

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3202 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Don Armes

Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3202

6 By: Armes

7 FLOOR SUBSTITUTE

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2001, Sections 698.2, as amended by
10 Section 1, Chapter 172, O.S.L. 2002, 698.4, as
11 amended by Section 8, Chapter 375, O.S.L. 2002 and
12 698.12, as last amended by Section 1, Chapter 172,
13 O.S.L. 2005 (59 O.S. Supp. 2009, Sections 698.2,
14 698.4 and 698.12), which relate to the Oklahoma
15 Veterinary Practice Act; adding definition for teeth
16 floating; adding certain requirements for board
17 appointment; adding procedure not to be prohibited by
18 the act; requiring certification for teeth floaters;
19 outlining certification procedures; requiring
20 continuing education; setting forth procedures for
21 delivery of veterinary drugs; outlining procedure for
22 handling complaints; providing for codification;
23 providing an effective date; and declaring an
24 emergency.

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

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

Section 698.2 As used in the Oklahoma Veterinary Practice Act:

- 1 1. "Board" means the State Board of Veterinary Medical
2 Examiners;
- 3 2. "Animal" means any animal other than humans and includes,
4 but is not limited to, fowl, fish, birds and reptiles, wild or
5 domestic, living or dead;
- 6 3. "Veterinarian" means a person who has received a degree in
7 veterinary medicine or its equivalent from a school of veterinary
8 medicine;
- 9 4. "Licensed veterinarian" means any veterinarian who holds an
10 active license to practice veterinary medicine in this state;
- 11 5. "School of veterinary medicine" means any veterinary college
12 or division of a university or college that offers the degree of
13 doctor of veterinary medicine or its equivalent, which conforms to
14 the standards required for accreditation by the American Veterinary
15 Medical Association (AVMA) and which is recognized and approved by
16 the Board;
- 17 6. "Veterinary technician" means a person who has graduated
18 from a program accredited by the American Veterinary Medical
19 Association, or its equivalent which is recognized and approved by
20 the Board, and who has passed the examination requirements set forth
21 by the Board, is certified to practice under the direct supervision
22 of a licensed veterinarian. For the purpose of the Oklahoma
23 Veterinary Practice Act, "registered veterinary technician (RVT)"
- 24

1 will be used interchangeably with veterinary technician who is
2 certified pursuant to Sections 698.21 through 698.26 of this title;

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

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

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

16 10. "Direct supervision" means:

17 a. directions have been given to a veterinary technician,
18 nurse, laboratory technician, intern, veterinary
19 assistant or other employee for medical care following
20 the examination of an animal by the licensed
21 veterinarian responsible for the professional care of
22 the animal, or

23 b. that, under certain circumstances following the
24 examination of an animal by a licensed veterinarian

1 responsible for the professional care of the animal,
2 the presence of the licensed veterinarian on the
3 premises in an animal hospital setting or in the same
4 general area in a range setting is required after
5 directions have been given to a veterinarian who has a
6 certificate issued pursuant to Section 698.8 of this
7 title;

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

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

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

- 19 a. the licensed veterinarian has assumed the
20 responsibility for making medical judgments regarding
21 the health of an animal or animals and the need for
22 medical treatment, and the client, owner or other
23 caretaker has agreed to follow the instructions of the
24 licensed veterinarian; and

1 b. there is sufficient knowledge of the animal or animals
2 by the licensed veterinarian to initiate at least a
3 general or preliminary diagnosis of the medical
4 condition of the animal or animals in that:

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

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

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

15 d. would conform to applicable federal law and
16 regulations;

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

1 15. "Veterinary prescription drugs" means such prescription
2 items as are in the possession of a person regularly and lawfully
3 engaged in the manufacture, transportation, storage, or wholesale or
4 retail distribution of veterinary drugs and the federal Food and
5 Drug Administration-approved human drugs for animals which because
6 of their toxicity or other potential for harmful effects, or method
7 of use, or the collateral measures necessary for use, are labeled by
8 the manufacturer or distributor in compliance with federal law and
9 regulations to be sold only to or on the prescription order or under
10 the supervision of a licensed veterinarian for use in the course of
11 professional practice. Veterinary prescription drugs shall not
12 include over-the-counter products for which adequate directions for
13 lay use can be written;i

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

20 17. "Executive Director" means the Executive Director of the
21 State Board of Veterinary Medical Examiners or the authorized
22 representative of such official;

23 18. "Telemedicine" shall mean the transmission of diagnostic
24 images such as, but not limited to, radiographs, ultrasound,

1 cytology, endoscopy, photographs and case information over ordinary
2 or cellular phone lines to a licensed veterinarian or board-
3 certified medical specialist for the purpose of consulting regarding
4 case management with the primary care licensed veterinarian who
5 transmits the cases;

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

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

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

23 22. "Abandonment" means to forsake entirely or to neglect or
24 refuse to provide or perform the legal obligations for care and

1 support of an animal by its owner, or the owner's agent.

2 Abandonment shall constitute the relinquishment of all rights and
3 claims by the owner to an animal;

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

9 a. use of x-rays,

10 b. performing of surgery,

11 c. dispensing or administering of medications, or

12 d. performance of traditional veterinary care; ~~and~~

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

19 25. "Teeth floating", as provided by a nonveterinary equine
20 dental care provider, means the removal of enamel points and the
21 smoothing, contouring and leveling of dental arcades and incisors of
22 equine and other farm animals. It shall not include dental
23 procedures on canines and felines.

24

1 SECTION 2. AMENDATORY 59 O.S. 2001, Section 698.4, as
2 amended by Section 8, Chapter 375, O.S.L. 2002 (59 O.S. Supp. 2009,
3 Section 698.4), is amended to read as follows:

4 Section 698.4 A. 1. The State Board of Veterinary Medical
5 Examiners shall consist of six (6) members, appointed by the
6 Governor with the advice and consent of the Senate. The Board shall
7 consist of five licensed veterinarian members, and one lay person
8 representing the general public.

9 2. Each veterinary member shall be a graduate of an approved
10 school of veterinary medicine, shall be a currently licensed
11 veterinarian and shall have held an active license for the three (3)
12 years preceding appointment to the Board. One member shall be
13 appointed from each congressional district and any remaining members
14 shall be appointed from the state at large. However, when
15 congressional districts are redrawn each member appointed prior to
16 July 1 of the year in which such modification becomes effective
17 shall complete the current term of office and appointments made
18 after July 1 of the year in which such modification becomes
19 effective shall be based on the redrawn districts. Appointments
20 made after July 1 of the year in which such modification becomes
21 effective shall be from any redrawn districts which are not
22 represented by a board member until such time as each of the
23 modified congressional districts are represented by a board member.
24 No appointments may be made after July 1 of the year in which such

1 modification becomes effective if such appointment would result in
2 more than two members serving from the same modified district.

3 3. Of the five licensed veterinarian members, one must be an
4 equine practitioner and one must be a large animal practitioner.

5 4. The lay member shall have no financial interest in the
6 profession other than as a consumer or potential consumer of its
7 services.

8 ~~4.~~ 5. Members must be residents of the State of Oklahoma and be
9 persons of integrity and good reputation. No member shall be a
10 registered lobbyist. No member shall be an officer, board member or
11 employee of a statewide or national organization established for the
12 purpose of advocating the interests of or conducting peer review of
13 veterinarians licensed pursuant to the Oklahoma Veterinary Practice
14 Act.

15 B. Members of the Board shall be appointed for a term of five
16 (5) years. No member shall serve consecutively for more than two
17 (2) terms. Not more than two (2) terms shall expire in each year,
18 and vacancies for the remainder of an unexpired term shall be filled
19 by appointment by the Governor. Members shall serve beyond the
20 expiration of their term until a successor is appointed by the
21 Governor. The initial appointee for the Board position created on
22 November 1, 1999, shall be appointed for less than five (5) years to
23 abide by staggered term requirements. The Governor shall appoint to
24 a vacancy within ninety (90) days of the beginning of the vacancy.

1 Nominees considered by the Governor for appointment to the Board
2 must be free of pending disciplinary action or active investigation
3 by the Board.

4 C. A member may be removed from the Board by the Governor for
5 cause which shall include, but not be limited to, if a member:

6 1. Ceases to be qualified;

7 2. Is found guilty by a court of competent jurisdiction of a
8 felony or unlawful act which involves moral turpitude;

9 3. Is found guilty of malfeasance, misfeasance or nonfeasance
10 in relation to Board duties;

11 4. Is found mentally incompetent by a court of competent
12 jurisdiction;

13 5. Is found in violation of the Oklahoma Veterinary Practice
14 Act; or

15 6. Fails to attend three successive Board meetings without just
16 cause as determined by the Board.

17 SECTION 3. AMENDATORY 59 O.S. 2001, Section 698.12, as
18 last amended by Section 1, Chapter 172, O.S.L. 2005 (59 O.S. Supp.
19 2009, Section 698.12), is amended to read as follows:

20 Section 698.12 The Oklahoma Veterinary Practice Act shall not
21 be construed to prohibit:

22 1. Acts of animal husbandry, dehorning, branding, tagging or
23 notching ears, teeth floating, farriery, pregnancy checking,
24 collecting semen, preparing semen, freezing semen, castrating,

1 worming, vaccinating, injecting or artificial insemination of farm
2 animals; or the acts or conduct of a person advising with respect to
3 nutrition, feeds or feeding;

4 2. The owner of an animal or the owner's employees or helpers
5 from caring for or treating animals belonging to the owner; provided
6 that, the acts of the owner's employees or helpers otherwise
7 prohibited by the Oklahoma Veterinary Practice Act are only an
8 incidental part of the employment duties and for which no special
9 compensation is made;

10 3. Acts of a person in lawful possession of an animal for some
11 other purpose than practicing veterinary medicine; provided that, no
12 charge may be made or included in any other charge or fee or
13 adjustment otherwise made of any charge or fee for acts performed
14 pursuant to this subsection unless the acts are performed by a
15 licensed veterinarian as provided by the Oklahoma Veterinary
16 Practice Act;

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

19 5. Acts of a person who is a student in good standing in a
20 veterinary school, in performing duties or functions assigned by
21 the student's instructors, or working under the direct supervision
22 of a licensed veterinarian for each individual case and acts
23 performed by an instructor or student in a school of veterinary
24 medicine recognized by the Board and performed as a part of the

1 educational and training curriculum of the school under the direct
2 supervision of faculty. The unsupervised or unauthorized practice
3 of veterinary medicine even though on the premises of a school of
4 veterinary medicine is prohibited;

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

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

10 8. Acts of vocational-agriculture instructors or students while
11 engaged in regular vocational-agriculture instruction in programs
12 approved by the Oklahoma Department of Career and Technology
13 Education; provided that said acts are under the supervision of
14 instructors and are carried out in the usual course of instruction
15 and not as independent practice by an unlicensed veterinarian
16 without supervision;

17 9. Any person employed by a licensed veterinarian who is
18 assisting with the professional duties of the licensed veterinarian
19 and who is under the direct supervision of the licensed veterinarian
20 from administering medication or rendering auxiliary or supporting
21 assistance under the direct supervision of such licensed
22 veterinarian, provided that the practice is conducted in compliance
23 with all laws of this state and rules of this Board;

24

1 10. Any chiropractic physician licensed in this state who is
2 certified by the Board of Chiropractic Examiners to engage in animal
3 chiropractic diagnosis and treatment from practicing animal
4 chiropractic diagnosis and treatment;

5 11. Any chiropractic physician licensed in this state who is
6 not certified to practice animal chiropractic diagnosis and
7 treatment by the Board of Chiropractic Examiners from providing
8 chiropractic treatment to an animal referred to such chiropractic
9 physician by a licensed veterinarian; ~~or~~

10 12. Any individual that is certified in animal massage therapy
11 and acquires liability insurance from engaging in animal massage
12 therapy after referral from a licensed veterinarian; or

13 13. Any individual that is certified by the State Board of
14 Veterinary Medical Examiners under subsection A of Section 4 of this
15 act to be a nonveterinary equine dental care provider.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 698.30 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The State Board of Veterinary Medical Examiners shall
20 annually certify any practitioner of teeth floating, known as a
21 nonveterinary equine dental care provider and as defined by
22 paragraph 25 of Section 698.2 of Title 59 of the Oklahoma Statutes.
23 Certification shall be issued within ninety (90) days of
24 application, and to be eligible for this certification,

1 nonveterinary equine dental care providers shall provide proof of
2 qualification to be a nonveterinary equine dental care provider
3 using one of the following methods:

4 1. Completion of at least eighty (80) hours of training in
5 equine dentistry at the Texas Institute of Equine Dentistry, the
6 Academy of Equine Dentistry or a similar program approved by the
7 State Board of Veterinary Medical Examiners; or

8 2. Certification as an equine dental technician by the
9 International Association of Equine Dentistry or its equivalent by a
10 similar certifying organization approved by the State Board of
11 Veterinary Medical Examiners.

12 B. Prior to July 1, 2011, teeth floaters shall be granted
13 certification upon submission of a signed and notarized affidavit
14 from three persons who are residents of this state, stating that
15 they know this individual and the individual is known by the
16 community to be a nonveterinary equine dental care provider. Of the
17 three residents, one shall be from a veterinarian that is licensed
18 to practice in the state; and one shall be from the current
19 president of any official statewide association representing horses,
20 horse breeds or horsemen, or a horse owner currently residing in the
21 state.

22 C. Proof of four (4) hours of continuing education shall be
23 required for annual certification renewal for teeth floaters. This
24 continuing education shall be a course approved by the Texas

1 Institute of Equine Dentistry, the Academy of Equine Dentistry, the
2 State Board of Veterinary Medical Examiners, the International
3 Association of Equine Dentistry or a similar organization approved
4 by the State Board of Veterinary Medical Examiners and shall be
5 obtained in the twelve-month period immediately preceding the year
6 for which the certification is to be issued.

7 D. If prescription drugs are to be used in nonveterinary equine
8 dental care procedures, the equine owner shall contact a
9 veterinarian licensed by the state. If the veterinarian deems that
10 prescription drugs are necessary, the veterinarian may assemble the
11 prescription drugs and may allow the owner or the owner's agent, who
12 can be a nonveterinary equine dental care provider, to pick up the
13 prescription drugs and deliver them to the equine owner. No
14 prescription drugs shall be prescribed, dispensed, or administered
15 without the establishment of a valid client-patient relationship
16 between the equine owner and the veterinarian. Prescription drugs
17 must be used in accordance with United States Food and Drug
18 Administration regulations.

19 E. Complaints related to any teeth floater shall be filed with
20 the State Veterinarian through the Oklahoma Department of
21 Agriculture, Food, and Forestry. The State Veterinarian may
22 investigate complaints, and may forward findings as it deems
23 appropriate to the appropriate law enforcement entity.

24 SECTION 5. This act shall become effective July 1, 2010.

1 SECTION 6. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5

6 52-2-9973 EK 03/02/10

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24