ENGROSSED SENATE
BILL NO. 194

BY: SHEDRICK of the SENATE

and

PILGRIM of the HOUSE

AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS; AMENDING 59 O.S. 1981, SECTIONS 698.8 AND 698.12, AS LAST AMENDED BY SECTIONS 7 AND 11, CHAPTER 314, O.S.L. 1990 (59 O.S. SUPP. 1990, SECTIONS 698.8 AND 698.12), WHICH RELATES TO LICENSURE OF VETERINARIANS AND TO ACTS NOT PROHIBITED BY OKLAHOMA VETERINARY PRACTICE ACT; ADDING CERTAIN ACTS OF CERTAIN FACULTY TO LIST OF ACTS NOT PROHIBITED; EXEMPTING SUCH FACULTY FROM EXAMINATION AND LICENSURE AND REQUIRING PRACTICE UNDER INSTITUTIONAL LICENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 59 O.S. 1981, Section 698.8, as last amended by Section 7, Chapter 314, O.S.L. 1990 (59 O.S. Supp. 1990, Section 698.8), is amended to read as follows:

Section 698.8 A. It shall be unlawful to practice veterinary medicine in this state without a license or certificate issued by the State Board of Veterinary Medical Examiners.

B. Requirements for licensure shall be set by the Board and may be changed as the education and training for the practice of veterinary medicine changes. Prior to issuance of a license or certificate to practice veterinary medicine in this state, the applicant shall have been found by the Board to be of good moral character and the Board shall consider but not be limited to the following evidence of suitability to practice:

1. Graduation from an approved school of veterinary medicine whose requirements at the time of graduation are acceptable to the Board. Graduates of schools of veterinary medicine located outside the United States and Canada shall be held to the same standards for evidence of suitability to practice as are graduates of schools of veterinary medicine located within the United States in that applicants shall conform in all respects to the requirements set forth in this section; where necessary, further examination shall be administered by the Board or its designee to determine competency to practice. In addition, applicants shall demonstrate a command of the English language satisfactory to the Board. Documents and material submitted in support of application for licensure or certification, if in a foreign language, shall be translated and certified as accurate by an organization acceptable to the Board;

2. Satisfactory completion of a minimum number of months of education in veterinary medicine as a requirement for graduation from a school of veterinary medicine as set by the Board;

3. Evidence that the applicant for licensure or certification is of good moral character;

4. Evidence that the applicant has passed examinations satisfactory to the Board and that the examination score is acceptable to the Board. The Board shall have the authority to set minimum passing scores for examinations and to limit the number of times an applicant may take an examination in this state;

5. Evidence that the applicant has demonstrated familiarity with the statutes and rules set by this Board;

6. Evidence that the applicant is mentally and professionally capable of practicing veterinary medicine in a competent manner as determined by the Board and willing to submit, if deemed appropriate by the Board, to an evaluation of skills and abilities;

7. Evidence that the applicant has not been found guilty by a court of law of any conduct that would constitute grounds for disciplinary action under the Oklahoma Veterinary Practice Act or rules and regulations of the Board;

8. If the Board deems it necessary, a personal appearance by the applicant before the Board in support of his or her application for licensure or certification. If the Board is not satisfied with the credentials of the applicant, or demonstration of knowledge or skills presented, the Board, at its discretion, may require further examination or supervised practice before reconsideration of the application; and

9. Evidence that all required fees have been paid.

C. Practice without the legal possession of an active license or certificate shall be prohibited, and evidence of said practice shall be reported by the Board to the district attorney of the county in which the practice is found to occur.

D. Certificates may be issued to any veterinarian who has failed to obtain or failed to maintain a regular license to practice veterinary medicine. Such certificates may be issued by the Board at such times as the Board determines that all requirements for possession of such certificate have been met as set by rules and policies of the Board. Certificates may be issued for, but not limited to:

1. Practice under the supervision of a licensed veterinarian while the application for full licensure is pending;

2. Practice for a short period of time in this state with no anticipation of permanent practice in this state; and

3. Practice while in the employ of an approved school of veterinary medicine and while doing limited veterinary work for said school.

E. The Board shall grant to any College of Veterinary Medicine in this state an institutional license under which veterinarians who are faculty members of the college may practice if such practice is incidental to the course of instruction and regular duties as a faculty member. Such veterinarians shall be exempt from examination and licensure as required by this section.

SECTION 2. AMENDATORY 59 O.S. 1981, Section 698.12, as last amended by Section 11, Chapter 314, O.S.L. 1990 (59 O.S. Supp. 1990, Section 698.12), is amended to read as follows:

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

1. Acts of dehorning, branding, tagging or notching ears, pregnancy checking, collecting semen, preparing semen, freezing semen, castrating, worming, vaccinating, injecting or artificial insemination of farm animals; or the acts or conduct of a person advising with respect to nutrition, feeds or feeding;

2. The owner of an animal or the owner's employees or helpers from caring for or treating animals belonging to said owner, including the acts of dehorning, branding, tagging or notching ears, castrating, worming or vaccinating of animals; provided that, the acts of the owner's employees or helpers otherwise prohibited by the Oklahoma Veterinary Practice Act are only an incidental part of the employment duties and for which no special compensation is made;

3. Acts of a person in lawful possession of an animal for some other purpose than practicing veterinary medicine; provided that, no charge may be made or included in any other charge or fee or adjustment otherwise made of any charge or fee for acts performed

under this subsection unless the acts are performed by a licensed veterinarian as provided by the Oklahoma Veterinary Practice Act;

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

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

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

7. A veterinarian regularly licensed in another state from consulting with a licensed veterinarian of this state;

8. Acts of a veterinarian who is a faculty member of a College of Veterinary Medicine in this state which are incidental to his course of instruction and to the performance of his regular duties as a faculty member;

~~8.~~ 9. Acts of vocational-agriculture instructors or students while engaged in regular vocational-agriculture instruction; provided that said acts are under the supervision of instructors and are carried out in the usual course of instruction and not as independent practice by an unlicensed veterinarian without supervision; or

~~9.~~ 10. Any person employed by a licensed veterinarian who is assisting with the professional duties of the veterinarian and who

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

SECTION 3. This act shall become effective September 1, 1991.

Passed the Senate the 12th day of March, 1991.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1991.

Speaker of the House of Representatives