

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1999

By: Schulz

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2001, Sections 698.2, as amended by
9 Section 1, Chapter 172, O.S.L. 2002 and 698.12, as
10 last amended by Section 1, Chapter 172, O.S.L. 2005
11 (59 O.S. Supp. 2009, Section 698.2 and 698.12), which
12 relate to definitions and acts not prohibited from
the Oklahoma Veterinary Practices Act; adding certain
13 definitions; making acts of animal husbandry exempt;
14 including teeth floating and farriery as acts of
15 animal husbandry; providing an effective date; and
16 declaring an emergency.

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

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

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

- 22 1. "Board" means the State Board of Veterinary Medical
23 Examiners;
24 2. "Animal" means any animal other than humans and includes,
but is not limited to, fowl, fish, birds and reptiles, wild or
domestic, living or dead;

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

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

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

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

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

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

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

11 10. "Direct supervision" means:

- 12 a. directions have been given to a veterinary technician,
13 nurse, laboratory technician, intern, veterinary
14 assistant or other employee for medical care following
15 the examination of an animal by the licensed
16 veterinarian responsible for the professional care of
17 the animal, or
- 18 b. that, under certain circumstances following the
19 examination of an animal by a licensed veterinarian
20 responsible for the professional care of the animal,
21 the presence of the licensed veterinarian on the
22 premises in an animal hospital setting or in the same
23 general area in a range setting is required after
24 directions have been given to a veterinarian who has a

1 certificate issued pursuant to Section 698.8 of this
2 title;

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

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

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

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

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

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

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

11 d. would conform to applicable federal law and
12 regulations;

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

20 15. "Veterinary prescription drugs" means such prescription
21 items as are in the possession of a person regularly and lawfully
22 engaged in the manufacture, transportation, storage, or wholesale or
23 retail distribution of veterinary drugs and the federal Food and
24 Drug Administration-approved human drugs for animals which because

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

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

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

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

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

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

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

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

23 23. "Animal chiropractic diagnosis and treatment" means
24 treatment that includes vertebral subluxation complex (vcs) and

1 spinal manipulation of nonhuman vertebrates. The term "animal
2 chiropractic diagnosis and treatment" shall not be construed to
3 allow the:

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

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

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

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

22 SECTION 2. AMENDATORY 59 O.S. 2001, Section 698.12, as
23 last amended by Section 1, Chapter 172, O.S.L. 2005 (59 O.S. Supp.
24 2009, Section 698.12), is amended to read as follows:

1 Section 698.12 The Oklahoma Veterinary Practice Act shall not
2 be construed to prohibit:

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

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

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

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

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

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

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

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

23 9. Any person employed by a licensed veterinarian who is
24 assisting with the professional duties of the licensed veterinarian

1 and who is under the direct supervision of the licensed veterinarian
2 from administering medication or rendering auxiliary or supporting
3 assistance under the direct supervision of such licensed
4 veterinarian, provided that the practice is conducted in compliance
5 with all laws of this state and rules of this Board;

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

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

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

18 13. Practitioners of services exempted by paragraph 1 of this
19 section may not advertise procedures that are illegal for the
20 practitioner to perform.

21 SECTION 3. This act shall become effective July 1, 2010.

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

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