the date set for the examination or in compliance with state law. A person desiring to take an examination shall make application at least 60 days before the date of the examination.

- 2) ~~2) — The preparations, administration, and grading of examinations shall be governed by rules prescribed by the Board. Examinations for veterinary licensure shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques pertaining to the practice of veterinary medicine commonly taught in an accredited college of veterinary medicine. The passing score for the examination shall be established by the testing entity. The Board may adopt and use the results of the examinations prepared by the National Board of Veterinary Medical Examiners.~~
- 3) After examination, each examinee shall be notified of the result of the examination, and the Board shall issue a certificate of registration to the ~~new successful licensees~~candidates. Any person who fails an examination may be admitted to any subsequent examination on payment of the application fee.

Section 11 – License By Endorsement

1. ~~The Board, in its sole discretion, may issue a license by endorsement to a qualified applicant who furnishes satisfactory proof that he is a graduate of an accredited college of veterinary medicine or holds an ECFVG® certificate. The applicant must also show that he is a person of good moral character, and:~~
 - a. has submitted a complete application
 - b. holds a license issued by another state and is in good standing
 - c. has successfully passed an examination covering the laws and rules pertaining to the practice of veterinary medicine in the State and,
 - d. has actively practiced clinical veterinary medicine for 3,000 hours during the 5 years preceding application, is licensed in another state, and is a member in good standing
2. The Board, in its sole discretion, may issue certification, registration, or license by endorsement to a qualified applicant who:
 - a. furnishes satisfactory proof that they are a graduate of an accredited program of veterinary technology,
 - b. shows that they are a person of good moral character,
 - c. are currently credentialed as a veterinary technician in at least one state of the United States and,
 - d. has practiced veterinary technology in one or more of those states without disciplinary action by any state or federal agency for at least the three years immediately prior to filing the application.
3. At its sole discretion, the Board may examine any person qualifying for licensing under this Section.

- a) ~~is currently licensed to practice veterinary medicine in at least one state, territory, or district of the United States and has practiced veterinary medicine in one or more of those states without disciplinary action by any state or federal agency for at least the three years immediately prior to filing the application, or~~
- b) ~~has within the three years immediately prior to filing the application passed the licensing examination prepared by the National Board of Veterinary Medical Examiners.~~
- 2) ~~The Board may, in its sole discretion, issue a limited license by endorsement to a qualified applicant who furnishes satisfactory proof that he currently holds a license to practice in at least one state, is an active diplomate in an AVMA recognized veterinary specialty organization, and will limit his practice to his certified specialty.~~

Section 12 – Temporary Permit

The Board, in its sole discretion, may issue a temporary permit to practice veterinary medicine in ~~this state~~the State:

- 1) To a qualified applicant for license pending examination, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued and provided that the grantee is under indirect supervision of a licensed veterinarian. No temporary permit may be issued to any applicant who has previously failed the examination in ~~this state~~the State or in any other state, territory, or district of the United States or a foreign country.
- 2) To a nonresident veterinarian who is a graduate of an accredited college of veterinary medicine or an ECFVG® certificate holder validly licensed in another state, territory, or district of the United States or a foreign country who pays the fee established and published by the Board, provided that such temporary permit shall be issued for a period of no more than 60 consecutive days and that no more than one permit shall be issued to a person during a calendar year.

A temporary permit may be summarily revoked or limited by the Board without a hearing.

Section 13 – License Renewal

- 1) All licenses shall expire periodically but may be renewed by registration with the Board and payment of the registration renewal fee established and published by the Board. At least 30 days in advance, the Board shall ~~mail a notice to provide written or electronic notification to~~ each licensed veterinarian that ~~his~~their license will expire and provide ~~him~~them with a form for reregistration. The Board shall issue a new certificate of registration to all persons registering under this ~~act~~Act.
- 2) The Board shall establish the continuing education requirements that must be met for license renewal. The Board shall also define the types of continuing education that will meet its requirements.

3) Any person who shall practice veterinary medicine after the expiration of ~~his~~their license and willfully or by neglect fail to renew such license shall be practicing in violation of this ~~a~~Act. ~~Any person may renew an expired license within 5 years of the date of its expiration by making written application for renewal, paying the current renewal fee plus all delinquent renewal fees, and complying with current continuing education requirements. Licenses may be reinstated up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants, except that the Board may, giving due consideration to the protection of the public, waive examination if that renewal application is received, together with the late fee, renewal fee, and additional late fees as may apply, within 3 years from the date of the expiration, and providing the applicant has complied with the continuing education requirements.~~

4) The Board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when ~~he is~~they are on active duty with any branch of the armed services of the United States.

Section 14 – Discipline of Licensees

Upon written complaint sworn ~~to~~by any person, the Board, in its sole discretion, may, after a hearing, revoke, suspend, or limit for a certain time the license of, or otherwise discipline, any licensee (for the purpose this Section, “licensee” means a licensed veterinarian or credentialed veterinary technician) ~~and veterinarian~~ for any of the following reasons:

~~19)1)~~ Violations of any order of the Board.

~~16)2)~~ Unprofessional conduct as defined in regulations adopted by the Board.

~~20)3)~~ Violations of this ~~a~~Act or of the rules promulgated under this ~~a~~Act.

~~3)4)~~ The use of advertising or solicitation that is false or misleading.

~~10)5)~~ Failure to keep accurate and comprehensive patient records as set by rules promulgated by the Board.

~~12)6)~~ Failure to keep veterinary premises and equipment, including practice vehicles, in a clean and sanitary conditions as set by rules promulgated by the Board.

~~13)7)~~ Failure to permit the Board or its agents to enter and inspect veterinary premises and equipment, including practice vehicles, as set by rules promulgated by the Board.

~~1)8)~~ ~~The employment of f~~raud, misrepresentation, or deception in obtaining a license.

~~7)9)~~ Aiding the unlawful practice of veterinary medicine or veterinary technology.

~~2)10~~ The inability to practice ~~veterinary medicine~~ with reasonable skill and safety because of a physical or mental disability, including deterioration of mental capacity, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish the person's ability to deliver competent patient care.

~~6)11~~ Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine or veterinary technology.

~~14)12~~ Revocation, suspension, or limitation of a license to practice ~~veterinary medicine~~ by another state, ~~territory, or district of the United States~~ on grounds other than nonpayment of registration fee.

~~15)13~~ Loss or suspension of accreditation by any federal or state agency on grounds other than nonpayment of registration fees or voluntary relinquishment of accreditation.

~~8)14~~ Fraud or dishonesty in the application or reporting of any test for disease in animals.

~~9)15~~ Failure to report, as required by law, or making false or misleading report of, any contagious or infectious disease.

~~11)16~~ Dishonesty or gross negligence in the performance of food safety inspections or the issuance of any ~~health or inspection~~ Certificates of Veterinary Inspection.

17) The dispensing, distribution, prescription, or administration of any veterinary prescription drug, or the extralabel use of any drug in the absence of a veterinarian-client-patient relationship.

18) Violations of state or federal drug laws.

~~4)19~~ Conviction or entering of a diversion agreement relative to ~~of~~ the following in any federal court or in the courts of ~~the s~~ State or any other jurisdiction, regardless of whether the sentence is deferred:

a) Any felony.

b) Any crime involving cruelty, abuse, or neglect of animals, including bestiality.

c) Any crime of moral turpitude including, but not limited to, any crime involving unlawful sexual contact; child abuse; the use or threatened use of a weapon; the infliction of injury; indecent exposure; perjury, false reporting, criminal impersonation, forgery, and any other crime involving a lack of truthfulness, veracity, or honesty; intimidation of a victim or witness; larceny; or alcohol or drugs.

~~5)20~~ For the purposes of subsection ~~419~~, a plea of guilty or a plea of nolo contendere accepted by the court shall be considered as a conviction.

Section 15 – Impaired Veterinarian and Veterinary Technician

1) The Board shall establish by rule a program of care, counseling, or treatment for impaired veterinarians and veterinary technicians.

2) The program of care, counseling, or treatment shall include a written schedule of organized treatment, care, counseling, activities, or education satisfactory to the Board, designed for the purposes of restoring an impaired person to a condition whereby the impaired person can practice veterinary medicine or veterinary technology with reasonable skill and safety of a sufficient degree to deliver competent patient care.

3) All persons authorized to practice by the Board shall report in good faith any veterinarian or veterinary technician they reasonably believe to be impaired as defined in Section 2, subsection ~~43~~12.

Section 16 – Hearing Procedure

All hearings shall be in accordance with the Administrative Procedures Act of ~~this state~~the State or other applicable ~~state~~State law.

Section 17 – Appeal

All appeals shall be in accordance with the Administrative Procedures Act of ~~this state~~the State or other applicable ~~state~~State law.

Section 18 – Reinstatement

Any person whose license is suspended, revoked, or limited may be reinstated at any time, with or without an examination, by approval of the Board after written application is made to the Board showing cause justifying relicensing or reinstatement.

Section 19 - Veterinarian-Client Confidentiality

1) No licensed veterinarian shall disclose any information concerning the licensed veterinarian's care of a patient except on written or electronic authorization or ~~by~~ waiver by the licensed veterinarian's client or ~~an~~ appropriate court order or ~~by~~ subpoena, or as otherwise provided in this Section.

2) Copies of or information from veterinary records shall be provided without the owner's consent to the Board or public health, animal health, animal welfare, wildlife, or agriculture authorities; employed by federal, state, or local governmental agencies who have a legal or regulatory interest in the contents of said records for the protection of animal ~~or~~and public health.

- 3) Any licensed veterinarian releasing information under written or electronic authorization or other waiver by the client or under an appropriate court order or, by subpoena, or as otherwise provided by this Section, shall not be liable to the client or any other person.
- 4) The privilege provided by this Section shall be waived to the extent that the licensed veterinarian's client or the owner of the patient places the licensed veterinarian's care and treatment of the patient or the nature and extent of injuries to the animal at issue in any administrative, civil or criminal proceeding.
- 5) This Section shall not prevent a licensed veterinarian from disclosing identifiable client and patient information to a third party so that the third party can use the information to provide services for or perform functions on behalf of the licensed veterinarian, provided that a written agreement is in place requiring the third party to maintain the confidentiality of such information.
- 6) For purposes of this Section, "appropriate court order or subpoena" means for information or veterinary records specifically exempted or deemed waived as provided in this Section.
- 7) For purposes of this Section, "client" means client at the time services were rendered by the licensed veterinarian.

Section 20 – Immunity from Liability

Any member of the Board, any witness testifying in a proceeding or hearing authorized under this Aact, any person who lodges a complaint pursuant to this Aact, and any person reporting an impaired veterinarian shall be immune from liability in any civil or criminal action brought against themhim for any action occurring while he was acting in theirhis capacity as a Board member, witness, complainant, or reporting party, if such person was acting in good faith within the scope of theirhis respective capacity.

Section 21 - Cruelty to Animals – Immunity for Reporting

Any veterinarian or veterinary technician licensed or credentialed in the is-Sstate who reports, in good faith and in the normal course of business, a suspected incident of animal cruelty, as described by law, to the proper authorities shall be immune from liability in any civil or criminal action brought against such veterinarian or veterinary technician for reporting such incident.

Section 22 – Abandoned Animal

- 1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care, which is not retrieved unclaimed by the client withinfor more than ten calendar days after written notice is sent by certified mail, registered mail, postage pre-

~~paid~~ return receipt requested, or ~~courier~~~~US priority mail, confirmation of receipt, is sent~~ to the client at the client's last known address shall be deemed to be abandoned. Such abandoned animal may be turned over to ~~a the nearest~~ humane society or animal shelter, ~~adopted, or~~ otherwise disposed of, or destroyed by the licensed veterinarian in a humane manner.

- 2) If notice is sent pursuant to subsection 1 of this Section, the licensed veterinarian responsible for such abandoned animal is relieved of any further liability for disposal. If a licensed veterinarian follows the procedures of this Section, the veterinarian shall not be subject to disciplinary action under Section 14 of this Act, unless such licensed veterinarian fails to provide the proper notification to the client.
- 3) The disposal of an abandoned animal shall not relieve the client of any financial obligation incurred for treatment, boarding, or other care provided by the licensed veterinarian.

Section 23 – Enforcement

- 1) Any person who practices veterinary medicine or veterinary technology without a valid license, ~~or~~ temporary permit, or credential issued by the Board shall be guilty of a criminal offense and upon conviction for each violation shall be fined [an appropriate amount of money according to the Board or the laws of the Sstate] or imprisoned [an appropriate amount of time according to the Board or the laws of the Sstate], provided that each act of such unlawful practice shall constitute a distinct and separate offense.
- 2) Any person not licensed or credentialed under this Aact is considered to have violated this Aact and may be subject to all the penalties provided for such violations if that person~~he~~:
 - a) Performs any of the functions described as the practice of veterinary medicine or veterinary technology as defined in this Aact, or
 - b) Represents, directly or indirectly, publicly or privately, an ability and willingness to perform any of the functions described as the practice of veterinary medicine or veterinary technology as defined in this Aact, or
 - c) Uses any title, words, abbreviation, or letters in a manner or under circumstances that induces the belief that the person using them is qualified to perform any of the functions described as the practice of veterinary medicine or veterinary technology as defined in this Aact.
- 3) The Board may bring an action to enjoin any person from practicing veterinary medicine or veterinary technology without a currently valid license, ~~or~~ temporary permit, or credential issued by the Board. If the court finds that the person is violating or is threatening to violate this Aact, it shall enter an injunction restraining ~~them~~him from such unlawful acts.

- 4) Notwithstanding other provisions of this ~~A~~act, the Board may take immediate action if there is an imminent threat to the health, safety, or welfare of the public. The Board shall find that this action is necessary for the protection of the public and necessary to effectively enforce this ~~A~~act. If the Board takes immediate action pursuant to this subsection 4, efforts shall be made as soon as possible to proceed in accordance with a hearing pursuant to Section 16 of this ~~A~~act.
- 5) In addition to any other penalty or remedy provided by law, the Board shall have the authority to implement a system of Cite and Fine procedures for licensed and non-licensed persons who violate the ~~S~~state ~~V~~veterinary ~~P~~practice ~~A~~act. The Board may also impose a civil penalty, upon conviction, for each separate violation. This civil penalty shall be in an amount not to exceed [dollar amount] for each violation and shall be assessed by the Board in accordance with the provisions set forth in Section 16 of this ~~A~~act.
- 6) The success or failure of an action based on any one of the remedies set forth in this Section shall in no way prejudice the prosecution of an action based on any other of the remedies.

Section 24 – Severability

If any part of this ~~A~~act is held invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid part remain in effect.

Section 25 – Effective Date

This ~~A~~act shall become effective on ~~—~~ 1st 20 —. This ~~A~~act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.