

THE HOUSE OF REPRESENTATIVES  
Monday, February 8, 2010

House Bill No. 3202

HOUSE BILL NO. 3202 - By: ARMES of the House.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 698.2, as amended by Section 1, Chapter 172, O.S.L. 2002, and 698.12, as last amended by Section 1, Chapter 172, O.S.L. 2005 (59 O.S. Supp. 2009, Sections 698.2 and 698.12), which relate to the Oklahoma Veterinary Practice Act; adding definitions for animal husbandry and teeth floating; adding procedures not to be prohibited by the act; prohibiting certain acts; exempting certain persons from prohibition; providing for codification; providing an effective date; and declaring an emergency.

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

- 1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 698.2, as amended by  
2 Section 1, Chapter 172, O.S.L. 2002 (59 O.S. Supp. 2009, Section 698.2), is amended to  
3 read as follows:
- 4 Section 698.2 As used in the Oklahoma Veterinary Practice Act:
- 5 1. "Board" means the State Board of Veterinary Medical Examiners;
  - 6 2. "Animal" means any animal other than humans and includes, but is not limited  
7 to, fowl, fish, birds and reptiles, wild or domestic, living or dead;
  - 8 3. "Veterinarian" means a person who has received a degree in veterinary medicine  
9 or its equivalent from a school of veterinary medicine;
  - 10 4. "Licensed veterinarian" means any veterinarian who holds an active license to  
11 practice veterinary medicine in this state;

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

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

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

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

20           9. "Veterinary technology" means the science and art of providing all aspects of  
21 professional medical care, services, and treatment for animals with the exception of

1 diagnosis, prognosis, surgery, and prescription of any treatments, drugs, medications, or  
2 appliances, where a valid veterinarian-client-patient relationship exists;

3 10. "Direct supervision" means:

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

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

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

1 13. “Veterinarian-client-patient relationship” means when:

- 2 a. the licensed veterinarian has assumed the responsibility for making  
3 medical judgments regarding the health of an animal or animals and  
4 the need for medical treatment, and the client, owner or other  
5 caretaker has agreed to follow the instructions of the licensed  
6 veterinarian; and
- 7 b. there is sufficient knowledge of the animal or animals by the licensed  
8 veterinarian to initiate at least a general or preliminary diagnosis of  
9 the medical condition of the animal or animals in that:
- 10 (1) the licensed veterinarian has recently seen or is personally  
11 acquainted with the keeping and care of the animal or animals,  
12 or  
13 (2) by medically necessary and timely visits to the premises where  
14 the animal or animals are kept or both, and
- 15 c. the licensed veterinarian is readily available for follow-up in case of  
16 adverse reactions or failure of the regimen of therapy, or has arranged  
17 for emergency medical coverage, and
- 18 d. would conform to applicable federal law and regulations;

19 14. “Veterinary premises” means any facility where the practice of veterinary  
20 medicine occurs, including, but not limited to, a mobile unit, mobile clinic, outpatient  
21 clinic, satellite clinic, public service outreach of a veterinary facility, or veterinary

1 hospital or clinic. The term “veterinary premises” shall not include the premises of a  
2 client of a licensed veterinarian or research facility;

3 15. “Veterinary prescription drugs” means such prescription items as are in the  
4 possession of a person regularly and lawfully engaged in the manufacture,  
5 transportation, storage, or wholesale or retail distribution of veterinary drugs and the  
6 federal Food and Drug Administration-approved human drugs for animals which because  
7 of their toxicity or other potential for harmful effects, or method of use, or the collateral  
8 measures necessary for use, are labeled by the manufacturer or distributor in compliance  
9 with federal law and regulations to be sold only to or on the prescription order or under  
10 the supervision of a licensed veterinarian for use in the course of professional practice.  
11 Veterinary prescription drugs shall not include over-the-counter products for which  
12 adequate directions for lay use can be written.

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

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

19 18. “Telemedicine” shall mean the transmission of diagnostic images such as, but  
20 not limited to, radiographs, ultrasound, cytology, endoscopy, photographs and case  
21 information over ordinary or cellular phone lines to a licensed veterinarian or board-

1 certified medical specialist for the purpose of consulting regarding case management  
2 with the primary care licensed veterinarian who transmits the cases;

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

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

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

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

20 23. "Animal chiropractic diagnosis and treatment" means treatment that includes  
21 vertebral subluxation complex (vcs) and spinal manipulation of nonhuman vertebrates.

1 The term “animal chiropractic diagnosis and treatment” shall not be construed to allow  
2 the:

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

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

11 25. “Animal husbandry” means the branch of agriculture and animal science  
12 concerned with the care, breeding and management of bovine, caprine, equine, porcine,  
13 poultry and other farm animals; and

14 26. “Teeth floating” means the removal of enamel points and the smoothing,  
15 contouring and leveling of dental arcades and incisors, and the extraction of molars and  
16 deciduous and vestigial teeth of bovine, equine, porcine and other farm animals. It does  
17 not include dental procedures on canines and felines.

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

21 Section 698.12 A. The Oklahoma Veterinary Practice Act shall not be construed to  
22 prohibit:

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

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

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

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

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

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

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

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

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

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

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

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

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

8 B. Practitioners of services exempted by paragraph 1 of subsection A of this section  
9 may not advertise procedures that are illegal for the practitioners to perform.

10 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma  
11 Statutes as Section 698.30 of Title 59, unless there is created a duplication in numbering,  
12 reads as follows:

13 A. It shall be unlawful for any person to intentionally sell, buy or administer a  
14 veterinary prescription drug for the purpose of sedating bovine, equine, porcine or other  
15 farm animals to perform teeth floating. A person who violates this prohibition is subject  
16 to the penalties listed in Section 698.18 of Title 59 of the Oklahoma Statutes.

17 B. The following persons are exempted from the prohibition in subsection A of this  
18 section and may administer prescription drugs for the purpose of sedating bovine,  
19 equine, porcine and other farm animals to perform teeth floating:

- 20 1. A licensed veterinarian;
- 21 2. An employee of a licensed veterinarian;

1           3. Persons exempted by paragraphs 2, 5, 6, 7 and 8 of Section 698.12 of Title 59 of  
2 the Oklahoma Statutes;

3           4. A person who:

- 4           a.     is authorized by a licensed veterinarian to administer a prescription  
5                     drug,  
6           b.     purchases the prescription drug from a licensed veterinarian, and  
7           c.     does not charge the animal's owner a fee for the administration of the  
8                     prescription drug; or

9           5. A person who:

- 10           a.     at the request of the animal's owner administers a prescription drug  
11                     that was purchased by the animal's owner from a legal source, and  
12           b.     does not charge the animal's owner a fee for the administration of the  
13                     prescription drug.

14           SECTION 4. This act shall become effective July 1, 2010.

15           SECTION 5. It being immediately necessary for the preservation of the public  
16 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
17 this act shall take effect and be in full force from and after its passage and approval.

18           COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL  
19           DEVELOPMENT, dated 02-04-10 - DO PASS.