

1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 698.2, as
2 last amended by Section 1, Chapter 112, O.S.L. 2010 (59 O.S. Supp.
3 2010, Section 698.2), is amended to 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
6 Examiners;

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

10 3. "Veterinarian" means a person who has received a degree in
11 veterinary medicine or its equivalent from a school of veterinary
12 medicine;

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

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

21 6. "Veterinary technician" means a person who has graduated
22 from a program accredited by the American Veterinary Medical
23 Association, or its equivalent which is recognized and approved by
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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 the Board, and who has passed the examination requirements set forth
2 by the Board, is certified to practice under the direct supervision
3 of a licensed veterinarian. For the purpose of the Oklahoma
4 Veterinary Practice Act, "registered veterinary technician (RVT)"
5 will be used interchangeably with veterinary technician who is
6 certified pursuant to Sections 698.21 through 698.26 of this title;

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

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

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

20 10. "Direct supervision" means:

21 a. directions have been given to a veterinary technician,
22 nurse, laboratory technician, intern, veterinary
23 assistant or other employee for medical care following

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1 the examination of an animal by the licensed
2 veterinarian responsible for the professional care of
3 the animal, or

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

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

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

23 13. "Veterinarian-client-patient relationship" means when:
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- 1 a. the licensed veterinarian has assumed the
2 responsibility for making medical judgments regarding
3 the health of an animal or animals and the need for
4 medical treatment, and the client, owner or other
5 caretaker has agreed to follow the instructions of the
6 licensed veterinarian, and
- 7 b. there is sufficient knowledge of the animal or animals
8 by the licensed veterinarian to initiate at least a
9 general or preliminary diagnosis of the medical
10 condition of the animal or animals in that:
- 11 (1) the licensed veterinarian has recently seen or is
12 personally acquainted with the keeping and care
13 of the animal or animals, or
- 14 (2) by the licensed veterinarian has made medically
15 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
18 follow-up in case of adverse reactions or failure of
19 the regimen of therapy, or has arranged for emergency
20 medical coverage, and
- 21 d. the licensed veterinarian's actions would conform to
22 applicable federal law and regulations;
- 23
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1 14. "Veterinary premises" means any facility where the practice
2 of veterinary medicine occurs, including, but not limited to, a
3 mobile unit, mobile clinic, outpatient clinic, satellite clinic,
4 public service outreach of a veterinary facility, or veterinary
5 hospital or clinic. The term "veterinary premises" shall not
6 include the premises of a client of a licensed veterinarian or
7 research facility;

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

21 16. "ECFVG certificate" means a certificate issued by the
22 American Veterinary Medical Association Education Commission for
23 Foreign Veterinary Graduates, indicating that the holder has

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1 demonstrated knowledge and skill equivalent to that possessed by a
2 graduate of an accredited or approved college of veterinary
3 medicine;

4 17. "Executive Director" means the Executive Director of the
5 State Board of Veterinary Medical Examiners or the authorized
6 representative of such official;

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

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

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

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

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

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

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

22 24. "Animal euthanasia technician" means an employee of a law
23 enforcement agency, an animal control agency, or animal shelter that

1 is recognized and approved by the Board, who is certified by the
2 Board and trained to administer sodium pentobarbital to euthanize
3 injured, sick, homeless or unwanted domestic pets and other animals;
4 and

5 25. "Teeth floating", as provided by a nonveterinary equine
6 dental care provider, means the removal of enamel points and the
7 smoothing, contouring and leveling of dental arcades and incisors of
8 equine and other farm animals. It shall not include dental
9 procedures on canines and felines;

10 26. "Nonveterinary reproductive services" means nonveterinary
11 services provided by an individual certified by the Board as a
12 nonveterinary reproductive services technician, and involves and
13 shall be limited to nonsurgical embryo transfer in ruminating
14 animals including cattle, sheep, goats, farmed deer and other
15 ruminating exotic animals such as those found in zoos, and may
16 include basic ultrasonography of their ovaries to evaluate the
17 response to embryo-transfer-associated procedures and of the uterus
18 to determine pregnancy by the detection of a heartbeat within the
19 transferred embryo at or greater than twenty-eight (28) days of
20 gestation of such ruminating animals;

21 27. "Embryo transfer" means the biosecure process of inducing
22 increased ovulations within a donor female for the in vivo
23 production of embryos, the flushing of those embryos, collecting,

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1 grading and transferring of those embryos to recipient females, or
2 the cryopreservation of those embryos for storage and later transfer
3 to recipient females;

4 28. "Animal Technology Advisory Committee" means the advisory
5 committee established by the Board pursuant to Section 4 of this act
6 to advise and make recommendations to the Board regarding any new
7 and evolving technology, procedure, method or practice that may be
8 considered or otherwise designated as an act of animal husbandry
9 that should be included as an act not prohibited in paragraph 1 of
10 Section 698.12 of the Oklahoma Veterinary Practice Act. Reference
11 to the advisory committee in this act shall mean the Animal
12 Technology Advisory Committee; and

13 29. "Examination Committee" means the committee established and
14 described in subsection E of Section 3 of this act.

15 SECTION 2. AMENDATORY 59 O.S. 2001, Section 698.12, as
16 last amended by Section 3, Chapter 112, O.S.L. 2010 (59 O.S. Supp.
17 2010, Section 698.12), is amended to read as follows:

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

20 1. Acts of animal husbandry, consisting of dehorning, branding,
21 tagging or notching ears, teeth floating, farriery, pregnancy
22 checking by transrectal palpation, collecting semen, preparing
23 semen, freezing semen, castrating, worming, vaccinating, injecting

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1 or nonsurgical artificial insemination of farm animals; or the acts
2 or conduct of a person advising with respect to nutrition, feeds or
3 feeding; and such other acts designated by administrative rule of
4 the Board which may be recommended by the Animal Technology Advisory
5 Committee;

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

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

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

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

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

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

13 8. Acts of ~~vocational-agriculture~~ agriculture education
14 instructors or students while engaged in regular ~~vocational-~~
15 ~~agriculture~~ agriculture education instruction in programs approved
16 by the Oklahoma Department of Career and Technology Education;
17 provided that said acts are under the supervision of instructors and
18 are carried out in the usual course of instruction and not as
19 independent practice by an unlicensed veterinarian without
20 supervision;

21 9. Any person employed by a licensed veterinarian who is
22 assisting with the professional duties of the licensed veterinarian
23 and who is under the direct supervision of the licensed veterinarian

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1 from administering medication or rendering auxiliary or supporting
2 assistance under the direct supervision of such licensed
3 veterinarian, provided that the practice is conducted in compliance
4 with all laws of this state and rules of this Board;

5 10. Any chiropractic physician licensed in this state who is
6 certified by the Board of Chiropractic Examiners to engage in animal
7 chiropractic diagnosis and treatment from practicing animal
8 chiropractic diagnosis and treatment;

9 11. Any chiropractic physician licensed in this state who is
10 not certified to practice animal chiropractic diagnosis and
11 treatment by the Board of Chiropractic Examiners from providing
12 chiropractic treatment to an animal referred to such chiropractic
13 physician by a licensed veterinarian;

14 12. Any individual that is certified in animal massage therapy
15 and acquires liability insurance from engaging in animal massage
16 therapy after referral from a licensed veterinarian; ~~or~~

17 13. Any individual that is certified by the State Board of
18 Veterinary Medical Examiners and pays a certification fee of Two
19 Hundred Dollars (\$200.00) under subsection A of Section 4 698.30 of
20 this ~~act~~ title from engaging in nonveterinary equine dental care; or

21 14. Any individual that is certified by the Board pursuant to
22 Section 3 of this act and pays a certification fee of Two Hundred

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1 Dollars (\$200.00) from providing nonveterinary reproductive services
2 as defined by Section 698.2 of this title.

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

6 A. The State Board of Veterinary Medical Examiners shall
7 certify an individual as a nonveterinary reproductive services
8 technician who qualifies and passes a written certification
9 examination approved by the Board and who holds a Ph.D. from an
10 accredited college or university with emphasis in animal
11 reproductive physiology, or a Master of Science degree from an
12 accredited college or university with emphasis in animal
13 reproductive physiology and Board Certification in animal physiology
14 by the American Registry of Professional Animal Scientists, which
15 certification authorizes them to provide nonveterinary reproductive
16 services as defined in the Oklahoma Veterinary Practice Act.

17 B. Prior to July 1, 2012, an individual with a Bachelor of
18 Science degree from an accredited college or university, which
19 includes completion of at least six (6) semester hours in
20 reproductive physiology and who has practical experience in embryo
21 transfer in ruminating animals as verified in writing by sworn
22 affidavit from at least two client animal owners and from two
23 approved certified members of the American Embryo Transfer

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1 Association, shall be allowed to become certified as a nonveterinary
2 reproductive services technician upon passing a written
3 certification examination approved by the Board.

4 C. In connection with performing nonveterinary reproductive
5 services, federal legend drugs shall be prescribed and dispensed
6 only on the order of a licensed veterinarian who has an existing
7 veterinarian-client-patient relationship as defined by the Oklahoma
8 Veterinary Practice Act and the rules of the Board and shall only be
9 administered in accordance with the act. Every nonveterinary
10 reproductive services technician shall keep and maintain medical
11 records that include the source of any prescription drugs used in
12 connection with providing nonveterinary reproductive services,
13 including the name and address of the veterinarian prescribing or
14 dispensing the drugs, the date the drugs are received, the species
15 and description of the animal involved, the animal owner or client
16 name and address, and the medications administered including date
17 and dosage. All medical records pertaining to prescription drugs
18 shall be made available for inspection by the Board or the Board's
19 agent upon request and must be kept and maintained for a period of
20 two (2) years from the date the drug was administered.

21 D. Proof of at least eight (8) hours of continuing education
22 from courses and study approved by the Board shall be required for
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1 annual certification renewal as a nonveterinarian reproductive
2 services technician.

3 E. The certification examination and continuing education
4 described in this section shall be approved by the Examination
5 Committee that is overseen by the Board and consists of:

6 1. A veterinarian designated by the Dean of the Oklahoma State
7 University Center of Veterinary Health Sciences;

8 2. An animal scientist with a Ph.D. with an emphasis in animal
9 reproductive physiology designated by the head of the Oklahoma State
10 University Department of Animal Science; and

11 3. An animal embryologist as designated by the American Embryo
12 Transfer Association.

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

16 A. The Animal Technology Advisory Committee shall be overseen
17 by the Board and the Oklahoma Department of Agriculture, Food, and
18 Forestry and shall investigate, examine, discuss and determine
19 whether any new or evolving technology, procedure, method or
20 practice should be considered or designated an act of animal
21 husbandry, the practice of veterinary medicine, or added to the list
22 of acts not prohibited in paragraph 1 of Section 698.12 of the
23 Oklahoma Veterinary Practice Act.

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1 B. The Animal Technology Advisory Committee shall be chaired by
2 the State Veterinarian employed by the Department who shall have the
3 following duties:

4 1. Call and give notice of all meetings of the committee;

5 2. Establish the agenda for the meetings of the committee;

6 3. Keep and maintain minutes of all meetings of the committee;

7 and

8 4. Publish and distribute all determinations of the committee
9 to the State Board of Veterinary Medical Examiners and Oklahoma
10 Department of Agriculture, Food, and Forestry.

11 C. In addition to the chairperson, who shall be a nonvoting
12 member, the Animal Technology Advisory Committee shall be comprised
13 of the following voting members:

14 1. Two veterinarians appointed by the Board;

15 2. One veterinarian appointed by the head of the Oklahoma State
16 University Center of Veterinary Health Sciences;

17 3. Two individuals actively involved in the livestock industry
18 appointed by the Secretary of Agriculture; and

19 4. One faculty member of the Oklahoma State University
20 Department of Animal Science appointed by the head of the
21 Department.

22 D. Recommendations of the Advisory Committee shall be made by a
23 majority vote of the voting members of the committee and shall be

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1 presented to the Board, in writing, for consideration and review at
2 least thirty (30) days before a regularly scheduled meeting of the
3 Board. The Board shall consider the committee recommendations and
4 if approved take necessary action through the rulemaking process to
5 adopt the rules accordingly.

6 SECTION 5. This act shall become effective November 1, 2011.

7 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE AND
8 ENVIRONMENT, dated 02-16-2011 - DO PASS, As Amended and Coauthored.

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