

3 Senate Bill No. 1999

4 SENATE BILL NO. 1999 - By: Schulz of the Senate and Armes of the  
5 House.

6 An Act relating to professions and occupations; amending 59  
7 O.S. 2001, Sections 698.2, as amended by Section 1, Chapter  
8 172, O.S.L. 2002 and 698.12, as last amended by Section 1,  
9 Chapter 172, O.S.L. 2005 (59 O.S. Supp. 2009, Section 698.2  
10 and 698.12), which relate to definitions and acts not  
11 prohibited from the Oklahoma Veterinary Practices Act;  
12 adding certain definitions; making acts of animal husbandry  
13 exempt; including teeth floating and farriery as acts of  
14 animal husbandry; providing an effective date; and declaring  
15 an emergency.

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

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

20 Section 698.2 As used in the Oklahoma Veterinary Practice Act:

21 1. "Board" means the State Board of Veterinary Medical  
22 Examiners;

23 2. "Animal" means any animal other than humans and includes,  
24 but is not limited to, fowl, fish, birds and reptiles, wild or  
25 domestic, living or dead;

26 3. "Veterinarian" means a person who has received a degree in  
27 veterinary medicine or its equivalent from a school of veterinary  
28 medicine;

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

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

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

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

21       8. "Veterinary assistant" means an individual who may perform  
22 the duties of a veterinary technician or veterinary technologist,

1 however, has not graduated from an AVMA-accredited technology  
2 program or its equivalent, and has not been certified by the Board;

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

9 10. "Direct supervision" means:

- 10 a. directions have been given to a veterinary technician,  
11 nurse, laboratory technician, intern, veterinary  
12 assistant or other employee for medical care following  
13 the examination of an animal by the licensed  
14 veterinarian responsible for the professional care of  
15 the animal, or
- 16 b. that, under certain circumstances following the  
17 examination of an animal by a licensed veterinarian  
18 responsible for the professional care of the animal,  
19 the presence of the licensed veterinarian on the  
20 premises in an animal hospital setting or in the same  
21 general area in a range setting is required after  
22 directions have been given to a veterinarian who has a

1 certificate issued pursuant to Section 698.8 of this  
2 title;

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

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

13 13. "Veterinarian-client-patient relationship" means when:  
14 a. the licensed veterinarian has assumed the  
15 responsibility for making medical judgments regarding  
16 the health of an animal or animals and the need for  
17 medical treatment, and the client, owner or other  
18 caretaker has agreed to follow the instructions of the  
19 licensed veterinarian; and  
20 b. there is sufficient knowledge of the animal or animals  
21 by the licensed veterinarian to initiate at least a  
22 general or preliminary diagnosis of the medical  
23 condition of the animal or animals in that:

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

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

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

11 d. would conform to applicable federal law and  
12 regulations;

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

20 15. "Veterinary prescription drugs" means such prescription  
21 items as are in the possession of a person regularly and lawfully  
22 engaged in the manufacture, transportation, storage, or wholesale or  
23 retail distribution of veterinary drugs and the federal Food and

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

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

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

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

1 Abandonment shall constitute the relinquishment of all rights and  
2 claims by the owner to an animal;

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

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

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

17 25. "Animal husbandry" means the branch of agriculture and  
18 animal science concerned with the care, breeding and management of  
19 bovine, caprine, equine, porcine, poultry, and other farm animals;  
20 and

21 26. "Teeth floating" means the removal of enamel points and the  
22 smoothing, contouring and leveling of dental arcades and incisors,  
23 and the extraction of molars and deciduous and vestigial teeth of

1 bovine, equine, porcine, and other farm animals, and does not  
2 include dental procedures on canines and felines.

3 SECTION 2. AMENDATORY 59 O.S. 2001, Section 698.12, as  
4 last amended by Section 1, Chapter 172, O.S.L. 2005 (59 O.S. Supp.  
5 2009, Section 698.12), is amended to read as follows:

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

- 8 1. Acts of animal husbandry, including dehorning, branding,  
9 tagging or notching ears, teeth floating, farriery, pregnancy  
10 checking, collecting semen, preparing semen, freezing semen,  
11 castrating, worming, vaccinating, injecting or artificial  
12 insemination of farm animals; or the acts or conduct of a person  
13 advising with respect to nutrition, feeds or feeding;
- 14 2. The owner of an animal or the owner's employees or helpers  
15 from caring for or treating animals belonging to the owner; provided  
16 that, the acts of the owner's employees or helpers otherwise  
17 prohibited by the Oklahoma Veterinary Practice Act are only an  
18 incidental part of the employment duties and for which no special  
19 compensation is made;
- 20 3. Acts of a person in lawful possession of an animal for some  
21 other purpose than practicing veterinary medicine; provided that, no  
22 charge may be made or included in any other charge or fee or  
23 adjustment otherwise made of any charge or fee for acts performed

1 pursuant to this subsection unless the acts are performed by a  
2 licensed veterinarian as provided by the Oklahoma Veterinary  
3 Practice Act;

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

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

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

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

21 8. Acts of vocational-agriculture instructors or students while  
22 engaged in regular vocational-agriculture instruction in programs  
23 approved by the Oklahoma Department of Career and Technology

1 Education; provided that said acts are under the supervision of  
2 instructors and are carried out in the usual course of instruction  
3 and not as independent practice by an unlicensed veterinarian  
4 without supervision;

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

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

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

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

1        13. Practitioners of services exempted by paragraph 1 of this  
2 section may not advertise procedures that are illegal for the  
3 practitioner to perform.

4        SECTION 3. This act shall become effective July 1, 2010.

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

9        COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,  
10 dated 2-8-10 - DO PASS, As Coauthored.