

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1788

By: Murdock

AS INTRODUCED

An Act relating to Oklahoma Veterinary Practice Act; amending 59 O.S. 2011, Sections 698.2, 698.17, 698.21, 698.22, 698.25 and 698.26, which relate to definitions, emergency care, certified veterinary technician, examinations, revocation of registration and unauthorized practices; modifying definitions; deleting language; changing veterinary technician to veterinary nurse; stating terms of certain program; prohibiting use of certain term unless qualified; changing veterinary assistant qualifications; adding program of veterinary nursing for examination eligibility; updating statutory references; deleting statutory language; amending 76 O.S. 2011, Section 32, as amended by Section 1, Chapter 77, O.S.L. 2012 (76 O.S. Supp. 2019, Section 32), which relates to Volunteer Professional Services Immunity Act; modifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 698.2, is amended to read as follows:

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

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

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

4 3. "Veterinarian" means a person who has received a degree in
5 veterinary medicine or its equivalent from a school of veterinary
6 medicine;

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

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

15 6. ~~"Veterinary technician"~~ "Registered veterinary nurse" means
16 a person who has graduated from a two-year or four-year program
17 accredited by the American Veterinary Medical Association, or its
18 equivalent which is recognized and approved by the Board, and who
19 has passed the examination requirements set forth by the Board, is
20 certified to practice under the direct supervision of a licensed
21 veterinarian. For the purpose of the Oklahoma Veterinary Practice
22 Act, only those persons qualified herein as a "registered veterinary
23 ~~technician (RVT)" will be used interchangeably with veterinary~~
24 ~~technician who is certified pursuant to Sections 698.21 through~~

1 ~~698.26 of this title~~ nurse (RVN)" may utilize the term "nurse" in
2 connection with veterinary practices or animal care;

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

6 8. "Veterinary assistant" means an individual who ~~may perform~~
7 ~~the duties of a veterinary technician or veterinary technologist,~~
8 ~~however, has not graduated from an AVMA-accredited technology~~
9 ~~program or its equivalent, and has not been certified by the Board~~
10 aids a veterinarian or registered veterinary nurse in professional
11 medical care to animals who does not meet the requirements to be
12 credentialed as a registered veterinary nurse;

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

19 10. "Direct supervision" means:

- 20 a. directions have been given to a registered veterinary
21 ~~technician,~~ nurse, laboratory technician, intern,
22 veterinary assistant or other employee for medical
23 care following the examination of an animal by the
24

1 licensed veterinarian responsible for the professional
2 care of the animal, or

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

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

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

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

- 23 a. the licensed veterinarian has assumed the
24 responsibility for making medical judgments regarding
25

1 the health of an animal or animals and the need for
2 medical treatment, and the client, owner or other
3 caretaker has agreed to follow the instructions of the
4 licensed veterinarian, and

5 b. there is sufficient knowledge of the animal or animals
6 by the licensed veterinarian to initiate at least a
7 general or preliminary diagnosis of the medical
8 condition of the animal or animals in that:

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

12 (2) the licensed veterinarian has made medically
13 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
16 follow-up in case of adverse reactions or failure of
17 the regimen of therapy, or has arranged for emergency
18 medical coverage, and

19 d. the licensed veterinarian's actions would conform to
20 applicable federal law and regulations;

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

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

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

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

1 17. "Executive Director" means the Executive Director of the
2 State Board of Veterinary Medical Examiners or the authorized
3 representative of such official;

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

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

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

21 21. "Surgery" means the branch of veterinary science conducted
22 under elective or emergency circumstances, which treats diseases,
23 injuries and deformities by manual or operative methods including,
24 but not limited to, cosmetic, reconstructive, ophthalmic,

1 orthopedic, vascular, thoracic, and obstetric procedures. The
2 provisions in Section 698.12 of this title shall not be construed as
3 surgery;

4 22. "Abandonment" means to forsake entirely or to neglect or
5 refuse to provide or perform the legal obligations for care and
6 support of an animal by its owner, or the owner's agent.

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

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

- 14 a. use of x-rays,
- 15 b. performing of surgery,
- 16 c. dispensing or administering of medications, or
- 17 d. performance of traditional veterinary care;

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

23 25. "Teeth floating", as provided by a nonveterinary equine
24 dental care provider, means the removal of enamel points and the
25

1 smoothing, contouring and leveling of dental arcades and incisors of
2 equine and other farm animals. It shall not include dental
3 procedures on canines and felines;

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

15 27. "Embryo transfer" means the biosecure process of inducing
16 increased ovulations within a donor female for the in vivo
17 production of embryos, the flushing of those embryos, collecting,
18 grading and transferring of those embryos to recipient females, or
19 the cryopreservation of those embryos for storage and later transfer
20 to recipient females;

21 28. "Animal Technology Advisory Committee" means the advisory
22 committee established by the Board pursuant to Section ~~4 of this act~~
23 698.30b of this title to advise and make recommendations to the
24 Board regarding any new and evolving technology, procedure, method

1 or practice that may be considered or otherwise designated as an act
2 of animal husbandry that should be included as an act not prohibited
3 in paragraph 1 of Section 698.12 of the Oklahoma Veterinary Practice
4 Act. Reference to the advisory committee in ~~this act~~ the Oklahoma
5 Veterinary Practice Act shall mean the Animal Technology Advisory
6 Committee; and

7 29. "Examination Committee" means the committee established and
8 described in subsection E of Section ~~3 of this act~~ 698.30a of this
9 title.

10 SECTION 2. AMENDATORY 59 O.S. 2011, Section 698.17, is
11 amended to read as follows:

12 Section 698.17. Any veterinarian or registered veterinary
13 ~~technician~~ nurse who is licensed or certified in this state or
14 licensed veterinarian or licensed veterinary ~~technician~~ nurse who is
15 a resident of another state or the District of Columbia, and who in
16 good faith renders or attempts to render emergency care or treatment
17 to an animal at the scene of an accident or disaster or emergency
18 care or treatment to a human victim thereof, shall not be liable for
19 any civil damages as a result of any acts or omissions by such
20 person rendering or attempting to render the emergency care or
21 treatment.

22 SECTION 3. AMENDATORY 59 O.S. 2011, Section 698.21, is
23 amended to read as follows:

1 Section 698.21. A. Individuals certified as registered
2 veterinary ~~technicians~~ nurses pursuant to the Oklahoma Veterinary
3 Practice Act may use the terms registered veterinary ~~technician~~
4 nurse, veterinary ~~technician~~ nurse, or abbreviations such as ~~CVT,~~
5 ~~RVT, and VT~~ RVN.

6 B. It shall be unlawful for any person to use any recognized
7 title, abbreviation, or sign to indicate that such person is a
8 registered veterinary ~~technician~~ nurse, unless that person has been
9 certified as having met the qualifications provided for in the
10 Oklahoma Veterinary Practice Act. Such use shall be prima facie
11 evidence of the intention to represent oneself as a registered
12 veterinary ~~technician~~ nurse.

13 C. A person shall not act as a registered veterinary ~~technician~~
14 nurse in this state unless that person is certified by the Board and
15 is under direct supervision of a veterinarian licensed pursuant to
16 the provisions of the Oklahoma Veterinary Practice Act.

17 D. A person shall not be considered to be a registered
18 veterinary ~~technician~~ nurse in this state who:

19 1. Administers to animals for which such person holds title,
20 unless such person has received title for the purpose of
21 circumventing the Oklahoma Veterinary Practice Act; or

22 2. Is a regular student in a legally chartered and recognized
23 curriculum for veterinary ~~technician~~ nurse training, while in the
24

1 performance of studies and acts assigned by that person's
2 instructors.

3 SECTION 4. AMENDATORY 59 O.S. 2011, Section 698.22, is
4 amended to read as follows:

5 Section 698.22. A. The State Board of Veterinary Medical
6 Examiners shall examine a candidate for certification as a
7 registered veterinary ~~technician~~ nurse. A candidate for examination
8 shall pay to the secretary of the Board a reasonable fee established
9 by rule of the Board and shall furnish satisfactory proof of
10 graduation from a program of veterinary technology or veterinary
11 nursing accredited by the American Veterinary Medical Association
12 and approved by the Board.

13 B. The provisions of the Oklahoma Veterinary Practice Act shall
14 not require a licensed veterinarian to hire a registered veterinary
15 ~~technician~~ nurse nor prohibit a licensed veterinarian from employing
16 a veterinary assistant. Licensed veterinarians may delegate animal
17 care responsibilities to employees commensurate with their training,
18 experience, and skills.

19 C. On or before July 1 of each year, every registered
20 veterinary ~~technician~~ nurse shall apply to the State Board of
21 Veterinary Medical Examiners for a renewal certificate of
22 registration. Completion of the renewal certificate will permit the
23 veterinary ~~technician~~ nurse to be registered in Oklahoma during the
24 next fiscal year. Forms for the renewal registration shall be

1 furnished by the Board. Each renewal application shall be
2 accompanied by a renewal fee in an amount to be established by the
3 Board by rule.

4 SECTION 5. AMENDATORY 59 O.S. 2011, Section 698.25, is
5 amended to read as follows:

6 Section 698.25. The State Board of Veterinary Medical Examiners
7 may revoke, suspend or refuse to renew the certificate of a
8 registered veterinary ~~technician~~ nurse or place the registered
9 veterinary ~~technician~~ nurse on probation, after notice and
10 opportunity for a hearing, upon a determination based on clear and
11 convincing evidence of a violation of the Oklahoma Veterinary
12 Practice Act or rules promulgated or orders issued pursuant thereto
13 or any other law or rule relating to the practice of veterinary
14 medicine.

15 SECTION 6. AMENDATORY 59 O.S. 2011, Section 698.26, is
16 amended to read as follows:

17 Section 698.26. A. It is unlawful for a registered veterinary
18 ~~technician~~ nurse, veterinary technologist, veterinary nurse,
19 veterinary assistant or other employee to diagnose animal diseases,
20 prescribe medical or surgical treatment, or perform as a surgeon and
21 such acts shall constitute the unlawful practice of veterinary
22 medicine as prohibited in Section 698.18 of this title.

23 B. It is unlawful for any person to assume the title of
24 registered veterinary ~~technician~~ nurse, or the abbreviation ~~RVT~~ RVN,

1 or any other words, letters, signs, or figures that might induce a
2 person to believe that the person using the name is a registered
3 veterinary ~~technician~~ nurse, when in fact such person is not
4 certified.

5 C. A registered veterinary ~~technician~~ nurse may perform
6 emergency treatments in a ~~life saving~~ lifesaving situation in
7 accordance with rules promulgated by the Board.

8 D. Except as provided in Section 698.18 of this title, any
9 person certified as a veterinary ~~technician, veterinary~~
10 ~~technologist,~~ or registered veterinary nurse, ~~or veterinary~~
11 ~~assistant~~ who practices veterinary medicine contrary to the
12 provisions of the Oklahoma Veterinary Practice Act, or any person
13 who aids or abets another in the practice or attempted practice as a
14 veterinary ~~technician, veterinary~~ technologist, or registered
15 veterinary nurse, ~~or veterinary assistant~~ without license or
16 certification, or any person violating any provision of subsection B
17 of this section, upon conviction, shall be guilty of a misdemeanor
18 punishable by a fine of not less than Five Hundred Dollars (\$500.00)
19 nor more than Two Thousand Five Hundred Dollars (\$2,500.00), or by
20 imprisonment in the county jail for a term of not less than thirty
21 (30) days, nor more than six (6) months, or by both such fine and
22 imprisonment. In addition to criminal penalties, the violator shall
23 be subject to denial, revocation, suspension, probation or
24 nonrenewal of certification by the Board.

1 E. The penalties provided in subsection D of this section shall
2 not apply to a student enrolled in an accredited school of
3 veterinary technology while the student is under the supervision of
4 an instructor and is performing activities required as a part of the
5 student's training.

6 F. Any veterinarian licensed in this state who permits or
7 directs a veterinary ~~technician~~ nurse, veterinary technologist,
8 registered veterinary nurse, aide or animal attendant to perform a
9 task or procedure in violation of the provisions of the Oklahoma
10 Veterinary Practice Act, upon conviction, shall be guilty of aiding
11 or abetting the unlicensed practice of veterinary medicine as
12 prohibited by Section 698.18 of this title, and shall be, in
13 addition to any criminal penalties, subject to revocation,
14 probation, nonrenewal or suspension of license by the Board.

15 SECTION 7. AMENDATORY 76 O.S. 2011, Section 32, as
16 amended by Section 1, Chapter 77, O.S.L. 2012 (76 O.S. Supp. 2019,
17 Section 32), is amended to read as follows:

18 Section 32. A. This section shall be known and may be cited as
19 the "Volunteer Professional Services Immunity Act".

20 B. As used in the Volunteer Professional Services Immunity Act,
21 "charitable clinic" means a nonprofit entity organized for the
22 purpose of providing health care services without charge or for a
23 minimal fee.
24

1 C. Any volunteer professional or volunteer health practitioner
2 and any organization that arranges for the care given by the
3 volunteer professional shall be immune from liability in a civil
4 action on the basis of any act or omission of the volunteer
5 professional or volunteer health practitioner resulting in damage or
6 injury if:

7 1. The volunteer professional or volunteer health practitioner
8 services were provided at a charitable clinic where the professional
9 or practitioner receives no compensation for any treatment provided
10 at the clinic;

11 2. The volunteer professional or volunteer health practitioner
12 was acting in good faith and, if licensed, the services provided
13 were within the scope of the license of the volunteer professional
14 or volunteer health practitioner;

15 3. The volunteer professional or volunteer health practitioner
16 commits the act or omission in the course of providing services; and

17 4. The damage or injury was not caused by gross negligence or
18 willful and wanton misconduct by the volunteer professional or
19 volunteer health practitioner.

20 D. In the event the volunteer professional or volunteer health
21 practitioner refers the patient covered by this section to another
22 volunteer professional or volunteer health practitioner for
23 additional treatment, the referred volunteer professional or
24

1 volunteer health practitioner shall be subject to the provisions of
2 this section if:

3 1. The referred volunteer professional or volunteer health
4 practitioner provides services without receiving any compensation
5 for the treatment;

6 2. The referred volunteer professional or volunteer health
7 practitioner was acting in good faith and, if licensed, the services
8 provided were within the scope of the license of the referred
9 volunteer professional or volunteer health practitioner;

10 3. The referred volunteer professional or volunteer health
11 practitioner commits the act or omission in the course of providing
12 services; and

13 4. The damage or injury was not caused by gross negligence or
14 willful and wanton misconduct by the referred volunteer professional
15 or volunteer health practitioner.

16 E. The provisions of this section shall not affect the
17 liability that any person may have which arises from the operation
18 of a motor vehicle, watercraft, or aircraft in rendering the
19 service, care, assistance, advice or other benefit as a volunteer
20 professional or volunteer health practitioner.

21 F. The immunity from civil liability provided by this section
22 shall extend only to the actions taken by a person rendering the
23 service, care, assistance, advice or other benefit as a volunteer
24 professional or volunteer health practitioner, and does not confer

1 any immunity to any person for actions taken by the volunteer
2 professional or volunteer health practitioner prior to or after the
3 rendering of the service, care, assistance, advice or other benefit
4 as a volunteer professional or volunteer health practitioner.

5 G. For the purpose of this section, the term "volunteer
6 professional" and "referred volunteer professional" means a person
7 who voluntarily provides professional medically related services
8 without compensation or expectation of compensation of any kind. A
9 volunteer professional or a referred volunteer professional shall
10 include the following licensed professionals, including those
11 persons licensed in accordance with Section 493.5 of Title 59 of the
12 Oklahoma Statutes:

- 13 1. Physician;
- 14 2. Physician assistant;
- 15 3. Registered nurse;
- 16 4. Advanced practice nurse or vocational nurse;
- 17 5. Pharmacist;
- 18 6. Podiatrist;
- 19 7. Dentist or dental hygienist; or
- 20 8. Optometrist.

21 A volunteer professional shall be engaged in the active practice of
22 a medical professional or retired from a medically related
23 profession, if still eligible to provide medically related
24 professional services within this state.

1 H. For the purposes of this section, the term "volunteer health
2 practitioner" and "referred volunteer health practitioner" means a
3 person who voluntarily provides health-related services without
4 compensation or expectation of compensation of any kind. A
5 volunteer health practitioner or referred volunteer health
6 practitioner shall include the following:

- 7 1. Certified nurse aide;
- 8 2. Chiropractor;
- 9 3. Dental assistant;
- 10 4. Dental technician;
- 11 5. Dietitian/nutritionist;
- 12 6. Emergency medical technician;
- 13 7. Licensed alcohol and drug counselor;
- 14 8. Licensed behavioral practitioner;
- 15 9. Licensed clinical social worker;
- 16 10. Licensed practical nurse;
- 17 11. Licensed professional counselor;
- 18 12. Marital/family therapist;
- 19 13. Medical assistant;
- 20 14. Medical laboratory technologist;
- 21 15. Medical technician;
- 22 16. Nuclear medicine technologist;
- 23 17. Occupational therapist;
- 24 18. Orthopedic technologist;

19. Paramedic;
20. Pharmacy technician;
21. Physical therapist;
22. Psychologist;
23. Radiology technician/technologist;
24. Respiratory therapist;
25. Sonographer;
26. Speech/language pathologist;
27. Veterinarian; and
28. Veterinary ~~technician~~ nurse.

A volunteer health practitioner shall be engaged as an active health practitioner or retired from a health-related practice if still eligible to provide health-related services within this state.

I. Any person or entity participating in the Oklahoma Medical Reserve Corps and assisting with emergency management, emergency operations, or hazard mitigation in response to any emergency, man-made disaster, or natural disaster, or participating as authorized in public health initiatives, disaster drills, or other activities designed to strengthen emergency response that are endorsed by a city-county health department, county health department or the state health department in the State of Oklahoma, shall not be liable for civil damages on the basis of any act or omission, if:

1 1. The person was acting in good faith and within the scope of
2 the official duties and functions of the Oklahoma Medical Reserve
3 Corps; and

4 2. The acts or omissions were not caused from gross, willful,
5 or wanton acts of negligence.

6 J. This section shall apply to all civil actions filed on or
7 after:

8 1. November 1, 2004, for those persons listed in subsection G
9 of this section; and

10 2. November 1, 2009, for all other persons listed in subsection
11 H of this section.

12 SECTION 8. This act shall become effective November 1, 2020.

13
14 57-2-3261 NP 1/16/2020 5:40:41 PM
15
16
17
18
19
20
21
22
23
24
25