

1 ENGROSSED HOUSE  
2 BILL NO. 3202

By: Armes, Richardson and  
Shoemake of the House

3 and

4 Schulz of the Senate  
5  
6

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

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

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

Section 698.2 As used in the Oklahoma Veterinary Practice Act:

1. "Board" means the State Board of Veterinary Medical

Examiners;

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

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

24

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

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

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

14       10. "Direct supervision" means:

- 15       a. directions have been given to a veterinary technician,  
16       nurse, laboratory technician, intern, veterinary  
17       assistant or other employee for medical care following  
18       the examination of an animal by the licensed  
19       veterinarian responsible for the professional care of  
20       the animal, or  
21       b. that, under certain circumstances following the  
22       examination of an animal by a licensed veterinarian  
23       responsible for the professional care of the animal,  
24       the presence of the licensed veterinarian on the

1 premises in an animal hospital setting or in the same  
2 general area in a range setting is required after  
3 directions have been given to a veterinarian who has a  
4 certificate issued pursuant to Section 698.8 of this  
5 title;

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

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

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

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

1           general or preliminary diagnosis of the medical  
2           condition of the animal or animals in that:

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

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

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

13           d. would conform to applicable federal law and  
14           regulations;

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

22           15. "Veterinary prescription drugs" means such prescription  
23           items as are in the possession of a person regularly and lawfully  
24           engaged in the manufacture, transportation, storage, or wholesale or

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

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

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

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

1 case management with the primary care licensed veterinarian who  
2 transmits the cases;

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

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

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

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

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

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

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

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

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

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

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

24

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

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

6        ~~4.~~ 5. Members must be residents of the State of Oklahoma and be  
7 persons of integrity and good reputation. No member shall be a  
8 registered lobbyist. No member shall be an officer, board member or  
9 employee of a statewide or national organization established for the  
10 purpose of advocating the interests of or conducting peer review of  
11 veterinarians licensed pursuant to the Oklahoma Veterinary Practice  
12 Act.

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

1 must be free of pending disciplinary action or active investigation  
2 by the Board.

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

5 1. Ceases to be qualified;

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

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

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

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

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

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

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

21 1. Acts of animal husbandry, dehorning, branding, tagging or  
22 notching ears, teeth floating, farrillery, pregnancy checking,  
23 collecting semen, preparing semen, freezing semen, castrating,  
24 worming, vaccinating, injecting or artificial insemination of farm

1 animals; or the acts or conduct of a person advising with respect to  
2 nutrition, feeds or feeding;

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

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

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

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

1 supervision of faculty. The unsupervised or unauthorized practice  
2 of veterinary medicine even though on the premises of a school of  
3 veterinary medicine is prohibited;

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

7 7. A veterinarian currently licensed in another state from  
8 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 in programs  
11 approved by the Oklahoma Department of Career and Technology  
12 Education; provided that said acts are under the supervision of  
13 instructors and are carried out in the usual course of instruction  
14 and not as independent practice by an unlicensed veterinarian  
15 without supervision;

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

23 10. Any chiropractic physician licensed in this state who is  
24 certified by the Board of Chiropractic Examiners to engage in animal

1 chiropractic diagnosis and treatment from practicing animal  
2 chiropractic diagnosis and treatment;

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

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

11 13. Any individual that is certified by the State Board of  
12 Veterinary Medical Examiners and pays a certification fee of Two  
13 Hundred Dollars (\$200.00) under subsection A of Section 4 of this  
14 act to be a nonveterinary equine dental care provider.

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

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

1 qualification to be a nonveterinary equine dental care provider  
2 using one of the following methods:

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

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

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

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

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

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

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

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

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

5 Passed the House of Representatives the 4th day of March, 2010.

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8 Presiding Officer of the House of  
9 Representatives

10 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

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13 Presiding Officer of the Senate

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