

ENROLLED HOUSE
BILL NO. 1334

By: Richardson and Nance of the
House

and

Wyrick of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 698.12, as amended by Section 3, Chapter 172, O.S.L. 2002, 698.16 and 698.22, as amended by Section 6, Chapter 172, O.S.L. 2002 (59 O.S. Supp. 2004, Sections 698.12 and 698.22), which relate to the Oklahoma Veterinary Practice Act; clarifying applicability of Act to certain actions; modifying certain notice requirements; requiring veterinary technicians to renew registration; authorizing the State Board of Veterinary Medical Examiners to establish certain fee by rule; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 698.12, as amended by Section 3, Chapter 172, O.S.L. 2002 (59 O.S. Supp. 2004, Section 698.12), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. AMENDATORY 59 O.S. 2001, Section 698.16, is amended to read as follows:

Section 698.16 A. 1. Any animal except domestic animals as such term is defined in Section 85.1 of Title 4 of the Oklahoma Statutes placed in the custody of a licensed veterinarian for boarding, treatment or any other such reason which is abandoned by its owner, the owner's agent, or any other person for a period of

more than ~~ten (10)~~ three (3) days after written notice, by registered or certified mail, return receipt requested, is ~~given to~~ received or refused by the owner or the owner's agent at the last-known address of the owner or the owner's agent, shall be deemed abandoned and may be sold or turned over to the custody of the nearest humane society, dog pound, or animal shelter in the area for disposal as deemed proper by the humane society, dog pound or animal shelter. If no humane society, dog pound or animal shelter is available in the county, the animal may be disposed of in a humane manner or sold by the licensed veterinarian or the sheriff of the county.

2. Any animal except domestic animals as such term is defined in Section 85.1 of Title 4 of the Oklahoma Statutes placed in the custody of a licensed veterinarian for, but not limited to, boarding, treatment, or any other care, which is abandoned by an anonymous individual for a period of more than ~~ten (10)~~ five (5) days, shall be deemed to be abandoned and may be sold or turned over to the custody of the nearest humane society or dog pound or animal shelter in the area for disposal as deemed proper by the humane society, dog pound or animal shelter. If no humane society, dog pound or animal shelter is available in the county, the animal other than domestic animal may be disposed of in a humane manner or sold by the licensed veterinarian or sheriff of the county.

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

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

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

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

SECTION 3. AMENDATORY 59 O.S. 2001, Section 698.22, as amended by Section 6, Chapter 172, O.S.L. 2002 (59 O.S. Supp. 2004, Section 698.22), is amended to read as follows:

Section 698.22 A. The State Board of Veterinary Medical Examiners shall examine a candidate for certification as a veterinary technician. A candidate for examination shall pay to the secretary of the Board a reasonable fee established by rule of the Board and shall furnish satisfactory proof of graduation from a program of veterinary technology accredited by the American Veterinary Medical Association and approved by the Board.

B. The provisions of the Oklahoma Veterinary Practice Act shall not require a licensed veterinarian to hire a registered veterinary

technician nor prohibit a licensed veterinarian from employing a veterinary assistant. Licensed veterinarians may delegate animal care responsibilities to employees commensurate with their training, experience, and skills.

C. On or before July 1 of each year, every registered veterinary technician shall apply to the State Board of Veterinary Medical Examiners for a renewal certificate of registration. Completion of the renewal certificate will permit the veterinary technician to be registered in Oklahoma during the next fiscal year. Forms for the renewal registration shall be furnished by the Board. Each renewal application shall be accompanied by a renewal fee in an amount to be established by the Board by rule.

SECTION 4. This act shall become effective November 1, 2005.

Passed the House of Representatives the 9th day of May, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the 13th day of April, 2005.

Presiding Officer of the Senate