

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2086

By: Marlatt

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2001, Section 698.2, as amended by
9 Section 1, Chapter 172, O.S.L. 2002 (59 O.S. Supp.
10 2009, Section 698.2), which relates to definitions
11 for the Oklahoma Veterinary Practice Act; adding
12 definition; recognizing the Program for the
13 Assessment of Veterinary Equivalency (PAVE)
14 certificate as a component for educational
15 requirements for licensure as a veterinarian in this
16 state; requiring applicants complete certain
17 evaluations from an accredited college or university
18 of veterinary medicine recognized by the State Board
19 of Veterinary Medical Examiners; stating procedure
20 for clinical evaluation application to the Oklahoma
21 State University; requiring proof of PAVE Program
22 participation; requiring letters of intent,
23 recommendations, and copy of foreign diploma;
24 requiring fluency in writing and speaking English;
demanding proof of residency and citizenship;
recommending certain number of hours under
supervision of North American trained veterinarians;
stating ranking criteria; requiring personal
interview; prohibiting eligibility for certain
applicants; describing duration of program and course
contents; stating program fee; declaring PAVE
participants not university students for certain
benefits and eligibility; requiring financial
responsibility and vaccination; exempting Oklahoma
State University from certain liability; defining
term; requiring compliance the same as regularly
enrolled students; directing evaluations after each
rotation; requiring repeat of certain failed courses;
directing dismissal after certain number of failed
evaluations; prohibiting university credit for PAVE
Program; offering certificate upon completion of PAVE

1 program; stating criteria for state licensure;
2 requiring clinical evaluation from accredited college
3 or university in North America; requiring
4 satisfactory grades; requiring successful passage of
5 certain national exam; requiring residency,
6 citizenship, English language, and completion of
7 other application requirements; providing for
8 codification; and providing an effective date.

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

10 SECTION 1. AMENDATORY 59 O.S. 2001, Section 698.2, as
11 amended by Section 1, Chapter 172, O.S.L. 2002 (59 O.S. Supp.
12 2009, Section 698.2), is amended to read as follows:

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

14 1. "Board" means the State Board of Veterinary Medical
15 Examiners;

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

19 3. "Veterinarian" means a person who has received a degree in
20 veterinary medicine or its equivalent from a school of veterinary
21 medicine;

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

24 5. "School of veterinary medicine" means any veterinary college
or division of a university or college that offers the degree of
doctor of veterinary medicine or its equivalent, which conforms to

1 the standards required for accreditation by the American Veterinary
2 Medical Association (AVMA) and which is recognized and approved by
3 the Board;

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

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

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

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

3 10. "Direct supervision" means:

4 a. directions have been given to a veterinary technician,
5 nurse, laboratory technician, intern, veterinary
6 assistant or other employee for medical care following
7 the examination of an animal by the licensed
8 veterinarian responsible for the professional care of
9 the animal, or

10 b. that, under certain circumstances following the
11 examination of an animal by a licensed veterinarian
12 responsible for the professional care of the animal,
13 the presence of the licensed veterinarian on the
14 premises in an animal hospital setting or in the same
15 general area in a range setting is required after
16 directions have been given to a veterinarian who has a
17 certificate issued pursuant to Section 698.8 of this
18 title;

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

23 12. "Supervised Doctor of Veterinary Medicine Certificate"
24 means authorization to practice veterinary medicine with certain

1 limitations or restrictions on that practice, set by the Board or
2 authorization to perform certain enumerated functions peripheral to
3 the practice of veterinary medicine as set by the Board and has a
4 certificate issued pursuant to Section 698.8 of this title;

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

6 a. the licensed veterinarian has assumed the
7 responsibility for making medical judgments regarding
8 the health of an animal or animals and the need for
9 medical treatment, and the client, owner or other
10 caretaker has agreed to follow the instructions of the
11 licensed veterinarian; and

12 b. there is sufficient knowledge of the animal or animals
13 by the licensed veterinarian to initiate at least a
14 general or preliminary diagnosis of the medical
15 condition of the animal or animals in that:

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

19 (2) by medically necessary and timely visits to the
20 premises where the animal or animals are kept or
21 both, and

22 c. the licensed veterinarian is readily available for
23 follow-up in case of adverse reactions or failure of
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1 the regimen of therapy, or has arranged for emergency
2 medical coverage, and

3 d. would conform to applicable federal law and
4 regulations;

5 14. "Veterinary premises" means any facility where the practice
6 of veterinary medicine occurs, including, but not limited to, a
7 mobile unit, mobile clinic, outpatient clinic, satellite clinic,
8 public service outreach of a veterinary facility, or veterinary
9 hospital or clinic. The term "veterinary premises" shall not
10 include the premises of a client of a licensed veterinarian or
11 research facility;

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

1 16. "ECFVG certificate" means a certificate issued by the
2 American Veterinary Medical Association Education Commission for
3 Foreign Veterinary Graduates, indicating that the holder has
4 demonstrated knowledge and skill equivalent to that possessed by a
5 graduate of an accredited or approved college of veterinary
6 medicine;

7 17. "Executive Director" means the Executive Director of the
8 State Board of Veterinary Medical Examiners or the authorized
9 representative of such official;

10 18. "Telemedicine" shall mean the transmission of diagnostic
11 images such as, but not limited to, radiographs, ultrasound,
12 cytology, endoscopy, photographs and case information over ordinary
13 or cellular phone lines to a licensed veterinarian or board-
14 certified medical specialist for the purpose of consulting regarding
15 case management with the primary care licensed veterinarian who
16 transmits the cases;

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

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

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

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

15 23. "Animal chiropractic diagnosis and treatment" means
16 treatment that includes vertebral subluxation complex (vcs) and
17 spinal manipulation of nonhuman vertebrates. The term "animal
18 chiropractic diagnosis and treatment" shall not be construed to
19 allow the:

- 20 a. use of x-rays,
- 21 b. performing of surgery,
- 22 c. dispensing or administering of medications, or
- 23 d. performance of traditional veterinary care; and

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

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

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

16 A. The PAVE Program certificate is designed to fulfill the
17 licensing requirements of the American Association of Veterinary
18 State Boards (AAVSB) for foreign veterinary school graduates, and
19 Oklahoma hereby recognizes foreign veterinary school graduates who
20 successfully complete the PAVE Program certificate within the
21 guidelines provided in this act as fulfilling the educational
22 component requirement for state licensure established by the State
23 Board of Veterinary Medical Examiners.

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

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

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

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

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

22 5. Submit three letters of recommendation, sent directly to
23 Oklahoma State University Department of Veterinary Clinical
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1 Sciences, by individuals living in the United States or Canada who
2 can adequately evaluate the applicant's clinical abilities; and

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

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

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

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

1 F. As used in this section, "clinical rotations" means
2 instruction and hands-on participation in courses of internal
3 medicine, community practice, small animal surgery including, but
4 not limited to, orthopedics and soft tissue, neurology, production
5 medicine, equine medicine and equine surgery, radiology, anesthesia,
6 critical care, clinical pathology, public health, necropsy, clinical
7 microbiology, and other elective rotations established by the
8 Department of Veterinary Clinical Sciences.

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

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

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

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

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

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

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

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

22 I. The State Board of Veterinary Medical Examiners pursuant to
23 the Oklahoma Veterinary Practice Act and the Oklahoma State
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1 University shall promulgate rules and forms deemed appropriate or
2 necessary to implement and carry out the provisions of this act.

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