

CS for EHB 1344

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**THE STATE SENATE**  
**Thursday, March 25, 1999**

**Committee Substitute for**  
**ENGROSSED**  
**House Bill No. 1344**

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1344 - By: LEIST  
of the House and SHURDEN of the Senate.

An Act relating to veterinary medicine; amending 59 O.S.  
1991, Sections 698.1, 698.2, as amended by Section 1,  
Chapter 80, O.S.L. 1998, 698.3, as amended by Section 1,  
Chapter 112, O.S.L. 1994, 698.4, 698.5, Section 2, Chapter  
80, O.S.L. 1998, 698.6, 698.7, as amended by Section 1,  
Chapter 143, O.S.L. 1997, 698.8, 698.8a, 698.9a, 698.10a,  
698.11, 698.12, 698.14a, as amended by Section 2, Chapter  
143, O.S.L. 1997, 698.14b, 698.15, 698.16, 698.17, 698.18,  
698.21, as amended by Section 2, Chapter 56, O.S.L. 1992,  
698.22, as amended by Section 3, Chapter 56, O.S.L. 1992,  
698.23, 698.25, as last amended by Section 3, Chapter 143,  
O.S.L. 1997, 698.26, as amended by Section 6, Chapter 56,  
O.S.L. 1992, and 698.28 (59 O.S. Supp. 1998, Sections 698.2,  
698.3, 698.5a, 698.7, 698.14a, 698.21, 698.22, 698.25 and  
698.26), which relate to the Oklahoma Veterinary Practice  
Act; updating language; modifying and adding definitions;  
increasing the State Board of Veterinary Medical Examiners'  
membership; adding certain qualifications; providing certain  
procedure; modifying and adding to the powers and duties of  
the Board; modifying licensure requirements; adding to  
qualifications for licensure; clarifying and updating the  
definition of the practice of veterinary medicine; making  
certain actions unlawful; authorizing certain uses of  
designations, abbreviations and words by certain persons;  
authorizing sanctions; adding to list of grounds for  
disciplinary actions or sanctions; providing exceptions;  
authorizing issuance of subpoenas; authorizing issuance of  
field citations and orders of abatement pursuant to certain  
procedures; providing for administrative penalties under  
certain circumstances; making payment of fine sufficient to  
satisfy public disclosure requirement; authorizing bringing  
of certain action; authorizing promulgation of certain  
rules; providing for certain disposal of certain animals

1 deemed abandoned; providing for certain release from  
2 liability; providing for ownership of animal health records;  
3 requiring maintenance; requiring reproduction of records;  
4 prohibiting certain fees; providing for confidentiality;  
5 providing for liability and certain privileges; providing  
6 for release of records and information; making certain  
7 persons not liable for providing certain information,  
8 reports or investigations, and for providing certain care  
9 and treatment; making certain actions unlawful; increasing  
10 certain fines and limitations; providing for authority of  
11 veterinary technicians; providing for certain notice and  
12 opportunity for hearing; authorizing veterinary technician  
13 to perform treatments under certain circumstances; repealing  
14 698.13, 698.20, as amended by Section 1, Chapter 56, O.S.L.  
15 1992, 698.24, as amended by Section 4, Chapter 56, O.S.L.  
16 1992 and 698.27 (59 O.S. Supp. 1998, Sections 698.20 and  
17 698.24), which relate to reciprocal licenses, definitions,  
18 authority of veterinary technicians and promulgation of  
19 certain rules; providing for codification; and providing an  
20 effective date.

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

22 SECTION 1. AMENDATORY 59 O.S. 1991, Section 698.1, is  
23 amended to read as follows:

24 Section 698.1 ~~This act~~ Chapter 15 of this title shall be known  
25 and may be cited as the "Oklahoma Veterinary Practice Act".

26 SECTION 2. AMENDATORY 59 O.S. 1991, Section 698.2, as  
27 amended by Section 1, Chapter 80, O.S.L. 1998 (59 O.S. Supp. 1998,  
28 Section 698.2), is amended to read as follows:

29 Section 698.2 ~~When~~ As used in the Oklahoma Veterinary Practice  
30 Act, ~~these words, phrases or terms, unless the context otherwise~~  
31 ~~indicates, shall have the following meanings:~~

32 1. "Board" means the State Board of Veterinary Medical  
33 Examiners;

1           2. "Animal" means any animal other than ~~man~~ humans and  
2 includes, but is not limited to, fowl, fish, birds and reptiles,  
3 wild or 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 and which is recognized and approved by the  
14 Board;

15           6. "Veterinary technician" means a person who has graduated  
16 from a school of animal technology, or its equivalent, which  
17 conforms to the standards required for accreditation by the American  
18 Veterinary Medical Association and which is recognized and approved  
19 by the Board, and who has been certified by the ~~State Board of~~  
20 ~~Veterinary Medical Examiners~~ as qualified to practice under the  
21 direct supervision of a licensed veterinarian;

22           7. "Direct supervision" means :

1           a.    directions have been given to ~~an animal~~ a veterinary  
2                    technician, nurse, laboratory technician, intern,  
3                    veterinary assistant or other employee for medical  
4                    care following the examination of an animal by the  
5                    licensed veterinarian responsible for the professional  
6                    care of the animal, or

7            b.    that, under certain circumstances following the  
8                    examination of an animal by a licensed veterinarian  
9                    responsible for the professional care of the animal,  
10                  the presence of the licensed veterinarian on the  
11                  premises in an animal hospital setting or in the same  
12                  general area in a range setting is required after  
13                  directions have been given to a veterinarian who has a  
14                  certificate issued pursuant to Section 698.8 of this  
15                  title;

16            8.    "License" means authorization to practice veterinary  
17    medicine granted by the Board to an individual found by the Board to  
18    meet certain requirements pursuant to ~~this act~~ the Oklahoma  
19    Veterinary Practice Act or any other applicable statutes;

20            9.    "Certificate" means authorization to practice veterinary  
21    medicine with certain limitations or restrictions on that practice,  
22    set by the Board or authorization to perform certain enumerated

1 functions peripheral to the practice of veterinary medicine as set  
2 by the Board; and

3 10. "Veterinarian-client-patient relationship" means when:

4 a. the licensed veterinarian has assumed the  
5 responsibility for making medical judgments regarding  
6 the health of an animal or animals and the need for  
7 medical treatment, and the client, owner or other  
8 caretaker has agreed to follow the instructions of the  
9 licensed veterinarian; and

10 b. there is sufficient knowledge of the animal or animals  
11 by the licensed veterinarian to initiate at least a  
12 general or preliminary diagnosis of the medical  
13 condition of the animal or animals in that:

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

17 (2) by medically necessary and timely visits to the  
18 premises where the animal or animals are kept or  
19 both, and

20 c. the licensed veterinarian is readily available for  
21 follow-up in case of adverse reactions or failure of  
22 the regimen of therapy, or has arranged for emergency  
23 medical coverage, and

1           d. would conform to applicable federal law and  
2                           regulations;

3           11. "Veterinary premises" means any facility where the practice  
4 of veterinary medicine occurs, including, but not limited to, a  
5 mobile unit, mobile clinic, outpatient clinic, satellite clinic,  
6 public service outreach of a veterinary facility, or veterinary  
7 hospital or clinic. The term "veterinary premises" shall not  
8 include the premises of a client of a licensed veterinarian or  
9 research facility;

10          12. "Veterinary prescription drugs" means such prescription  
11 items that are in the possession of a person regularly and lawfully  
12 engaged in the manufacture, transportation, storage, or wholesale or  
13 retail distribution of veterinary drugs and the federal Food and  
14 Drug Administration approved human drugs for animals which because  
15 of its toxicity or other potential for harmful effects, or method  
16 use, or the collateral measures necessary for its use, is labeled by  
17 the manufacturer or distributor in compliance with federal law and  
18 regulations to be sold only to or on the prescription order, or  
19 under the supervision of a licensed veterinarian for use in the  
20 course of professional practice. Veterinary prescription drugs  
21 shall not include over-the-counter products for which adequate  
22 directions for lay use can be written.

1        13. "ECFVG certificate" means a certificate issued by the  
2        American Veterinary Medical Association Education Commission for  
3        Foreign Veterinary Graduates, indicating that the holder has  
4        demonstrated knowledge and skill equivalent to that possessed by a  
5        graduate of an accredited or approved college of veterinary  
6        medicine;

7        14. "Executive Director" means the Executive Director of the  
8        State Board of Veterinary Medical Examiners or the authorized  
9        representative of such official;

10       15. "Telemedicine" shall mean the transmission of diagnostic  
11       images such as, but not limited to, radiographs, ultrasound,  
12       cytology, endoscopy, photographs and case information over ordinary  
13       or cellular phone lines to a licensed veterinarian or board-  
14       certified medical specialist for the purpose of consulting regarding  
15       case management with the primary care licensed delete who transmits  
16       the cases;

17       16. "Person" means any individual, firm, partnership,  
18       association, joint venture, cooperative, corporation, or any other  
19       group or combination acting in concert, and whether or not acting as  
20       a principal, trustee, fiduciary, receiver, or as any other kind of  
21       legal or personal representative, or as the successor in interest,  
22       assignee, agent, factor, servant, employee, director, officer,

1 fictitious name certificate, or any other representative of such  
2 person;

3 17. "Food animal" means any mammalian, poultry, fowl, fish, or  
4 other animal that is raised primarily for human food consumption;

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

12 19. "Abandonment" means to forsake entirely or to neglect or  
13 refuse to provide or perform the legal obligations for care and  
14 support of an animal by its owner, or the owner's agent.

15 Abandonment shall constitute the relinquishment of all rights and  
16 claims by the owner to an animal.

17 SECTION 3. AMENDATORY 59 O.S. 1991, Section 698.3, as  
18 amended by Section 1, Chapter 112, O.S.L. 1994 (59 O.S. Supp. 1998,  
19 Section 698.3), is amended to read as follows:

20 Section 698.3 A. ~~A~~ The State Board of Veterinary Medical  
21 Examiners is hereby re-created, to continue until July 1, 2000, in  
22 accordance with the provisions of the Oklahoma Sunset Law, ~~Section~~  
23 ~~3901 et seq. of Title 74 of the Oklahoma Statutes,~~ to regulate and

1 enforce the practice of veterinary medicine in this state in  
2 accordance with the Oklahoma Veterinary Practice Act, ~~Section 698.1~~  
3 ~~et seq. of this title, and otherwise to enforce this act, Section~~  
4 ~~698.1 et seq. of this title.~~

5 B. 1. The duty of determining a person's initial and  
6 continuing qualification and fitness for the practice of veterinary  
7 medicine, of proceeding against the unlawful and unlicensed practice  
8 of veterinary medicine and of enforcing ~~this act~~ the Oklahoma  
9 Veterinary Practice Act is hereby delegated to the Board. That duty  
10 shall be discharged in accordance with ~~this act~~ the Oklahoma  
11 Veterinary Practice Act and other applicable statutes.

12 2. a. It is necessary that the powers conferred on the Board  
13 by ~~this act~~ the Oklahoma Veterinary Practice Act be  
14 construed to protect the health, safety and welfare of  
15 the people of this state. ~~However, no~~

16 b. No member of the Board, acting in that capacity or as  
17 a member of any Board committee, shall participate in  
18 the making of any decision or the taking of any action  
19 affecting ~~his or her~~ such member's own personal,  
20 professional or pecuniary interest, or that of a  
21 person related to the member within the third degree  
22 by consanguinity, marriage or adoption or of a  
23 business or professional associate.



1 shall consist of five licensed veterinarian members, and one lay  
2 person representing the general public.

3 2. Each veterinary member shall be a graduate of an approved  
4 school of veterinary medicine, shall be a currently licensed  
5 veterinarian and shall have held an active license for the three (3)  
6 years preceding appointment to the Board. No more than one  
7 veterinary member of the Board shall be appointed from any one  
8 Congressional District.

9 3. The lay member shall have no financial interest in the  
10 profession other than as a consumer or potential consumer of its  
11 services.

12 4. Members must be residents of the State of Oklahoma and be  
13 persons of ~~recognized professional ability,~~ integrity and good  
14 reputation. No member shall be a registered lobbyist. No member  
15 shall be an officer, board member or employee of a statewide or  
16 national organization established for the purpose of advocating the  
17 interests of or conducting peer review of veterinarians licensed  
18 ~~under this act~~ pursuant to the Oklahoma Veterinary Practice Act.

19 B. Members of the Board shall be appointed for a term of five  
20 (5) years. No member shall serve consecutively for more than two  
21 (2) terms. ~~The~~ Not more than two (2) terms of only one member shall  
22 expire in each year, and vacancies for the remainder of an unexpired  
23 term shall be filled by appointment by the Governor. Members shall

1 serve beyond the expiration of their term until a successor is  
2 appointed by the Governor. The initial appointee for the Board  
3 position created on November 1, 1999, shall be appointed for less  
4 than five (5) years to abide by staggered term requirements. The  
5 Governor shall appoint to a vacancy within ninety (90) days of the  
6 beginning of the vacancy. Nominees considered by the Governor for  
7 appointment to the Board must be ~~found~~ free of pending disciplinary  
8 action or active investigation by the Board.

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

11 1. Ceases to be qualified;

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

14 3. Is found guilty of malfeasance, misfeasance or nonfeasance  
15 in relation to ~~his or her~~ Board duties;

16 4. Is found mentally incompetent by a court of competent  
17 jurisdiction;

18 5. Is found in violation of the Oklahoma Veterinary ~~Medical~~  
19 Practice Act; or

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

22 SECTION 5. AMENDATORY 59 O.S. 1991, Section 698.5, is  
23 amended to read as follows:

1 Section 698.5 A. 1. Each member of the State Board of  
2 Veterinary Medical Examiners shall take the constitutional oath of  
3 office.

4 2. The Board shall organize annually, at the last meeting of  
5 the Board before the beginning of the next fiscal year, by electing  
6 from ~~its number~~ the Board membership a president, vice-president and  
7 secretary-treasurer. Officers of the Board shall serve for terms of  
8 one (1) year or until their successors are elected. ~~No officer~~  
9 Officers may shall not succeed ~~himself or herself~~ themselves for  
10 more than one term. The lay member appointed to the Board shall not  
11 hold elective office.

12 B. 1. The president shall:

- 13 a. preside at Board meetings,
- 14 b. arrange the Board agenda,
- 15 c. sign Board orders and other required documents,
- 16 d. appoint Board committees and their ~~chairperson~~  
17 chairpersons,
- 18 e. coordinate Board activities,
- 19 f. represent the Board before legislative committees, and
- 20 g. perform those other duties assigned by the Board and  
21 this ~~statute~~ section.

1        2. The vice-president shall perform the duties of president  
2 during ~~his or her~~ the president's absence or disability and shall  
3 assist the president in duties as requested.

4        3. The secretary-treasurer shall be responsible for the  
5 administrative functions of the Board.

6        4. The employment of administrative, investigative, legal and  
7 clerical personnel shall be subject to the approval of the Board.

8        5. At the end of each fiscal year the president and  
9 secretary-treasurer shall prepare or cause to be prepared and submit  
10 to the Governor a report on the transactions of the Board.

11        ~~B. C.~~ C. To facilitate its work effectively, fulfill its duties  
12 and exercise its powers, the Board may establish standing or ad hoc  
13 committees. The president shall appoint members and chairpersons of  
14 ~~said~~ the committees and determine the length of terms of service.  
15 The president may appoint ~~from among the population of licensed~~  
16 ~~veterinarians~~ individuals to serve on a standing or ad hoc committee  
17 for a term not to exceed one (1) year.

18        SECTION 6.        AMENDATORY        Section 2, Chapter 80, O.S.L. 1998  
19 (59 O.S. Supp. 1998, Section 698.5a), is amended to read as follows:

20        Section 698.5a A. 1. Investigators for the State Board of  
21 Veterinary Medical Examiners shall perform such services as are  
22 necessary in the investigation of criminal activity or preparation  
23 of administrative actions.

1        2. In addition, ~~such~~ investigators shall have the authority and  
2 duty to investigate and inspect the records of all licensees in  
3 order to determine ~~that~~ whether the licensee is in compliance with  
4 applicable narcotics and dangerous drug laws and regulations ~~have~~  
5 ~~been complied with.~~

6        ~~Should any such~~ B. Any investigator ~~be~~ certified as a peace  
7 officer by the Council on Law Enforcement Education and Training,  
8 ~~such investigator~~ shall have statewide jurisdiction ~~in any portion~~  
9 ~~of the state where the aforesaid duties may take the investigator~~  
10 ~~and~~ to perform the duties authorized by this section. In addition,  
11 the investigator shall be considered a peace officer and shall have  
12 the powers now or hereafter vested by law in peace officers.

13        SECTION 7.        AMENDATORY        59 O.S. 1991, Section 698.6, is  
14 amended to read as follows:

15        Section 698.6 A. The State Board of Veterinary Medical  
16 Examiners shall meet at least once each year in the first half of  
17 the calendar year and once each year in the second half of the  
18 calendar year, ~~and~~. In addition, the Board may meet at other times  
19 of the year as is deemed necessary to conduct the business of the  
20 Board, The Board shall meet at the time and place fixed by order  
21 of the Board president or by order of three members of the Board  
22 acting jointly upon refusal of the president to call for or fix a  
23 time and place for said meeting.

1        B. 1. Notice of meetings shall be filed in conformance with  
2 the Oklahoma Open Meeting Act, ~~Section 301 et seq. of Title 25 of~~  
3 ~~the Oklahoma Statutes.~~ Members shall be notified of each meeting at  
4 least twenty (20) days before said meeting, except in the case of a  
5 meeting called for emergency purposes.

6        2. Emergency meetings may be called at any time by the  
7 president or at the request of three Board members as required to  
8 enforce ~~this act~~ the Oklahoma Veterinary Practice Act. The Board  
9 may establish procedures by which ~~it~~ the Board may call an emergency  
10 meeting in accordance with the Oklahoma Open Meeting Act. The Board  
11 may establish procedures by which committee advice may be obtained  
12 in cases of emergency.

13        3. The Board shall establish a system for giving all Board and  
14 committee members and the public reasonable notice of scheduled  
15 meetings.

16        4. Minutes of all Board and committee meetings shall be kept in  
17 accordance with ~~adopted~~ promulgated rules of the Board and other  
18 applicable statutes.

19        ~~B.~~ C. All meetings of the Board and its committees shall be  
20 open to the public except as set out in Article II of the  
21 Administrative Procedures Act, ~~Section 309 et seq. of Title 75 of~~  
22 ~~the Oklahoma Statutes,~~ and the Oklahoma Open Meeting Act, ~~Section~~  
23 ~~301 et seq. of Title 25 of the Oklahoma Statutes.~~

1        ~~C. D.~~ Each Board member shall receive reimbursement for  
2 expenses in accordance with the Oklahoma Travel Reimbursement Act, ~~7~~  
3 ~~Section 500.1 et seq. of Title 74 of the Oklahoma Statutes,~~ and  
4 rules promulgated by the Board.

5        ~~D. E.~~ 1. The Board shall be fully supported by the revenues  
6 generated from its activities, including fees, charges and  
7 reimbursed costs.

8        2. All such revenues, with the exception of the ten percent  
9 (10%) of its revenue required to be deposited in the General Revenue  
10 Fund, shall be deposited to the Veterinary Medical Examiners Fund  
11 and shall be credited to the account of the State Board of  
12 Veterinary Medical Examiners. ~~Such~~ Any revenue ~~as remains~~ remaining  
13 in the revolving fund at the end of any fiscal year shall be carried  
14 over to the next fiscal year in the account of the State Board of  
15 Veterinary Medical Examiners.

16        3. The Board shall operate on the fiscal year beginning July 1  
17 and ending June 30 of each year.

18        4. The Board shall develop and adopt its own budget reflecting  
19 revenues, including reimbursed costs associated with the  
20 administrative, investigative, and legal expenditures for taking  
21 disciplinary action, and the establishment and maintenance of a  
22 reasonable reserve fund.



1           ~~entering~~ enter into agreements with organizations or  
2           agencies to provide administration, preparation or  
3           scoring of examinations;

4       2.   ~~Setting~~ Set fees;

5       3.   ~~Prescribing~~ Prescribe the time, place, method, manner, scope  
6       and subjects of examination for licensure;

7       4.   ~~Preparing or selecting, conducting or directing~~ Prepare or  
8       select, conduct or direct the conduct of, ~~setting~~ set minimum  
9       requirements for, and ~~assuring~~ assure security of licensing and  
10      other required examinations;

11      5.   a.   ~~issuing~~ issue or ~~denying~~ deny licenses and  
12           certificates and renewals thereof,

13           b.   ~~acquiring~~ acquire information about and ~~evaluating~~  
14           evaluate the professional education and training of  
15           applicants for licensure or certification; ~~accepting~~  
16           and accept or ~~denying~~ deny applications for licensure,  
17           certification or renewal of either licensure or  
18           certification based on the evaluation of information  
19           relating to applicant fitness, performance or  
20           competency to practice,

21           c.   ~~determining~~ determine which professional schools,  
22           colleges, universities, training institutions and  
23           educational programs are acceptable in connection with

1 licensure ~~under Section 698.1 et seq. of this title~~  
2 pursuant to the Oklahoma Veterinary Practice Act, and  
3 ~~accepting~~ accept the approval of such facilities and  
4 programs by American-Veterinary-Medical-Association-  
5 accredited institutions in the United States and  
6 Canada,

7 d. ~~requiring~~ require supporting documentation or other  
8 acceptable verifying evidence for any information  
9 provided the Board by an applicant for licensure or  
10 certification, and

11 e. ~~requiring~~ require information on an applicant's  
12 fitness, qualification and previous professional  
13 record and performance from recognized data sources  
14 including, but not limited to, other licensing and  
15 disciplinary authorities of other jurisdictions,  
16 professional education and training institutions,  
17 liability insurers, animal health care institutions  
18 and law enforcement agencies;

19 6. ~~Developing~~ Develop and ~~using~~ use applications and other  
20 necessary forms and related procedures for purposes of ~~Section 698.1~~  
21 ~~et seq. of this title~~ the Oklahoma Veterinary Practice Act;

- 1           7.    a.   ~~reviewing~~ review and ~~investigating~~ investigate  
2                                   complaints and adverse information about licensees and  
3                                   certificate holders,  
4            b.   ~~econducting~~ conduct hearings in accordance with ~~Section~~  
5                                   ~~698.1 et seq. of this title~~ the Oklahoma Veterinary  
6                                   Practice Act and the Administrative Procedures Act,  
7                                   and  
8            c.   ~~adjudicating~~ adjudicate matters that come before the  
9                                   Board for judgment ~~under Section 698.1 et seq. of this~~  
10                                  ~~title~~ pursuant to the Oklahoma Veterinary Practice Act  
11                                  upon clear and convincing evidence and ~~issuing~~ issue  
12                                  final decisions on such matters to discipline  
13                                  licensees and certificate holders;  
14           8.    a.   ~~imposing~~ impose sanctions, ~~denying~~ deny ~~licensure~~  
15                                  licenses and certificates and renewals thereof,  
16                                  ~~levying~~ levy reimbursement costs, ~~seeking~~ seek  
17                                  appropriate administrative, civil or criminal  
18                                  penalties or any combination of these against those  
19                                  who violate examination security, who attempt to or  
20                                  who do obtain licensure or certification by fraud, who  
21                                  knowingly assist in illegal activities, or who aid and  
22                                  abet the illegal practice of veterinary medicine,

- 1           b. ~~reviewing~~ review and ~~investigating~~ investigate  
2           complaints and adverse information about licensees and  
3           certificate holders,  
4           c. ~~disciplining~~ discipline licensees and certificate  
5           holders,  
6           d. ~~instituting~~ institute proceedings in courts of  
7           competent jurisdiction to enforce Board orders and  
8           provisions of ~~Section 698.1 et seq. of this title~~ the  
9           Oklahoma Veterinary Practice Act,  
10          e. (1) ~~establishing~~ establish mechanisms for dealing  
11           with licensees and certificate holders who abuse  
12           or are dependent on or addicted to alcohol or  
13           other chemical substances, and ~~entering~~ enter  
14           into agreements, at its discretion, with  
15           professional organizations whose relevant  
16           procedures and techniques it has evaluated and  
17           approved for their cooperation or participation  
18           in the rehabilitation of the licensee or  
19           certificate holder,  
20          ~~f.~~ (2) ~~establishing~~ establish by rules cooperation with  
21           other professional organizations for the  
22           identification and monitoring of licensees and

1 certificate holders in treatment who are  
2 chemically dependent or addicted, and  
3 ~~g.~~ f. ~~issuing issue~~ conditional, restricted or  
4 otherwise circumscribed modifications to  
5 licensure or certification as determined to be  
6 appropriate by due process procedures and  
7 summarily ~~suspending~~ suspend a license if the  
8 Board has cause to believe by clear and  
9 convincing evidence such action is required to  
10 protect public or animal health and safety or to  
11 prevent continuation of incompetent practices;

12 9. ~~Adopting~~ Promulgate rules of professional conduct and  
13 ~~requiring~~ require all licensees and certificate holders to practice  
14 in accordance therewith;

15 10. ~~Performing such other duties and exercising such other~~  
16 ~~powers as the provisions and enforcement of the Oklahoma Veterinary~~  
17 ~~Practice Act may require including, but not limited to:~~

18 a. ~~acting~~

19 Act to halt the unlicensed or illegal practice of veterinary  
20 medicine and ~~seeking~~ seek administrative, criminal and civil  
21 penalties against those engaged in such practice 7i

22 b. ~~establishing~~

1        11. Establish appropriate fees and charges to ensure active and  
2 effective pursuit of Board responsibilities~~;~~;

3            e.—~~employing, directing, reimbursing, evaluating~~

4        12. Employ, direct, reimburse, evaluate and ~~dismissing~~ dismiss  
5 staff in accordance with state procedures~~;~~;

6            d.—~~establishing~~

7        13. Establish policies for Board operations~~;~~;

8            e.—~~responding~~

9        14. Respond to legislative inquiry regarding those changes in,  
10 or amendments to, ~~Section 698.1 et seq. of this title,~~ the Oklahoma  
11 Veterinary Practice Act;

12            f.—~~acting~~

13        15. Act on its own motion in disciplinary matters,  
14 ~~administering~~ administer oaths, ~~issuing~~ issue notices, ~~issuing~~ issue  
15 subpoenas in the name of the State of Oklahoma, including subpoenas  
16 for client and animal records, ~~holding~~ hold hearings, ~~instituting~~  
17 institute court proceedings for contempt or to compel testimony or  
18 obedience to its orders and subpoenas, ~~taking~~ take evidentiary  
19 depositions and ~~performing~~ perform such other acts as are reasonable  
20 and necessary under law to carry out its duties~~;~~;

21            g.—~~using~~

1        16. Use clear and convincing evidence as the standard of proof  
2 and ~~issuing~~ issue final decisions when acting as trier of fact in  
3 the performance of its adjudicatory duties, ~~and;~~

4            h. ~~determining~~

5        17. Determine and ~~directing~~ direct Board operating,  
6 administrative, personnel and budget policies and procedures in  
7 accordance with applicable statutes;

8        ~~11. Making and publishing~~ 18. Promulgate uniform rules ~~and~~  
9 ~~regulations~~ such as may be necessary for carrying out and enforcing  
10 the provisions of the Oklahoma Veterinary Practice Act and such as  
11 in its discretion may be necessary to protect the health, safety and  
12 welfare of the public; ~~and~~

13        ~~12. Determining~~ 19. Determine continuing education  
14 requirements;

15        20. Establish minimum standards for veterinary premises;

16        21. Establish standards for veterinary labeling and dispensing  
17 of veterinary prescription drugs and federal Food and Drug  
18 Administration-approved human drugs for animals which would conform  
19 to current applicable state and federal law and regulations; and

20        22. Perform such other duties and exercise such other powers as  
21 the provisions and enforcement of the Oklahoma Veterinary Practice  
22 Act may require.

1 SECTION 9. AMENDATORY 59 O.S. 1991, Section 698.8, is  
2 amended to read as follows:

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

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

- 13 1. a. Graduation from an approved school of veterinary  
14 medicine whose requirements at the time of graduation  
15 are acceptable to the Board.
- 16 b. Graduates of schools of veterinary medicine located  
17 outside the United States and Canada shall be held to  
18 the same standards for evidence of suitability to  
19 practice as are graduates of schools of veterinary  
20 medicine located within the United States in that  
21 applicants shall conform in all respects to the  
22 requirements set forth in this section, ~~where~~ Where  
23 necessary, further examination shall be administered

1 by the Board or its designee to determine competency  
2 to practice. In addition, applicants shall  
3 demonstrate a command of the English language  
4 satisfactory to the Board. Documents and material  
5 submitted in support of application for licensure or  
6 certification, if in a foreign language, shall be  
7 translated and certified as accurate by an  
8 organization acceptable to the Board;

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

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

14 4. a. Evidence Except as otherwise provided by this  
15 paragraph, evidence that the applicant has passed  
16 examinations satisfactory to the Board and that the  
17 examination score is acceptable to the Board. The  
18 Board ~~shall have the authority to~~ may set minimum  
19 passing scores for examinations and ~~to~~ limit the number  
20 of times an applicant may take an examination in this  
21 state.

22 b. In lieu of national examination requirements, an  
23 applicant shall have actively engaged in the clinical

1           practice of veterinary medicine for a period of at  
2           least five thousand (5,000) hours during the five (5)  
3           consecutive years immediately prior to making  
4           application in Oklahoma and hold a license to practice  
5           veterinary medicine in another state, territory,  
6           district or province of the United States and Canada  
7           and successfully passed the Oklahoma State  
8           Jurisprudence Examination;

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

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

15           7. Evidence that the applicant has not been found guilty by a  
16 court of law of any conduct that would constitute grounds for  
17 disciplinary action under the Oklahoma Veterinary Practice Act or  
18 rules ~~and regulations~~ of the Board, and there has been no  
19 disciplinary action taken against the applicant by any public agency  
20 concerned with the practice of veterinary medicine;

21           8. If the Board deems it necessary, a personal appearance by  
22 the applicant before the Board in support of ~~his or her~~ the  
23 applicant's application for licensure or certification. If the

1 Board is not satisfied with the credentials of the applicant, or  
2 demonstration of knowledge or skills presented, the Board, ~~at its~~  
3 ~~discretion,~~ may require further examination or supervised practice  
4 before reconsideration of the application; and

5 9. Evidence that all required fees have been paid.

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

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

17 1. ~~Practice,~~ the practice of veterinary medicine under the  
18 direct supervision of a licensed veterinarian while the application  
19 for full licensure is pending;

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

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

4       SECTION 10.       AMENDATORY       59 O.S. 1991, Section 698.8a, is  
5 amended to read as follows:

6       Section 698.8a The State Board of Veterinary Medical Examiners  
7 ~~may, in its discretion,~~ issue a veterinary faculty license to any  
8 qualified applicant associated with one of ~~this~~ the state's  
9 institutions of higher learning and involved in the instructional  
10 program of either undergraduate or graduate veterinary medical  
11 students, subject to the following conditions:

12       1. The holder of the veterinary faculty license shall be  
13 remunerated for the practice aspects of ~~his~~ the services of the  
14 holder solely from state, federal or institutional funds and not  
15 from the patient-owner beneficiary of his practice efforts;

16       2. The applicant will furnish the Board with such proof as the  
17 Board may deem necessary to demonstrate that:

18           a. the applicant is a graduate of a reputable school or  
19 college of veterinary medicine,

20           b. the applicant has or will have a faculty position at  
21 one of ~~this~~ the state's institutions of higher  
22 learning and will be involved in the instructional  
23 program of either undergraduate or graduate veterinary

1 medical students, as certified by an authorized  
2 administrative official at such institution, and  
3 c. the applicant understands and agrees that the faculty  
4 license is valid only for the practice of veterinary  
5 medicine as a faculty member of the institution;

6 3. The license issued ~~under~~ pursuant to this section may be  
7 revoked ~~or~~, suspended or not renewed or the licensee may be placed  
8 on probation or otherwise disciplined in accordance with the  
9 provisions of the Oklahoma Veterinary Practice Act; and

10 4. The license issued ~~under~~ pursuant to this section may be  
11 canceled by the Board upon receipt of information that the holder of  
12 the veterinary faculty license has left or has otherwise been  
13 discontinued from faculty employment at an institution of higher  
14 learning of this state.

15 SECTION 11. AMENDATORY 59 O.S. 1991, Section 698.9a, is  
16 amended to read as follows:

17 Section 698.9a A. 1. Licenses or certificates suspended ~~or~~,  
18 revoked or not renewed for any purpose may be reinstated upon the  
19 motion of the State Board of Veterinary Medical ~~Examiner~~ Examiners  
20 upon proper application of the licensee or certificate holder.  
21 ~~Provided, a~~

22 2. A license or certificate suspended for failure to renew may  
23 be reinstated by the president or secretary-treasurer of the Board.

1 Provided ~~further, all such~~ action by any officer of the Board must  
2 shall be approved, or ratified, or may be rescinded by the Board at  
3 the Board meeting following such action.

4 B. Requirements for reinstatement of a license or certificate  
5 which has been suspended ~~for failure to renew,~~ revoked or not  
6 renewed shall be by rule and shall include, but not be limited to,  
7 evidence that:

8 1. All requirements for full licensure or certification have  
9 been met; and

10 2. The applicant has not been convicted or ~~his~~ the applicant's  
11 license or certificate suspended ~~or,~~ revoked or not renewed or  
12 placed on probation in another state for violations of an act that  
13 would constitute the same or similar penalty in this state.

14 SECTION 12. AMENDATORY 59 O.S. 1991, Section 698.10a, is  
15 amended to read as follows:

16 Section 698.10a A. Every licensed veterinarian who is the  
17 holder of a license or certificate authorizing the practice of  
18 veterinary medicine in any manner whatsoever shall on or before the  
19 first day of July of each and every year apply to the State Board of  
20 Veterinary Medical Examiners on forms furnished by the Board, for a  
21 renewal certificate of registration entitling ~~him or her~~ such  
22 veterinarian to practice veterinary medicine in this state during

1 the next fiscal year. Each such application shall be accompanied by  
2 a renewal fee in an amount fixed by the Board.

3 B. The Board may modify the terms and dates of renewal  
4 requirements in order to expedite the efficiency of the procedure  
5 and to prevent inequitable financial burden on its applicants and  
6 licensees.

7 C. 1. Failure to renew a license or certificate properly shall  
8 be evidence of noncompliance with the laws of this state and rules  
9 of ~~this~~ the Board; ~~and the~~.

10 2. The license or certificate shall automatically be placed in  
11 an inactive status for failure to renew and shall be considered  
12 inactive and not in good standing for purposes of practice of  
13 veterinary medicine.

14 D. 1. If, within sixty (60) calendar days after July 1 the  
15 licensee or certificate holder pays the renewal fee plus any  
16 reactivation fee set by rule by the Board, the president or  
17 secretary-treasurer of the Board may reactivate the license or  
18 certificate.

19 2. If sixty (60) calendar days elapses and the license or  
20 certificate is not reactivated, the license or certificate shall be  
21 automatically suspended for failure to renew.

1       3. A license or certificate suspended for failure to renew may  
2 be reinstated pursuant to the provisions of Section ~~§~~ 698.9a of this  
3 ~~act~~ title.

4       E. Practice of veterinary medicine is prohibited unless the  
5 license or certificate is active and in good standing with the  
6 Board.

7       SECTION 13.        AMENDATORY        59 O.S. 1991, Section 698.11, is  
8 amended to read as follows:

9       Section 698.11 A. The practice of veterinary medicine shall  
10 include, but not be limited to:

11       1.    Diagnosing, surgery, treating, correcting, changing,  
12 relieving, or preventing animal disease, deformity, defect, injury  
13 or other physical or mental conditions including the prescribing or  
14 administering of any drug, medicine, biologic, apparatus,  
15 application, anesthetic, telemedicine or other therapeutic  
16 diagnostic substance or technique; dentistry; testing for pregnancy  
17 or correcting sterility or ~~infertility~~ enhancing fertility; or  
18 rendering advice or recommendation with regard to any of the above;  
19 ~~or~~

20       2.    Representing, directly or indirectly, publicly or  
21 privately, an ability and willingness to do any act prescribed in  
22 paragraph 1 of this section; and

1        3. Using any title words, abbreviation or letters by any person  
2 other than a licensed veterinarian in a manner or under  
3 circumstances which induce the belief that the person using them is  
4 qualified to do any act described in paragraph 1 of this section.  
5 Such use shall be prima facie evidence of the intention to represent  
6 oneself as a licensed veterinarian engaged in the practice of  
7 veterinary medicine.

8        B. Any person licensed to practice veterinary medicine pursuant  
9 to the Oklahoma Veterinary Practice Act, may use the word "Doctor",  
10 or an abbreviation thereof, and shall have the right to use, whether  
11 or not in conjunction with the word "Doctor" or any abbreviation  
12 thereof, the designation "D.V.M." or "V.M.D.".

13        SECTION 14.        AMENDATORY        59 O.S. 1991, Section 698.12, is  
14 amended to read as follows:

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

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

22        2. The owner of an animal or the owner's employees or helpers  
23 from caring for or treating animals belonging to ~~said~~ the owner.

1 ~~including the acts of dehorning, branding, tagging or notching ears,~~  
2 ~~castrating, worming or vaccinating of animals;~~ provided that, the  
3 acts of the owner's employees or helpers otherwise prohibited by the  
4 Oklahoma Veterinary Practice Act are only an incidental part of the  
5 employment duties and for which no special compensation is made;

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

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

15 5. Acts of a person who is a student in good standing in a  
16 veterinary school, in performing duties or functions assigned by ~~his~~  
17 the student's instructors, or working under the direct supervision  
18 of a licensed veterinarian for each individual case and acts  
19 performed by an instructor or student in a school of veterinary  
20 medicine recognized by the Board and performed as a part of the  
21 educational and training curriculum of the school under the direct  
22 supervision of faculty. The unsupervised or unauthorized practice

1 of veterinary medicine even though on the premises of a school of  
2 veterinary medicine is prohibited;

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

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

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

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

21 SECTION 15. AMENDATORY 59 O.S. 1991, Section 698.14a, as  
22 amended by Section 2, Chapter 143, O.S.L. 1997 (59 O.S. Supp. 1998,  
23 Section 698.14a), is amended to read as follows:

1 Section 698.14a A. A range of ~~disciplinary actions~~ sanctions  
2 is hereby made available to the State Board of Veterinary Medical  
3 Examiners which includes, but is not limited to:  
4 1. Revocation of licensure or certification;  
5 2. Suspension of licensure or certification;  
6 3. Probation of licensure or certification;  
7 4. Refusal to renew a license or certification;  
8 5. Injunctions and other civil court actions;  
9 6. Reprimand, censure, agreement to voluntary stipulation of  
10 facts and imposition of terms of disciplinary action; and  
11 ~~5.~~ 7. Administrative citation and administrative penalties; and  
12 8. Prosecution through the office of the district attorney.  
13 B. 1. The Board ~~shall be authorized, at its discretion, to may~~  
14 take such action as the nature of the violation requires.  
15 2. Upon a determination that a violation has been committed,  
16 the Board shall, by clear and convincing evidence, have the  
17 authority to impose ~~on upon~~ upon the licensee or certificate holder, ~~as a~~  
18 ~~condition of any adverse disciplinary action~~ alleged violator, the  
19 payment of costs expended by the Board in investigating and  
20 prosecuting ~~said~~ the cause, to include, but not be limited to, staff  
21 time, salary and travel expenses, witness fees and attorney fees and  
22 same shall be considered part of the order of the Board.

1        3. The Board shall make report of action to any association,  
2 organization or entity deemed appropriate for transmittal of the  
3 public record but shall in no cause be held liable for the content  
4 of the reported action or be made a party to action taken as a  
5 result of the ~~discipline~~ sanction imposed by the State Board of  
6 Veterinary Medical Examiners.

7        C. The president or secretary-treasurer of the Board may, ~~at~~  
8 ~~the discretion of the Board,~~ issue a confidential letter of concern  
9 to a licensee or certificate holder when, though evidence does not  
10 warrant formal proceedings, there has been noted indications of  
11 possible misconduct by the licensee or certificate holder that could  
12 lead to serious consequences and formal action.

13        D. The Board may require an applicant for licensure or  
14 certification or a licensee or certificate holder to be examined on  
15 ~~his or her~~ the applicant's or holder's medical knowledge and skills  
16 should the Board find, after due process, that there is probable  
17 cause to believe the licensee or certificate holder or applicant may  
18 be deficient in such knowledge and skills.

19        E. The Board may take disciplinary action or other sanctions  
20 upon clear and convincing evidence of unprofessional or dishonorable  
21 conduct, which shall include, but not be limited to:

- 1        1. Fraud or misrepresentation in applying for or procuring a  
2 license or certificate to practice veterinary medicine in any  
3 federal, state or local jurisdiction;
- 4        2. Cheating on or attempting to cheat on or subvert in any  
5 manner whatsoever the licensing or certificate examination or any  
6 portion thereof;
- 7        3. The conviction of or entry of a guilty plea or plea of nolo  
8 contendere involving a felony in this or any other jurisdiction,  
9 whether or not related to the practice of veterinary medicine;
- 10       4. Conduct likely to deceive, defraud, or harm the public;
- 11       5. The making of a false or misleading statement regarding ~~his~~  
12 ~~or her~~ one's skill or the efficacy or value of the medicine,  
13 treatment or remedy prescribed by ~~him or her~~ the licensed  
14 veterinarian or at ~~his or her~~ the licensed veterinarian's direction  
15 in the treatment of any disease or other condition of the animal;
- 16       6. Representing to a client that a manifestly incurable  
17 condition, sickness, disease or injury can be cured or healed;
- 18       7. Negligence in the practice of veterinary medicine ~~as~~  
19 ~~determined by the Board~~;
- 20       8. Practice or other behavior that demonstrates a manifest  
21 incapacity or incompetence to practice veterinary medicine;
- 22       9. The use of any false, fraudulent or deceptive statement in  
23 any document connected with the practice of veterinary medicine;

- 1        10. Failure to notify the Board of current address of practice;
- 2        11. Aiding or abetting the practice of veterinary medicine by
- 3 an unlicensed, incompetent or impaired person;
- 4        12. Habitual use or abuse of alcohol or of a habit-forming drug
- 5 or chemical which impairs the ability of the licensee or certificate
- 6 holder to practice veterinary medicine;
- 7        13. Violation of any laws relating to the administration,
- 8 prescribing or dispensing of controlled dangerous substances or
- 9 violation of any laws of the federal government or any state of the
- 10 United States relative to controlled dangerous substances;
- 11        14. Obtaining a fee by fraud or misrepresentation;
- 12        15. Directly or indirectly giving or receiving any fee,
- 13 commission, rebate or other compensation for professional services
- 14 not actually and personally rendered, not to preclude the legal
- 15 function of a lawful professional partnership, corporation or
- 16 association;
- 17        16. Failure to report to the Board any adverse action taken by
- 18 another jurisdictional body, by any peer review body, health-related
- 19 licensing or disciplinary jurisdiction, law enforcement agency or
- 20 court for acts or conduct related to the practice of veterinary
- 21 medicine;
- 22        17. Failure to report to the Board surrender of a license or
- 23 other certificate of authorization to perform functions based on the

1 holding of a license or certificate to practice veterinary medicine  
2 or surrender of membership in any organization or association  
3 related to veterinary medicine while under investigation by that  
4 association or organization for conduct similar to or the same as  
5 acts which would constitute grounds for action as defined in the  
6 Oklahoma Veterinary Practice Act;

7 18. Failure to furnish the Board, its staff or agents  
8 information legally requested or failure to cooperate with a lawful  
9 investigation conducted by or on behalf of the Board;

10 19. Failure to pay appropriately assessed fees or failure to  
11 make any personal appearance required by the Board or any of its  
12 officers; ~~or~~

13 20. The practice of veterinary medicine in the absence of a  
14 bona fide veterinarian-client-patient relationship. The preclusion  
15 of a veterinarian-client-patient relationship by a veterinarian who  
16 in good faith renders or attempts to render emergency care to a  
17 victim pursuant to a Good Samaritan application shall not constitute  
18 grounds for discipline pursuant to the Oklahoma Veterinary Practice  
19 Act;

20 21. Providing vaccinations or elective surgical procedures on  
21 skunks, namely Mephitis mephitis (striped), Conepatus mesoleus  
22 (hog-nosed), and Spilogale putorius (spotted), unless the animal is  
23 under the custody and care of a recognized zoological institution,

1 research facility, or person possessing an appropriate and current  
2 wildlife permit issued by the Oklahoma Department of Wildlife  
3 Conservation or Oklahoma Department of Agriculture; or

4 22. Violation of any provisions of the Oklahoma Veterinary  
5 Practice Act or the rules and policies of the Board or of an action,  
6 stipulation or agreement of the Board.

7 F. 1. The Board may commence any legal action to enforce the  
8 provision of the Oklahoma Veterinary Practice Act and may exercise  
9 full discretion and authority with respect to ~~disciplinary~~  
10 enforcement actions; provided it does so. Administrative sanctions  
11 taken by the Board shall be made in accordance with Article II of  
12 the Administrative Procedures Act, ~~Section 309 et seq. of Title 75~~  
13 ~~of the Oklahoma Statutes,~~ the Oklahoma Veterinary Practice Act, and  
14 other applicable laws of this state. The Board shall take  
15 appropriate ~~disciplinary~~ enforcement action when required, assuring  
16 fairness and due process to the defendant.

17 2. The Board or its designee may hold informal conferences ~~at~~  
18 ~~its discretion~~ to negotiate a settlement of a dispute; provided that  
19 the conference is agreed to in writing by all parties and said  
20 conference does not preclude a hearing on the same matters. The  
21 Board ~~may~~ shall not consider the agreement binding should a hearing  
22 be held subsequent to the agreement.

1 G. The Board may summarily suspend a license or certificate  
2 prior to a formal hearing when it has found upon clear and  
3 convincing evidence that such action is required to protect the  
4 public or animal health or welfare or when a person under the  
5 jurisdiction of the Board is convicted of a felony, whether or not  
6 related to the practice of veterinary medicine; provided such action  
7 is taken simultaneously with proceedings for setting a formal  
8 hearing to be held within thirty (30) days after the summary  
9 suspension.

10 H. 1. The Board may issue an order to any licensee or  
11 certificate holder, ~~or~~ obtain an injunction or take other  
12 administrative, civil or criminal court action against any person or  
13 any corporation or association, its officers, or directors, to  
14 restrain said persons from violating the provisions of the Oklahoma  
15 Veterinary Practice Act.

16 2. Violations of ~~such~~ an injunction shall be punishable as  
17 contempt of court. No proof of actual damage to any animal shall be  
18 required for issuance of an order or an injunction, nor shall an  
19 injunction relieve those enjoined from administrative, civil or  
20 criminal prosecution for violation of the Oklahoma Veterinary  
21 Practice Act.

22 I. 1. The State Board of Veterinary Medical Examiners may  
23 suspend ~~or~~, revoke or refuse to renew the license or certificate of

1 any ~~veterinarian~~ person holding license or certificate to practice  
2 veterinary medicine in this state or place such person on probation  
3 for unprofessional conduct, but no such suspension or revocation or  
4 refusal to renew, or probation shall be made, unless otherwise  
5 provided for herein, until such be cited to appear for hearing. No  
6 such citation shall be issued except upon a sworn complaint filed  
7 with the president or secretary-treasurer of said Board charging the  
8 licensee or certificate holder with having been guilty of  
9 unprofessional conduct and setting forth the particular act or acts  
10 alleged to constitute such unprofessional conduct.

11 2. In the event it comes to the attention of the Board that a  
12 violation of the rules of professional conduct may have occurred,  
13 even though a formal complaint or charge may not have been filed,  
14 the Board may conduct an investigation of such possible violation,  
15 and may, upon its own motion, institute a formal complaint. In the  
16 course of such investigation, persons appearing before the Board may  
17 be required to testify under oath.

18 J. 1. Upon the filing of a complaint, either by an individual  
19 or the Board, the citation shall be issued by the president or  
20 secretary-treasurer of the Board over ~~his or her~~ such officer's  
21 signature and seal of the Board, setting forth the particulars of  
22 the complaint, and giving due notice of the time and place of the  
23 hearing by the Board. The citation shall be made returnable at the

1 next meeting of the Board at which hearing is set and shall be no  
2 less than thirty (30) days after issuance of the citation~~;~~;

3 2. The accused shall file ~~his or her~~ a written answer under  
4 oath with notice of intent to appear or be represented within twenty  
5 (20) days after the service ~~upon him or her~~ of the citation.  
6 Failure to respond to the citation within the prescribed time shall  
7 constitute default ~~and his or her~~;

8 3. The license or certificate of the accused shall be suspended  
9 ~~or~~, revoked or not renewed if the charges are found, by clear and  
10 convincing evidence, sufficient by the Board; provided, the  
11 president or secretary-treasurer of the Board may extend the time of  
12 answer upon satisfactory showing that the defendant is for  
13 reasonable cause, unable to answer within the prescribed twenty (20)  
14 days, but in no case shall the time be extended beyond the date of  
15 the next scheduled meeting for hearing the complaint, unless  
16 continuance thereof be granted by the Board~~;~~ and

17 4. All citations and subpoenas under the contemplation of  
18 ~~Section 698.1 et seq. of this title,~~ the Oklahoma Veterinary  
19 Practice Act shall be served in general accordance with the statutes  
20 of this state applying to the service of such documents, ~~and all~~.  
21 All provisions of the statutes of this state relating to citations  
22 and subpoenas are hereby made applicable to the citations and  
23 subpoenas herein provided ~~for~~. All the provisions of the statutes

1 of this state governing the taking of testimony by depositions are  
2 made applicable to the taking of depositions ~~under Section 698.1 et~~  
3 ~~seq. of this title~~ pursuant to the Oklahoma Veterinary Practice Act.

4 K. The Executive Director, secretary-treasurer, designee, or  
5 prosecuting attorney for the Board, during the course of any lawful  
6 investigation, may order or subpoena the attendance of witnesses,  
7 the inspection of records, and premises and the production of  
8 relevant records, books, memoranda, documents, radiographs, or other  
9 papers or things for the investigation of matters that may come  
10 before the Board.

11 L. 1. The attendance of witnesses may be compelled in such  
12 hearings by subpoenas issued by the president or secretary-treasurer  
13 of the Board over the seal thereof, and the president or secretary-  
14 treasurer shall in no case refuse to issue ~~such~~ subpoenas upon  
15 praecipe filed therefor accompanied by the fee set by the Board by  
16 rule for the issuance of such subpoenas.

17 2. If any person refuses to obey ~~such~~ a subpoena properly  
18 served upon ~~him or her~~ such person or in ~~such~~ the manner, the fact  
19 of such refusal shall be certified by the secretary-treasurer of the  
20 Board over the seal thereof to the district attorney of the county  
21 in which such service was had, and the court shall proceed to hear  
22 said matter in accordance with the statutes of this state then in  
23 force governing contempt as for disobedience of its own process.

1        ~~L. M.~~ 1. ~~It is hereby provided that the~~ The State of Oklahoma  
2 is a proper and necessary party in the prosecution of all such  
3 actions and hearings before the ~~State Board of Veterinary Medical~~  
4 ~~Examiners~~ in all matters pertaining to unprofessional conduct and  
5 disciplinary action ~~and the.~~ The Attorney General of the state, in  
6 person or by deputy, is authorized to appear in behalf thereof, ~~and~~  
7 ~~the.~~ The defendant in any such ~~action~~ actions shall have the right  
8 to be represented by counsel.

9        2. The Board is empowered to enter into agreement with or  
10 employ one or more attorneys to conduct the business of the Board in  
11 the absence of representation by the Attorney General or ~~his or her~~  
12 designee or in conjunction with representation by the Attorney  
13 General or ~~his or her~~ designee.

14        3. The Board shall sit as a trial body and the rulings of the  
15 Board shall be by majority vote. Appeal to the rulings thereof  
16 shall be by petition to the district court of the district in which  
17 the hearing was held. The secretary-treasurer of the Board shall  
18 cause a record of all proceedings to be made and a transcript of the  
19 proceedings or any part thereof may be obtained by payment of actual  
20 cost of taking and preparation of transcript of such proceedings or  
21 part thereof.

22        ~~M. N.~~ All final disciplinary actions, license denials, related  
23 findings of fact and conclusions of law are matters of public

1 record. Voluntary surrender of and voluntary limitations on the  
2 veterinarian's practice or license shall be public record.

3 ~~N.~~ O. Certificate holders or faculty of veterinary medical  
4 schools ~~should~~ shall report to the Board in writing any information  
5 that gives reason to believe a veterinarian is incompetent, guilty  
6 of unprofessional conduct or is unable to engage safely in the  
7 practice of veterinary medicine. Cause for reporting shall be for,  
8 but not limited to, the following instances:

- 9 1. Voluntary resignation from a professional partnership,  
10 corporation or practice for reason of inability to practice;
- 11 2. Malpractice claims, judgments, settlements or awards;
- 12 3. Civil or criminal convictions; or
- 13 4. Other actions that indicate inability to practice with  
14 reasonable skill and safety.

15 ~~Q.~~ P. The Board shall consider violation of any of the Rules of  
16 Professional Conduct a violation of the Oklahoma Veterinary Practice  
17 Act section on unprofessional conduct and shall proceed with  
18 disciplinary action as set out in the Oklahoma Veterinary Practice  
19 Act.

20 ~~P.~~ Q. 1. In addition to other penalties prescribed by the  
21 Oklahoma Veterinary Practice Act, any person who the Board has  
22 determined by clear and convincing evidence to have violated any  
23 provisions of the Oklahoma Veterinary Practice Act, or any rule or

1 order issued pursuant thereto shall be liable for an administrative  
2 penalty of not more than Five Thousand Dollars (\$5,000.00) for each  
3 day that the violation continues.

4 2. The amount of the penalty shall be assessed by the Board  
5 pursuant to the provisions of paragraph 1 of this subsection, after  
6 notice and hearing. In determining the amount of the penalty, the  
7 Board shall, by clear and convincing evidence, include, but not be  
8 limited to, consideration of the nature, circumstances, and gravity  
9 of the violation and, with respect to the person found to have  
10 committed the violation, the degree of culpability, the effect on  
11 ability of the person to continue to do business, and any show of  
12 good faith in attempting to achieve compliance with the provisions  
13 of the Oklahoma Veterinary Practice Act.

14 3. All penalties collected pursuant to the provisions of this  
15 subsection shall be deposited in the Veterinary Medical Examiners  
16 Fund.

17 SECTION 16. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 698.19A of Title 59, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. 1. If, upon completion of an investigation, the Executive  
21 Director of the State Board of Veterinary Medical Examiners has  
22 probable cause to believe that a licensed veterinarian or any other  
23 person has violated provisions of the Oklahoma Veterinary Practice

1 Act or rules promulgated thereto, the Executive Director may issue a  
2 field citation to the licensed veterinarian or other person, as  
3 provided in this section. Each field citation shall be in writing  
4 and shall describe with particularity the nature of the violation,  
5 including but not limited to a reference to the provision of the  
6 Oklahoma Veterinary Practice Act alleged to have been violated.

7 2. In addition, each field citation may contain an order of  
8 abatement fixing a reasonable time for abatement of the violation,  
9 and may contain an assessment of an administrative penalty not to  
10 exceed Five Hundred Dollars (\$500.00) for a first offense and not to  
11 exceed Five Thousand Dollars (\$5,000.00) for a second or each  
12 subsequent offense. Each day such violation continues shall  
13 constitute a separate offense.

14 3. The field citation shall be served upon the licensed  
15 veterinarian or other person personally or by any certified mail,  
16 return receipt requested.

17 B. Before any field citation shall be issued to any licensed  
18 veterinarian, the Executive Director shall have submitted the  
19 alleged violation for the review and examination to a probable cause  
20 committee, comprised of the Board's attorney, an investigator, and a  
21 veterinarian licensed in the state of Oklahoma. The probable cause  
22 committee, during its review, may contact the licensed veterinarian  
23 to discuss and resolve the alleged violation. Upon conclusion of

1 the probable cause committee's review, the committee shall prepare  
2 findings of fact and a recommendation. If the committee concludes  
3 that probable cause exists that the veterinarian has violated any  
4 provisions of the Oklahoma Veterinary Practice Act or rules  
5 promulgated thereto, an administrative penalty shall be assessed  
6 upon the licensed veterinarian.

7 C. 1. If a licensed veterinarian or other person has been  
8 determined by the Board or agent thereof to have violated any  
9 provision of the Oklahoma Veterinary Practice Act or rules  
10 promulgated or issued pursuant thereto desires to contest a field  
11 citation or the proposed assessment of an administrative penalty  
12 therefore, the licensed veterinarian or other person shall, within  
13 ten (10) business days after service of the field citation, notify  
14 the Executive Director in writing, requesting an informal conference  
15 with the probable cause committee.

16 2. The probable cause committee shall hold, within sixty (60)  
17 days from the receipt of the written request, an informal  
18 conference. After the conclusion of the informal conference, and  
19 based on recommendations thereof, the Executive Director may affirm,  
20 modify or dismiss the field citation or proposed assessment of an  
21 administrative penalty and the Executive Director shall state with  
22 particularity in writing the reasons for the action, and shall

1 immediately transmit a copy thereof to the licensed veterinarian or  
2 other person and the person who submitted the complaint.

3 D. 1. If the veterinarian or person desires to contest  
4 administratively, a decision made after the informal conference, the  
5 licensed veterinarian or other person shall inform the Executive  
6 Director in writing within thirty (30) calendar days after such  
7 person receives the decision resulting from the informal conference.

8 2. If the licensed veterinarian or other person fails to  
9 request an informal conference within the time specified in this  
10 section, the field citation, the proposed assessment of the  
11 administrative penalty or the decision made after an informal  
12 conference shall be deemed a final order of the Board and shall not  
13 be subject to further administrative reviews.

14 E. If a fine is paid to satisfy an assessment based on the  
15 findings of a violation, payment of the fine shall be represented as  
16 satisfactory resolution of the matter for the purposes of public  
17 disclosure.

18 F. A veterinarian or other person, in lieu of contesting a  
19 field citation pursuant to this section, may transmit to the Board  
20 the amount assessed in the citation as an administrative penalty,  
21 within thirty (30) days after service of the field citation. If a  
22 hearing is not requested pursuant to this section, payment of any  
23 fine shall not constitute an admission of the violation charged.

1 G. 1. If a veterinarian or other person has notified the  
2 Executive Director within ten (10) working days of the issuance of  
3 the assessment of field citation that such veterinarian or other  
4 person intends to contest the decision made after the informal  
5 conference, the Board shall hold a hearing to be held in accordance  
6 with the Administrative Procedures Act and adjudicating such matters  
7 for judgment only upon clear and convincing evidence as required by  
8 the Oklahoma Veterinary Practice Act with the Board having all of  
9 the powers granted therein.

10 2. After the hearing, the Board shall issue a decision based on  
11 findings of the fact, affirming, modifying or vacating the citation,  
12 or directing other appropriate relief which shall include, but need  
13 not be limited to, a notice that the failure of the veterinarian or  
14 other person to comply with any provision of the Board's decision  
15 may subject such veterinarian or person to the imposition of the  
16 sanctions authorized by the Oklahoma Veterinary Practice Act.

17 H. After the exhaustion of the review procedures provided for  
18 in this section, the Board may bring an action for judicial review  
19 and administrative penalty and obtain an order compelling the cited  
20 person to comply with any order issued pursuant to this section.

21 I. Failure of a licensee to pay a fine within thirty (30) days  
22 of the date of assessment, unless the field citation is being  
23 appealed may result in action being taken by the Board. When a

1 citation is not contested and a fine is not paid, the full amount of  
2 the assessed fine shall be added to the fee for the renewal of the  
3 license. A license shall not be renewed without payment of the  
4 renewal fee and fine.

5 J. The Board shall promulgate rules covering the issuance of  
6 field citations, the assessment of administrative penalties and  
7 other duties specified by this section pursuant to this section  
8 which give due consideration to the appropriateness of the penalty  
9 with respect to the following factors:

- 10 a. the gravity of the violation,
- 11 b. the good faith of the person being charged, and
- 12 c. the history of previous violations.

13 SECTION 17. AMENDATORY 59 O.S. 1991, Section 698.14b, is  
14 amended to read as follows:

15 Section 698.14b A. Impairment is defined as the inability of a  
16 person to practice veterinary medicine with reasonable skill and  
17 safety by reason of:

- 18 1. Mental illness; or
- 19 2. Habitual use or excessive use or abuse of drugs or chemicals  
20 defined in law as controlled substances or habit-forming substances,  
21 to include, but not be limited to, alcohol or other substances that  
22 impair the ability of the licensee or certificate holder to practice  
23 veterinary medicine.

1           B. Upon probable cause, the State Board of Veterinary Medical  
2 Examiners may require a licensee or certificate holder or applicant  
3 for license or certificate to submit to a any test ~~or tests~~ to  
4 determine the use of alcohol or drugs which affects the ability of  
5 the licensee or certificate holder to practice veterinary medicine.  
6 The Board, by rule, shall establish the nature and criteria for any  
7 such test ~~or tests~~. The results of ~~said~~ the test ~~or tests~~ shall be  
8 admissible in any hearing before the Board. Failure to submit to  
9 the required test ~~or tests~~ by any licensee, certificate holder or  
10 applicant when properly directed to do so by the Board shall be  
11 grounds for disciplinary action against a licensee or certificate  
12 holder and, for any applicant, shall be grounds for denial of  
13 license or certificate.

14           C. Upon findings by the Board, after evaluation and hearing,  
15 that the licensee, certificate holder or applicant is impaired, the  
16 Board may take one of the following actions or any other action  
17 deemed appropriate to the circumstances by the Board:

- 18           1. Direct the person to submit to care, counseling or treatment  
19 acceptable to the Board;
- 20           2. Suspend, limit or restrict the license or certificate to  
21 practice for the duration of the impairment; or
- 22           3. Revoke or refuse to renew the license or certificate or deny  
23 the application.

1 D. Any person who is prohibited from practicing ~~under~~ pursuant  
2 to the provisions of this section shall be afforded at reasonable  
3 intervals the opportunity to present evidence or material not before  
4 seen by the Board to demonstrate to the satisfaction of the Board  
5 that ~~he or she~~ such person can resume or begin the practice of  
6 veterinary medicine with reasonable skill and safety; provided,  
7 ~~however,~~ that all fees have been paid and all requirements for  
8 licensure, certification, reinstatement or other form of  
9 authorization to practice have been satisfactorily completed.

10 E. 1. All licensees, certificate holders or faculty of  
11 veterinary medical schools ~~should~~ shall report to the Board  
12 information about any and all colleagues that shows the colleagues  
13 are impaired.

14 2. The Board may establish rules ~~and regulations~~ for the  
15 approval of medically directed, nonprofit, voluntary treatment  
16 programs for impaired practitioners and to set standards for the  
17 treatment of practitioners.

18 3. The Board may exempt from reporting those who are conducting  
19 a Board-approved treatment program; provided that the impaired  
20 veterinarian who is participating in the program is doing so  
21 satisfactorily. Should the impaired veterinarian leave the program  
22 without first achieving a release by the program, the administrator  
23 of the program is required to report same to the Board.

1 Participation in an approved treatment program does not protect an  
2 impaired veterinarian from Board action resulting from a report from  
3 another source of violation of the Oklahoma Veterinary Practice Act,  
4 whether related to the impairment or not.

5 4. Programs for the treatment of impaired professionals  
6 approved by this Board shall be reviewed annually or more frequently  
7 at the Board's discretion.

8 SECTION 18. AMENDATORY 59 O.S. 1991, Section 698.15, is  
9 amended to read as follows:

10 Section 698.15 ~~It is hereby made~~ shall be the duty of every  
11 person engaged in the practice of veterinary medicine to report to  
12 the State Veterinarian of the State of Oklahoma the name of the  
13 owner or person in possession of all domestic animals afflicted with  
14 any contagious or infectious disease required to be reported ~~by~~ to  
15 the State Board of Agriculture together with the location of ~~said~~  
16 ~~animal or~~ the animals and the disease with which ~~said animal is the~~  
17 animals are afflicted immediately upon such knowledge or information  
18 coming to such practitioners.

19 SECTION 19. AMENDATORY 59 O.S. 1991, Section 698.16, is  
20 amended to read as follows:

21 Section 698.16 A. 1. Any animal except domestic animals as  
22 such term is defined in Section 85.1 of Title 4 of the Oklahoma  
23 Statutes placed in the custody of a licensed veterinarian for

1 boarding, treatment or any other care such reason which shall be is  
2 abandoned by its owner, the owner's agent, or any other person for a  
3 period of more than ten (10) days after written notice, by  
4 registered or certified mail, return receipt requested, is given to  
5 the owner or the owner's agent at his or her the last-known address  
6 of the owner or the owner's agent, shall be deemed abandoned and may  
7 be sold or turned over to the custody of the nearest humane society  
8 ~~or,~~ dog pound, or animal shelter in the area for disposal as such  
9 ~~custodian may deem~~ deemed proper by the humane society, dog pound or  
10 animal shelter. If no ~~such custodial institution~~ humane society,  
11 dog pound or animal shelter is available in the county, the animal  
12 may be disposed of in a humane manner or sold by the licensed  
13 veterinarian or the sheriff of the county. ~~Abandonment shall mean~~  
14 ~~to forsake entirely or to neglect or refuse to provide or perform~~  
15 ~~the legal obligations for care and support of an animal by its~~  
16 ~~owner.~~

17 2. Any animal except domestic animals as such term is defined  
18 in Section 85.1 of Title 4 of the Oklahoma Statutes placed in the  
19 custody of a licensed veterinarian for, but not limited to,  
20 boarding, treatment, or any other care, which is abandoned by an  
21 anonymous individual for a period of more than ten (10) days, shall  
22 be deemed to be abandoned and may be sold or turned over to the  
23 custody of the nearest humane society or dog pound or animal shelter

1 in the area for disposal as deemed proper by the humane society, dog  
2 pound or animal shelter. If no humane society, dog pound or animal  
3 shelter is available in the county, the animal other than domestic  
4 animal may be disposed of in a humane manner or sold by the licensed  
5 veterinarian or sheriff of the county.

6 B. Any domestic animal as such term is defined by Section 85.1  
7 of Title 4 of the Oklahoma Statutes placed in the custody of a  
8 licensed veterinarian for boarding, treatment or any other reason  
9 which is abandoned by the owner, the owner's agent or by an  
10 anonymous individual may be disposed of as required for estrays  
11 pursuant to Chapter 4 of Title 4 of the Oklahoma Statutes.

12 C. 1. Compliance with the notice provisions of this section by  
13 the licensed veterinarian or the disposal of an animal pursuant to  
14 subsection B of this section, as provided in subsection A of this  
15 section, shall relieve the licensed veterinarian and any custodian  
16 to whom such animal may be given of any further liability for  
17 disposal.

18 2. Such procedure by a licensed veterinarian shall not  
19 constitute grounds for disciplining pursuant to the Oklahoma  
20 Veterinary Practice Act.

21 3. Compliance with this section shall relieve the veterinarian  
22 from liability for such disposal or sale.

1 SECTION 20. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 698.16a of Title 59, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. Animal health records shall be the property of the owner or  
5 manager of a veterinary practice that has prepared such records, and  
6 shall include, but not be limited to, written records and notes,  
7 radiographs, sonographic images, video tapes, photographs,  
8 laboratory reports, or other diagnostic or case management  
9 information received as the result of consulting with other licensed  
10 veterinarians or medical specialists.

11 B. Each licensed veterinarian shall keep and maintain a legible  
12 patient record for a period of thirty-six (36) months from the date  
13 of the last visit of the patient. Each licensed or certificate  
14 holder veterinarian shall maintain records in a manner that will  
15 permit any authorized licensed veterinarian to proceed with the care  
16 and treatment of the animal, if required, by reading the medical  
17 record of that particular patient, and the record shall clearly  
18 explain the initial examination. The State Board of Veterinary  
19 Medical Examiners shall promulgate such rules as may be necessary to  
20 ensure that patient records include certain necessary elements.

21 C. The owner or manager of any veterinary practice maintaining  
22 animal health records shall provide the client or client's agent  
23 copies or a detailed written summary within ten (10) working days of

1 a request made in writing by the owner, unless the records are  
2 required in an immediate life-threatening situation, at which time  
3 the original records, copies of the written records or a detailed  
4 written summary shall be forwarded to the attending or primary care-  
5 licensed veterinarian within the same working day. The owner or  
6 manager of any veterinary practice maintaining records shall furnish  
7 the copies pertaining to the case upon tender of the expense of such  
8 copy or copies. Cost of each copy shall not exceed the amount  
9 specified in the Open Records Act per page, and no more than a  
10 reasonable cost of duplicating diagnostic images, tapes, or  
11 radiographs. There shall be no search fees assessed for the  
12 production or retrieval of any medical records.

13 D. 1. No veterinarian licensed pursuant to the Oklahoma  
14 Veterinary Practice Act shall be required to disclose any  
15 information concerning the licensed veterinarian's care of an animal  
16 except on written authorization or by other waiver by the licensed  
17 veterinarian's client or on appropriate court order, by subpoena or  
18 as otherwise provided by this section.

19 2. Copies of or information from veterinary records shall be  
20 provided without the owner's consent to public or animal health,  
21 wildlife or agriculture authorities, employed by federal, state or  
22 local governmental agencies who have a legitimate interest in the

1 contents of said records for the protection of animal and public  
2 health.

3 E. 1. Any licensed veterinarian releasing information under  
4 written authorization or other waiver by the client or under court  
5 order, by subpoena or as otherwise provided by this section shall  
6 not be liable to the client or any other person.

7 2. The privilege provided by this section shall be waived to  
8 the extent that the licensed veterinarian's client or the owner of  
9 the animal places the licensed veterinarian's care and treatment of  
10 the animal or the nature and extent of injuries to the animal at  
11 issue in any civil or criminal proceeding.

12 SECTION 21. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 59 of Title 698.16b, unless  
14 there is created a duplication in numbering, reads as follows:

15 No person or entity which, in good faith, reports or provides  
16 information or investigates any person as authorized by the Oklahoma  
17 Veterinary Practice Act, shall be liable in a civil action for  
18 damages or relief arising from the reporting, providing of  
19 information or investigation except upon clear and convincing  
20 evidence that the report of information was completely false, or  
21 that the investigation was based on false information, and that the  
22 falsity was actually known to the person or entity making the

1 report, providing the information or conducting the investigation at  
2 the time thereof.

3 SECTION 22. AMENDATORY 59 O.S. 1991, Section 698.17, is  
4 amended to read as follows:

5 Section 698.17 Any ~~licensed~~ veterinarian who is licensed in  
6 this state or licensed veterinarian who is a resident of another  
7 state or the District of Columbia, and who in good faith renders or  
8 attempts to render emergency care or treatment to an animal at the  
9 scene of an accident or emergency care or treatment to ~~the~~ a human  
10 victim ~~or victims~~ thereof, shall not be liable for any civil damages  
11 as a result of any acts or omissions by such person rendering or  
12 attempting to render the emergency care or treatment.

13 SECTION 23. AMENDATORY 59 O.S. 1991, Section 698.18, is  
14 amended to read as follows:

15 Section 698.18 A. It shall be unlawful for any person to  
16 knowingly aid or abet in the unlicensed practice of veterinary  
17 medicine in this state.

18 B. Any person who shall violate, aid or abet violates, aids or  
19 abets in violating any of the provisions of ~~this act~~ the Oklahoma  
20 Veterinary Practice Act shall be deemed guilty of a misdemeanor and  
21 upon conviction thereof shall be punished by a fine of not less than  
22 ~~Fifty Dollars (\$50.00)~~ Five Hundred Dollars (\$500.00) or not more  
23 than ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Five Hundred

1 Dollars (\$2,500.00), or by imprisonment in the county jail for not  
2 less than thirty (30) days, nor more than six (6) months, or by both  
3 such fine and imprisonment.

4 SECTION 24. AMENDATORY 59 O.S. 1991, Section 698.21, as  
5 amended by Section 2, Chapter 56, O.S.L. 1992 (59 O.S. Supp. 1998,  
6 Section 698.21), is amended to read as follows:

7 Section 698.21 A person shall not act as a veterinary  
8 technician in this state unless that person is certified by the  
9 Board and is under direct supervision of a veterinarian licensed by  
10 this state. A person shall not be considered to be a veterinary  
11 technician in this state who:

12 1. Administers to animals for which ~~he~~ such person holds title,  
13 unless ~~he~~ such person has received title for the purpose of  
14 circumventing ~~this act~~ the Oklahoma Veterinary Practice Act;

15 2. Conducts experimentation, scientific research or testing,  
16 and uses animals in connection therewith;

17 3. Conducts routine vaccination and pullorum testing of poultry  
18 under supervision of the National Poultry Improvement Plan as  
19 administered by this state and the United States Department of  
20 Agriculture; or

21 4. Is a regular student in a legally chartered and recognized  
22 curriculum for veterinary technician training, while in the

1 performance of studies and acts assigned by ~~his~~ instructors of the  
2 student.

3 SECTION 25. AMENDATORY 59 O.S. 1991, Section 698.22, as  
4 amended by Section 3, Chapter 56, O.S.L. 1992 (59 O.S. Supp. 1998,  
5 Section 698.22), is amended to read as follows:

6 Section 698.22 A. The State Board of Veterinary Medical  
7 Examiners shall examine a candidate for a certificate as a  
8 veterinary technician. A candidate for examination shall pay to the  
9 secretary of the Board a reasonable fee ~~to be~~ established by rule of  
10 the Board and shall furnish satisfactory proof of graduation from a  
11 school of veterinary technology approved by the Board.

12 ~~Provided, that nothing in this act shall~~ B. The provisions of  
13 the Oklahoma Veterinary Practice Act shall not be construed to  
14 prohibit a licensed veterinarian from employing a noncertified  
15 animal veterinary technician.

16 ~~B. C.~~ A licensed veterinarian shall not be required to hire a  
17 certified veterinary technician.

18 SECTION 26. AMENDATORY 59 O.S. 1991, Section 698.23, is  
19 amended to read as follows:

20 Section 698.23 A. Upon receiving from the State Board of  
21 Veterinary Medical Examiners a report that an applicant has  
22 successfully passed the examination and is recommended for

1 certification, the Board shall issue a certificate in a form  
2 approved by the Board.

3 SECTION 27. AMENDATORY 59 O.S. 1991, Section 698.25, as  
4 last amended by Section 3, Chapter 143, O.S.L. 1997 (59 O.S. Supp.  
5 1998, Section 698.25), is amended to read as follows:

6 Section 698.25 The State Board of Veterinary Medical Examiners  
7 may revoke ~~or~~, suspend or refuse to renew the certificate of a  
8 veterinary technician or place the veterinary technician on  
9 probation, after notice and opportunity for a hearing, upon a  
10 determination based on clear and convincing evidence of a violation  
11 of the Oklahoma Veterinary Practice Act or rules promulgated or  
12 orders issued pursuant thereto or any other law or rule relating to  
13 the practice of veterinary medicine.

14 SECTION 28. AMENDATORY 59 O.S. 1991, Section 698.26, as  
15 amended by Section 6, Chapter 56, O.S.L. 1992 (59 O.S. Supp. 1998,  
16 Section 698.26), is amended to read as follows:

17 Section 698.26 A. A veterinary technician shall not diagnose  
18 animal diseases, prescribe medical or surgical treatment, or perform  
19 as a surgeon.

20 B. A veterinary technician may perform emergency treatments in  
21 a life saving situation when a licensed veterinarian is not on the  
22 premises, provided the veterinary technician has direct

1 communication with the licensed veterinarian and is in accordance  
2 with rules promulgated by the Board.

3 C. Any person certified as a veterinary technician, who  
4 practices veterinary medicine contrary to ~~this act~~ the provisions of  
5 the Oklahoma Veterinary Practice Act, upon conviction thereof, shall  
6 be guilty of a misdemeanor and shall also be subject to revocation,  
7 suspension, probation or nonrenewal of certification by the Board.

8 ~~B.~~ D. The penalties provided in subsection A B of this section  
9 shall not apply to a student enrolled in an accredited school of  
10 veterinary technology while the student is under the supervision of  
11 an instructor and is performing activities required as a part of the  
12 student's training.

13 ~~C.~~ E. Any licensed veterinarian permitting or directing a  
14 veterinary technician, aide or animal attendant to perform a task or  
15 procedure in violation of ~~this act~~ the provisions of the Oklahoma  
16 Veterinary Practice Act, upon conviction thereof, shall be guilty of  
17 a misdemeanor and shall also be subject to revocation, probation,  
18 nonrenewal or suspension of ~~his~~ license by the Board.

19 SECTION 29. AMENDATORY 59 O.S. 1991, Section 698.28, is  
20 amended to read as follows:

21 Section 698.28 There is hereby created in the State Treasury a  
22 revolving fund to be designated the "Veterinary Medical Examiners  
23 Fund" which shall consist of all monies received by the State Board

1 of Veterinary Medical Examiners as provided by statute. ~~Said~~ The  
2 fund shall be a continuing fund not subject to fiscal year  
3 limitations. Monies accruing to the credit of the fund are hereby  
4 appropriated and may be expended by the Board for carrying out the  
5 provisions of ~~this act~~ the Oklahoma Veterinary Practice Act.  
6 Expenditures from the fund shall be made upon warrants issued by the  
7 State Treasurer against claims submitted by the Board to the  
8 Director of State Finance for audit and payment.

9 SECTION 30. REPEALER 59 O.S. 1991, Sections 698.13,  
10 698.20, as amended by Section 1, Chapter 56, O.S.L. 1992, 698.24, as  
11 amended by Section 4, Chapter 56, O.S.L. 1992, and 698.27 (59 O.S.  
12 Supp. 1998, Sections 698.20 and 698.24), are hereby repealed.

13 SECTION 31. This act shall become effective November 1, 1999.

14 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-22-99 -  
15 DO PASS, As Amended.