

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3202

By: Armes

4
5 AS INTRODUCED

6 An Act relating to professions and occupations;
7 amending 59 O.S. 2001, Sections 698.2, as amended by
8 Section 1, Chapter 172, O.S.L. 2002, and 698.12, as
9 last amended by Section 1, Chapter 172, O.S.L. 2005
10 (59 O.S. Supp. 2009, Sections 698.2 and 698.12),
11 which relate to the Oklahoma Veterinary Practice Act;
12 adding definitions for animal husbandry and teeth
13 floating; adding procedures not to be prohibited by
14 the act; prohibiting certain acts; exempting certain
15 persons from prohibition; providing for codification;
16 providing an effective date; and declaring an
17 emergency.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 59 O.S. 2001, Section 698.2, as
20 amended by Section 1, Chapter 172, O.S.L. 2002 (59 O.S. Supp. 2009,
21 Section 698.2), is amended to read as follows:

22 Section 698.2 As used in the Oklahoma Veterinary Practice Act:

23 1. "Board" means the State Board of Veterinary Medical
24 Examiners;

1 2. "Animal" means any animal other than humans and includes,
2 but is not limited to, fowl, fish, birds and reptiles, wild or
3 domestic, living or dead;

4 3. "Veterinarian" means a person who has received a degree in
5 veterinary medicine or its equivalent from a school of veterinary
6 medicine;

7 4. "Licensed veterinarian" means any veterinarian who holds an
8 active license to practice veterinary medicine in this state;

9 5. "School of veterinary medicine" means any veterinary college
10 or division of a university or college that offers the degree of
11 doctor of veterinary medicine or its equivalent, which conforms to
12 the standards required for accreditation by the American Veterinary
13 Medical Association (AVMA) and which is recognized and approved by
14 the Board;

15 6. "Veterinary technician" means a person who has graduated
16 from a program accredited by the American Veterinary Medical
17 Association, or its equivalent which is recognized and approved by
18 the Board, and who has passed the examination requirements set forth
19 by the Board, is certified to practice under the direct supervision
20 of a licensed veterinarian. For the purpose of the Oklahoma
21 Veterinary Practice Act, "registered veterinary technician (RVT)"
22 will be used interchangeably with veterinary technician who is
23 certified pursuant to Sections 698.21 through 698.26 of this title;

1 7. "Veterinary technologist" means a person who has
2 successfully graduated from an AVMA-accredited bachelor degree
3 program of veterinary technology, or its AVMA equivalent;

4 8. "Veterinary assistant" means an individual who may perform
5 the duties of a veterinary technician or veterinary technologist,
6 however, has not graduated from an AVMA-accredited technology
7 program or its equivalent, and has not been certified by the Board;

8 9. "Veterinary technology" means the science and art of
9 providing all aspects of professional medical care, services, and
10 treatment for animals with the exception of diagnosis, prognosis,
11 surgery, and prescription of any treatments, drugs, medications, or
12 appliances, where a valid veterinarian-client-patient relationship
13 exists;

14 10. "Direct supervision" means:

- 15 a. directions have been given to a veterinary technician,
16 nurse, laboratory technician, intern, veterinary
17 assistant or other employee for medical care following
18 the examination of an animal by the licensed
19 veterinarian responsible for the professional care of
20 the animal, or
21 b. that, under certain circumstances following the
22 examination of an animal by a licensed veterinarian
23 responsible for the professional care of the animal,
24 the presence of the licensed veterinarian on the

1 premises in an animal hospital setting or in the same
2 general area in a range setting is required after
3 directions have been given to a veterinarian who has a
4 certificate issued pursuant to Section 698.8 of this
5 title;

6 11. "License" means authorization to practice veterinary
7 medicine granted by the Board to an individual found by the Board to
8 meet certain requirements pursuant to the Oklahoma Veterinary
9 Practice Act or any other applicable statutes;

10 12. "Supervised Doctor of Veterinary Medicine Certificate"
11 means authorization to practice veterinary medicine with certain
12 limitations or restrictions on that practice, set by the Board or
13 authorization to perform certain enumerated functions peripheral to
14 the practice of veterinary medicine as set by the Board and has a
15 certificate issued pursuant to Section 698.8 of this title;

16 13. "Veterinarian-client-patient relationship" means when:

- 17 a. the licensed veterinarian has assumed the
18 responsibility for making medical judgments regarding
19 the health of an animal or animals and the need for
20 medical treatment, and the client, owner or other
21 caretaker has agreed to follow the instructions of the
22 licensed veterinarian; and
- 23 b. there is sufficient knowledge of the animal or animals
24 by the licensed veterinarian to initiate at least a

1 general or preliminary diagnosis of the medical
2 condition of the animal or animals in that:

3 (1) the licensed veterinarian has recently seen or is
4 personally acquainted with the keeping and care
5 of the animal or animals, or

6 (2) by medically necessary and timely visits to the
7 premises where the animal or animals are kept or
8 both, and

9 c. the licensed veterinarian is readily available for
10 follow-up in case of adverse reactions or failure of
11 the regimen of therapy, or has arranged for emergency
12 medical coverage, and

13 d. would conform to applicable federal law and
14 regulations;

15 14. "Veterinary premises" means any facility where the practice
16 of veterinary medicine occurs, including, but not limited to, a
17 mobile unit, mobile clinic, outpatient clinic, satellite clinic,
18 public service outreach of a veterinary facility, or veterinary
19 hospital or clinic. The term "veterinary premises" shall not
20 include the premises of a client of a licensed veterinarian or
21 research facility;

22 15. "Veterinary prescription drugs" means such prescription
23 items as are in the possession of a person regularly and lawfully
24 engaged in the manufacture, transportation, storage, or wholesale or

1 retail distribution of veterinary drugs and the federal Food and
2 Drug Administration-approved human drugs for animals which because
3 of their toxicity or other potential for harmful effects, or method
4 of use, or the collateral measures necessary for use, are labeled by
5 the manufacturer or distributor in compliance with federal law and
6 regulations to be sold only to or on the prescription order or under
7 the supervision of a licensed veterinarian for use in the course of
8 professional practice. Veterinary prescription drugs shall not
9 include over-the-counter products for which adequate directions for
10 lay use can be written.

11 16. "ECFVG certificate" means a certificate issued by the
12 American Veterinary Medical Association Education Commission for
13 Foreign Veterinary Graduates, indicating that the holder has
14 demonstrated knowledge and skill equivalent to that possessed by a
15 graduate of an accredited or approved college of veterinary
16 medicine;

17 17. "Executive Director" means the Executive Director of the
18 State Board of Veterinary Medical Examiners or the authorized
19 representative of such official;

20 18. "Telemedicine" shall mean the transmission of diagnostic
21 images such as, but not limited to, radiographs, ultrasound,
22 cytology, endoscopy, photographs and case information over ordinary
23 or cellular phone lines to a licensed veterinarian or board-
24 certified medical specialist for the purpose of consulting regarding

1 case management with the primary care licensed veterinarian who
2 transmits the cases;

3 19. "Person" means any individual, firm, partnership,
4 association, joint venture, cooperative, corporation, or any other
5 group or combination acting in concert, and whether or not acting as
6 a principal, trustee, fiduciary, receiver, or as any other kind of
7 legal or personal representative, or as the successor in interest,
8 assignee, agent, factor, servant, employee, director, officer,
9 fictitious name certificate, or any other representative of such
10 person;

11 20. "Food animal" means any mammalian, poultry, fowl, fish, or
12 other animal that is raised primarily for human food consumption;

13 21. "Surgery" means the branch of veterinary science conducted
14 under elective or emergency circumstances, which treats diseases,
15 injuries and deformities by manual or operative methods including,
16 but not limited to, cosmetic, reconstructive, ophthalmic,
17 orthopedic, vascular, thoracic, and obstetric procedures. The
18 provisions in Section 698.12 of this title shall not be construed as
19 surgery;

20 22. "Abandonment" means to forsake entirely or to neglect or
21 refuse to provide or perform the legal obligations for care and
22 support of an animal by its owner, or the owner's agent.
23 Abandonment shall constitute the relinquishment of all rights and
24 claims by the owner to an animal;

1 23. "Animal chiropractic diagnosis and treatment" means
2 treatment that includes vertebral subluxation complex (vcs) and
3 spinal manipulation of nonhuman vertebrates. The term "animal
4 chiropractic diagnosis and treatment" shall not be construed to
5 allow the:

- 6 a. use of x-rays,
- 7 b. performing of surgery,
- 8 c. dispensing or administering of medications, or
- 9 d. performance of traditional veterinary care; and

10 24. "Animal euthanasia technician" means an employee of a law
11 enforcement agency, an animal control agency, or animal shelter that
12 is recognized and approved by the Board, who is certified by the
13 Board and trained to administer sodium pentobarbital to euthanize
14 injured, sick, homeless or unwanted domestic pets and other animals;

15 25. "Animal husbandry" means the branch of agriculture and
16 animal science concerned with the care, breeding and management of
17 bovine, caprine, equine, porcine, poultry and other farm animals;
18 and

19 26. "Teeth floating" means the removal of enamel points and the
20 smoothing, contouring and leveling of dental arcades and incisors,
21 and the extraction of molars and deciduous and vestigial teeth of
22 bovine, equine, porcine and other farm animals. It does not include
23 dental procedures on canines and felines.

1 SECTION 2. AMENDATORY 59 O.S. 2001, Section 698.12, as
2 last amended by Section 1, Chapter 172, O.S.L. 2005 (59 O.S. Supp.
3 2009, Section 698.12), is amended to read as follows:

4 Section 698.12 A. The Oklahoma Veterinary Practice Act shall
5 not be construed to prohibit:

6 1. Acts of animal husbandry including dehorning, branding,
7 tagging or notching ears, teeth floating, farriery, pregnancy
8 checking, collecting semen, preparing semen, freezing semen,
9 castrating, worming, vaccinating, injecting or artificial
10 insemination of farm animals; or the acts or conduct of a person
11 advising with respect to nutrition, feeds or feeding;

12 2. The owner of an animal or the owner's employees or helpers
13 from caring for or treating animals belonging to the owner; provided
14 that, the acts of the owner's employees or helpers otherwise
15 prohibited by the Oklahoma Veterinary Practice Act are only an
16 incidental part of the employment duties and for which no special
17 compensation is made;

18 3. Acts of a person in lawful possession of an animal for some
19 other purpose than practicing veterinary medicine; provided that, no
20 charge may be made or included in any other charge or fee or
21 adjustment otherwise made of any charge or fee for acts performed
22 pursuant to this subsection unless the acts are performed by a
23 licensed veterinarian as provided by the Oklahoma Veterinary
24 Practice Act;

1 4. Acts of auction markets and other shippers of food animals
2 in preparing such animals for shipment;

3 5. Acts of a person who is a student in good standing in a
4 veterinary school, in performing duties or functions assigned by
5 the student's instructors, or working under the direct supervision
6 of a licensed veterinarian for each individual case and acts
7 performed by an instructor or student in a school of veterinary
8 medicine recognized by the Board and performed as a part of the
9 educational and training curriculum of the school under the direct
10 supervision of faculty. The unsupervised or unauthorized practice
11 of veterinary medicine even though on the premises of a school of
12 veterinary medicine is prohibited;

13 6. Acts of any employee in the course of employment by the
14 federal government or acts of a veterinarian practicing on property
15 and persons outside the jurisdiction of the State of Oklahoma;

16 7. A veterinarian currently licensed in another state from
17 consulting with a licensed veterinarian of this state;

18 8. Acts of vocational-agriculture instructors or students while
19 engaged in regular vocational-agriculture instruction in programs
20 approved by the Oklahoma Department of Career and Technology
21 Education; provided that said acts are under the supervision of
22 instructors and are carried out in the usual course of instruction
23 and not as independent practice by an unlicensed veterinarian
24 without supervision;

1 9. Any person employed by a licensed veterinarian who is
2 assisting with the professional duties of the licensed veterinarian
3 and who is under the direct supervision of the licensed veterinarian
4 from administering medication or rendering auxiliary or supporting
5 assistance under the direct supervision of such licensed
6 veterinarian, provided that the practice is conducted in compliance
7 with all laws of this state and rules of this Board;

8 10. Any chiropractic physician licensed in this state who is
9 certified by the Board of Chiropractic Examiners to engage in animal
10 chiropractic diagnosis and treatment from practicing animal
11 chiropractic diagnosis and treatment;

12 11. Any chiropractic physician licensed in this state who is
13 not certified to practice animal chiropractic diagnosis and
14 treatment by the Board of Chiropractic Examiners from providing
15 chiropractic treatment to an animal referred to such chiropractic
16 physician by a licensed veterinarian; or

17 12. Any individual that is certified in animal massage therapy
18 and acquires liability insurance from engaging in animal massage
19 therapy after referral from a licensed veterinarian.

20 B. Practitioners of services exempted by paragraph 1 of
21 subsection A of this section may not advertise procedures that are
22 illegal for the practitioners to perform.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 698.30 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. It shall be unlawful for any person to intentionally sell,
5 buy or administer a veterinary prescription drug for the purpose of
6 sedating bovine, equine, porcine or other farm animals to perform
7 teeth floating. A person who violates this prohibition is subject
8 to the penalties listed in Section 698.18 of Title 59 of the
9 Oklahoma Statutes.

10 B. The following persons are exempted from the prohibition in
11 subsection A of this section and may administer prescription drugs
12 for the purpose of sedating bovine, equine, porcine and other farm
13 animals to perform teeth floating:

14 1. A licensed veterinarian;

15 2. An employee of a licensed veterinarian;

16 3. Persons exempted by paragraphs 2, 5, 6, 7 and 8 of Section
17 698.12 of Title 59 of the Oklahoma Statutes;

18 4. A person who:

19 a. is authorized by a licensed veterinarian to administer
20 a prescription drug,

21 b. purchases the prescription drug from a licensed
22 veterinarian, and

23 c. does not charge the animal's owner a fee for the
24 administration of the prescription drug; or

1 5. A person who:

2 a. at the request of the animal's owner administers a
3 prescription drug that was purchased by the animal's
4 owner from a legal source, and

5 b. does not charge the animal's owner a fee for the
6 administration of the prescription drug.

7 SECTION 4. This act shall become effective July 1, 2010.

8 SECTION 5. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12
13 52-2-9531 EK 01/14/10