

ESB 2086

THE HOUSE OF REPRESENTATIVES
Thursday, March 25, 2010

ENGROSSED
Senate Bill No. 2086
As Amended

ENGROSSED SENATE BILL NO. 2086 - By: MARLATT of the Senate and DENNEY of the House.

[professions and occupations - Oklahoma Veterinary Practice Act - recognizing Program for the Assessment of Veterinary Equivalency (PAVE) - codification - effective date]

~~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;

1 4. "Licensed veterinarian" means any veterinarian who holds an active license to
2 practice veterinary medicine in this state;

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

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

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

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

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

5 10. "Direct supervision" means:

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

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

20 12. "Supervised Doctor of Veterinary Medicine Certificate" means authorization to
21 practice veterinary medicine with certain limitations or restrictions on that practice, set
22 by the Board or authorization to perform certain enumerated functions peripheral to the

1 practice of veterinary medicine as set by the Board and has a certificate issued pursuant
2 to Section 698.8 of this title;

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

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

21 14. "Veterinary premises" means any facility where the practice of veterinary
22 medicine occurs, including, but not limited to, a mobile unit, mobile clinic, outpatient

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

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

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

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

20 18. “Telemedicine” shall mean the transmission of diagnostic images such as, but
21 not limited to, radiographs, ultrasound, cytology, endoscopy, photographs and case
22 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; and

11 25. “PAVE Program certificate” means a certificate issued by the American
12 Association of Veterinary State Boards Program for the Assessment of Veterinary
13 Education Equivalence for foreign veterinary graduates, indicating that the holder has
14 demonstrated knowledge and skill equivalent to that possessed by a graduate of an
15 accredited or approved college of veterinary medicine.

16 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
17 Statutes as Section 698.13a of Title 59, unless there is created a duplication in
18 numbering, reads as follows:

19 A. The PAVE Program certificate is designed to fulfill the licensing requirements of
20 the American Association of Veterinary State Boards (AAVSB) for foreign veterinary
21 school graduates, and Oklahoma hereby recognizes foreign veterinary school graduates
22 who successfully complete the PAVE Program certificate within the guidelines provided

1 in this act as fulfilling the educational component requirement for state licensure
2 established by the State Board of Veterinary Medical Examiners.

3 B. A foreign graduate and participant in the PAVE Program may complete Step
4 Four of the program for clinical evaluations in this state or in another accredited college
5 or university within the United States or Canada. Applicants must complete the
6 following application requirements to be considered for the PAVE Program Step Four
7 clinical evaluations offered by Oklahoma State University. An applicant must:

8 1. Submit a letter from the AAVSB/PAVE Office as proof that the applicant is
9 registered in the PAVE Program and has completed the required steps and has
10 successfully completed the Qualifying Examination including dates taken and scores
11 received;

12 2. Submit a completed PAVE application form, letter of intent and curriculum
13 vitae;

14 3. Submit a notarized copy of the applicant's diploma awarded by a college of
15 veterinary medicine, or its equivalent, and a notarized copy of the applicant's transcript
16 including all courses taken during professional training including an English translation,
17 if necessary;

18 4. Be fluent in both written and spoken English. Results of the English fluency
19 examinations must be submitted with the application, when applicable;

20 5. Submit three letters of recommendation, sent directly to Oklahoma State
21 University Department of Veterinary Clinical Sciences, by individuals living in the

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 United States or Canada who can adequately evaluate the applicant's clinical abilities;
2 and

3 6. Provide evidence of legal residency within the United States for the duration of
4 the program. Only U.S. citizens or those persons holding appropriate visas or permits
5 will be considered for admission to Step Four of the PAVE Program offered through the
6 Oklahoma State University.

7 C. Oklahoma State University will review only applicants who have completed all
8 application steps and have experience working at a veterinary hospital in the United
9 States or Canada. It is strongly recommended that applicants have hands-on experience
10 through either work experience or volunteering of twenty to thirty (20-30) hours or more
11 per week under the supervision of North American educated veterinarians for one (1)
12 year or more. Applicants are ranked according to the applicant's exam scores, grade
13 point, letters of reference and experience. Applicants being considered for admittance
14 into Step Four of the PAVE Program for clinical evaluations offered through the
15 Oklahoma State University Department of Veterinary Clinical Sciences must attend an
16 interview, at applicant's expense, with the ECFVG-PAVE Committee of Oklahoma State
17 University for final acceptance into Step Four of the PAVE program offered through
18 Oklahoma State University Department of Veterinary Clinical Sciences.

19 D. Applicants who do not meet the application requirements will not be considered
20 eligible for admission to the clinical evaluation portion of the PAVE Program offered
21 through the Oklahoma State University Department of Veterinary Clinical Sciences.

1 E. The Pave Program clinical evaluation Step Four portion of the program shall
2 consist of forty-eight (48) weeks of veterinary clinical rotations held to the same standard
3 as students regularly enrolled in Oklahoma State University who receive their Doctor of
4 Veterinary Medicine degree from the University. The PAVE Program fee is equal to the
5 out-of-state tuition rate of the Oklahoma State University Department of Veterinary
6 Clinical Sciences. PAVE participants are not Oklahoma State University students and
7 are not eligible for certain student benefits or federal financial aid or loans. Selected
8 candidates for Step Four of the PAVE Program are personally responsible for all
9 financial aspects of participation in the PAVE Program including, but not limited to,
10 program fees, housing, parking, medical insurance, and rabies vaccines. It is preferable
11 that the participant have the rabies vaccine prior to starting Step Four of the PAVE
12 Program. Participants are to provide their own instruments and uniforms. Oklahoma
13 State University provides no liability insurance and accepts no liability for the actions of
14 these participants or the death or injury to these participants. Each participant will be
15 required to accept and sign a liability release statement.

16 F. As used in this section, “clinical rotations” means instruction and hands-on
17 participation in courses of internal medicine, community practice, small animal surgery
18 including, but not limited to, orthopedics and soft tissue, neurology, production medicine,
19 equine medicine and equine surgery, radiology, anesthesia, critical care, clinical
20 pathology, public health, necropsy, clinical microbiology, and other elective rotations
21 established by the Department of Veterinary Clinical Sciences.

1 G. Participants in Step Four of the PAVE Program must agree to perform the same
2 duties required of a regularly enrolled senior veterinary students assigned to rotations in
3 the Oklahoma State University Department of Veterinary Clinical Sciences. PAVE
4 participants are required to participate in night and emergency duty as required. PAVE
5 participants will receive a written evaluation at the end of each rotation. If a poor or
6 failing evaluation is received, the participant will need to repeat the rotation. If a
7 participant receives three failing or unsatisfactory evaluations, the participant must be
8 immediately dismissed from the clinical evaluation portion of the PAVE Program. No
9 university credit is awarded for the PAVE Program. Participants who successfully
10 complete this training program will be awarded a certificate of completion by the
11 Oklahoma State University Department of Veterinary Clinical Sciences as evidence of
12 completion of Step Four of the PAVE Program certification process.

13 H. To be considered for Oklahoma licensure as a licensed veterinarian pursuant to
14 a successfully completed PAVE Program certificate, applicants who are foreign graduates
15 of veterinary schools must:

16 1. Graduate from Step Four of the PAVE Program for their clinical evaluation
17 portion offered through an accredited college or university of veterinary medicine in
18 North America recognized by the State Board of Veterinary Medical Examiners;

19 2. Must maintain a satisfactory grade in each class or course attempted as
20 determined acceptable by the State Board of Veterinary Medical Examiners;

1 3. Must successfully pass the National American Veterinary Licensing
2 Examination (NAVLE) sponsored by the American Association of Veterinary State
3 Boards;

4 4. Must be a resident of Oklahoma and a United States citizen or possess the
5 appropriate visas or permits to remain in the United States;

6 5. Must be fluent in writing and speaking English; and

7 6. Must successfully complete all other application, eligibility and licensing
8 requirements established by the State Board of Veterinary Medical Examiners.

9 I. The State Board of Veterinary Medical Examiners pursuant to the Oklahoma
10 Veterinary Practice Act and the Oklahoma State University shall promulgate rules and
11 forms deemed appropriate or necessary to implement and carry out the provisions of this
12 act.

13 SECTION 3. This act shall become effective November 1, 2010.

14 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL
15 DEVELOPMENT, dated 03-24-10 - DO PASS, As Amended.