

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 869

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES TOWNLEY (Sponsor), HOBBS AND BARNITZ (Co-sponsors).

Pre-filed December 16, 2003, and copies ordered printed.

Read 1<sup>st</sup> time January 7, 2004.

Read 2<sup>nd</sup> time January 8, 2004, and referred to the Committee on Professional Registration and Licensing January 15, 2004.

Reported from the Committee on Professional Registration and Licensing March, 11, 2004 with recommendation that the bill Do Pass.

Taken up for Perfection March 16, 2004. House Bill 869 ordered Perfected and printed.

STEPHEN S. DAVIS, Chief Clerk

3267L.01P

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### AN ACT

To repeal sections 340.200, 340.246, 340.262, 340.306, 340.312, and 340.320, RSMo, and to enact in lieu thereof eight new sections relating to veterinarians.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 340.200, 340.246, 340.262, 340.306, 340.312, and 340.320, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 340.200, 340.217, 340.246, 340.255, 340.262, 340.306, 340.312, and 340.320, to read as follows:

340.200. When used in sections 340.200 to 340.330, the following terms mean:

- (1) "Accredited school of veterinary medicine", any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and is accredited by the American Veterinary Medical Association (AVMA);
- (2) "Animal", any wild, exotic or domestic, living or dead animal or mammal other than man, including birds, fish and reptiles;
- (3) "Applicant", an individual who files an application to be licensed to practice veterinary medicine or to be registered as a veterinary technician;
- (4) "Appointed member of the board", regularly appointed members of the Missouri veterinary medical board, not including the state veterinarian who serves on the board ex officio;

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

- 11 (5) "Board", the Missouri veterinary medical board;
- 12 (6) "Consulting veterinarian", a veterinarian licensed in another state, country or territory  
13 who gives advice or demonstrates techniques to a licensed Missouri veterinarian or group of  
14 licensed Missouri veterinarians;
- 15 (7) "ECFVG certificate", a certificate issued by the American Veterinary Medical  
16 Association Educational Commission for Foreign Veterinary Graduates or its successor. The  
17 certificate must indicate that the holder of the certificate has demonstrated knowledge and skill  
18 equivalent to that possessed by a graduate of an accredited school of veterinary medicine;
- 19 (8) "Emergency", when an animal has been placed in a life- threatening condition and  
20 immediate treatment is necessary to sustain life or where death is imminent and action is  
21 necessary to relieve pain or suffering;
- 22 (9) "Faculty member", full professors, assistant professors, associate professors, clinical  
23 instructors and residents but does not include interns or adjunct appointments;
- 24 (10) "Foreign veterinary graduate", any person, including foreign nationals and American  
25 citizens, who has received a professional veterinary medical degree from an AVMA listed  
26 veterinary college located outside the boundaries of the United States, its territories or Canada,  
27 that is not accredited by the AVMA;
- 28 (11) "License", any permit, approval, registration or certificate issued or renewed by the  
29 board;
- 30 (12) "Licensed veterinarian", an individual who is validly and currently licensed to  
31 practice veterinary medicine in Missouri as determined by the board in accordance with the  
32 requirements and provisions of sections 340.200 to 340.330;
- 33 (13) "Minimum standards", standards as set by board rule and which establish the  
34 minimum requirements for the practice of veterinary medicine in the state of Missouri as are  
35 consistent with the intent and purpose of sections 340.200 to 340.330;
- 36 (14) "Person", any individual, firm, partnership, association, joint venture, cooperative  
37 or corporation or any other group or combination acting in concert; whether or not acting as  
38 principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative or as the  
39 successor in interest, assigning agent, factor, servant, employee, director, officer or any other  
40 representative of such person;
- 41 (15) "Practice of veterinary medicine", to represent directly, indirectly, publicly or  
42 privately an ability and willingness to do any act described in subdivision [(24)] **(28)** of this  
43 section;
- 44 (16) "Provisional license", a license issued to a person while that person is engaged in  
45 a veterinary candidacy program;
- 46 (17) "Registered veterinary technician", a person who is formally trained for the specific

47 purpose of assisting a licensed veterinarian with technical services under the appropriate level  
48 of supervision as is consistent with the particular delegated animal health care task;

49 (18) "Supervision":

50 (a) "Immediate supervision", the licensed veterinarian is in the immediate area and  
51 within audible and visual range of the animal patient and the person treating the patient;

52 (b) "Direct supervision", the licensed veterinarian is on the premises where the animal  
53 is being treated and is quickly and easily available and the animal has been examined by a  
54 licensed veterinarian at such times as acceptable veterinary medical practice requires consistent  
55 with the particular delegated animal health care task;

56 (c) "Indirect supervision", the licensed veterinarian need not be on the premises but has  
57 given either written or oral instructions for the treatment of the animal patient or treatment  
58 protocol has been established and the animal has been examined by a licensed veterinarian at  
59 such times as acceptable veterinary medical practice requires consistent with the particular  
60 delegated health care task; provided that the patient is not in a surgical plane of anesthesia and  
61 the licensed veterinarian is available for consultation on at least a daily basis;

62 (19) "Supervisor", a licensed veterinarian employing or utilizing the services of a  
63 registered veterinary technician, veterinary intern, temporary provisional licensee, veterinary  
64 medical student, unregistered assistant or any other individual working under that veterinarian's  
65 supervision;

66 (20) "Temporary license", any temporary permission to practice veterinary medicine  
67 issued by the board pursuant to section 340.248;

68 (21) "Unregistered assistant", any individual who is not a registered veterinary technician  
69 or licensed veterinarian and is employed by a licensed veterinarian;

70 (22) "Veterinarian", "doctor of veterinary medicine", "DVM", "VMD", or equivalent  
71 title, a person who has received a doctor's degree in veterinary medicine from an accredited  
72 school of veterinary medicine or holds a ECFVG certificate issued by the AVMA;

73 (23) "Veterinarian-client-patient relationship", the veterinarian has assumed the  
74 responsibility for making medical judgments regarding the health of the animal and the need for  
75 medical treatment, and the client, owner or owner's agent has agreed to follow the instructions  
76 of the veterinarian. There is sufficient knowledge of the animal by the veterinarian to initiate at  
77 least a general or preliminary diagnosis of the medical condition of the animal.  
78 Veterinarian-client-patient relationship means that the veterinarian has recently seen and is  
79 personally acquainted with the keeping and care of the animal by virtue of an examination or by  
80 medically appropriate and timely visits to the premises where the animal is kept. The practicing  
81 veterinarian is readily available for follow-up care in case of adverse reactions or failure of the  
82 prescribed course of therapy;

83 (24) "Veterinary candidacy program", a program by which a person who has received  
84 a doctor of veterinary medicine or equivalent degree from an accredited school of veterinary  
85 medicine can obtain the practical experience required for licensing in Missouri pursuant to  
86 sections 340.200 to 340.330;

87 (25) "Veterinary facility", any place or unit from which the practice of veterinary  
88 medicine is conducted, including but not limited to the following:

89 (a) "Veterinary or animal hospital or clinic", a facility that meets or exceeds all physical  
90 requirements and minimum standards as established by board rule for veterinary facilities;  
91 provides quality examination, diagnostic and health maintenance services for medical and  
92 surgical treatment of animals and is equipped to provide housing and nursing care for animals  
93 during illness or convalescence;

94 (b) "Specialty practice or clinic", a facility that provides complete specialty service by  
95 a licensed veterinarian who has advanced training in a specialty and is a diplomate of an  
96 approved specialty board. A specialty practice or clinic shall meet all minimum standards which  
97 are applicable to a specialty as established by board rule;

98 (c) "Central hospital", a facility that meets all requirements of a veterinary or animal  
99 hospital or clinic as defined in paragraph (a) of this subdivision and other requirements as  
100 established by board rule, and which provides specialized care, including but not limited to  
101 twenty-four-hour nursing care and specialty consultation on permanent or on-call basis. A  
102 central hospital shall be utilized primarily on referral from area veterinary hospitals or clinics;

103 (d) "Satellite, outpatient or mobile small animal clinic", a supportive facility owned by  
104 or associated with and has ready access to a full-service veterinary hospital or clinic or a central  
105 hospital providing all mandatory services and meeting all physical requirements and minimum  
106 standards as established by sections 340.200 to 340.330 or by board rule;

107 (e) "Large animal mobile clinic", a facility that provides examination, diagnostic and  
108 preventive medicine and minor surgical services for large animals not requiring confinement or  
109 hospitalization;

110 (f) "Emergency clinic", a facility established to receive patients and to treat illnesses and  
111 injuries of an emergency nature;

112 (26) "Veterinary candidate", a person who has received a doctor of veterinary medicine  
113 or equivalent degree from an accredited school or college of veterinary medicine and who is  
114 working under the supervision of a board-approved licensed veterinarian;

115 (27) "Veterinary intern", a person who has received a doctor of veterinary medicine or  
116 equivalent degree from an accredited school or college of veterinary medicine and who is  
117 participating in additional clinical training in veterinary medicine to prepare for  
118 AVMA-recognized certification or specialization;

119 (28) "Veterinary medicine", the science of diagnosing, treating, changing, alleviating,  
120 rectifying, curing or preventing any animal disease, deformity, defect, injury or other physical  
121 or mental condition, including, but not limited to, the prescription or administration of any drug,  
122 medicine, biologic, apparatus, application, anesthesia or other therapeutic or diagnostic substance  
123 or technique on any animal, including, but not limited to, acupuncture, dentistry, animal  
124 psychology, animal chiropractic, theriogenology, surgery, both general and cosmetic surgery, any  
125 manual, mechanical, biological or chemical procedure for testing for pregnancy or for correcting  
126 sterility or infertility or to render service or recommendations with regard to any of the  
127 procedures in this paragraph;

128 (29) "Veterinary student preceptee", a person who is pursuing a veterinary degree in an  
129 accredited school of veterinary medicine which has a preceptor program and who has completed  
130 the academic requirements of such program.

**340.217. 1. No person registered as a veterinarian in Missouri shall engage in the  
2 practice of veterinary medicine, as authorized in this chapter, across state lines, except as  
3 herein provided.**

**4 2. For purposes of this chapter, the "practice of veterinary medicine across state  
5 lines" means:**

**6 (1) The rendering of a written or otherwise documented veterinary medical opinion  
7 concerning the diagnosis or treatment of a patient within this state by a veterinarian  
8 located outside this state as a result of transmission of individual patient data by electronic,  
9 telephonic, or other means from within this state or any other state to such veterinarian  
10 or veterinarian's agent; or**

**11 (2) The rendering of treatment to a patient within this state by a veterinarian  
12 located outside this state as a result of transmission of individual patient data by electronic,  
13 telephonic, or other means from within this state or any other state to such veterinarian  
14 or veterinarian's agent.**

**15 3. A veterinarian located outside this state shall not be required to obtain a license  
16 when:**

**17 (1) In consultation with a veterinarian licensed to practice veterinary medicine in  
18 this state; and**

**19 (2) The veterinarian licensed in this state retains the ultimate authority and  
20 responsibility for the diagnosis and/or treatment in the care of the patient located within  
21 this state; or**

**22 (3) Evaluating a patient or rendering an oral, written, or otherwise documented  
23 veterinary medical opinion when providing testimony or records for the purpose of any  
24 civil or criminal action before any judicial or administrative proceeding in this state or**

25 **other forum in this state.**

340.246. A provisional license may be issued to a qualified applicant for licensure  
2 pending examination results and completion of the veterinary candidacy program, **or who has**  
3 **otherwise applied for licensure by grade transfer, reciprocity, or examination**, if the  
4 applicant meets all other required qualifications for licensure in sections 340.200 to 340.330;  
5 provided that the applicant is working under the supervision of a licensed veterinarian in good  
6 standing. Such supervision shall be consistent with the delegated animal health care task. A  
7 provisional license shall expire one year after the date of issuance. **A provisional license shall**  
8 **not be issued to individuals applying for faculty licensure.**

**340.255. Any veterinarian licensed under sections 340.200 to 340.330 who is not**  
2 **practicing or involved in any aspect, administrative or otherwise, of veterinary medicine**  
3 **in Missouri, as defined in section 340.200, may request that his or her license be placed on**  
4 **an inactive status. Any veterinarian requesting his or her license to be placed on an**  
5 **inactive status shall file an affirmation with the board stating that he or she will not engage**  
6 **in the practice or be involved in any aspect, administrative or otherwise, of veterinary**  
7 **medicine in Missouri. To renew such inactive license, the person shall submit an**  
8 **application for licensure renewal, pay the renewal fee, and submit approved continuing**  
9 **education hours as required by rule of the board.**

340.262. If a person is otherwise eligible to renew his or her license, the person may  
2 renew an expired license within two years of the date of expiration. To renew such expired  
3 license, the person shall submit an application for renewal, pay the renewal fee, pay a delinquent  
4 renewal fee [and], pay a penalty fee [as established by the board], **and submit approved**  
5 **continuing education hours as required by rule of the board.** Upon a finding of extenuating  
6 circumstances, the board may waive the payment of the penalty fee; however, nothing in this  
7 section shall be construed as requiring such waiver. If more than two years have lapsed since  
8 the date the license expired, the license may not be renewed. The holder of such expired license  
9 must apply under the procedures for a new license pursuant to sections 340.200 to 340.330.

340.306. **1.** The board may issue a certificate of registration to an applicant, without  
2 examination, if the applicant submits proof, satisfactory to the board, that the applicant:

3 (1) Is currently registered in another state, territory, district or province of the United  
4 States or Canada having standards for admission substantially the same as the standards in  
5 Missouri, and that the standards were in effect at the time the applicant was first admitted to  
6 practice in the other state, territory, district or province of the United States or Canada; and

7 (2) Has been employed and supervised by a licensed veterinarian for a period of at least  
8 five consecutive years preceding the applicant's application to practice as a veterinary technician  
9 in Missouri.

10           **2. If the applicant has not been licensed in another state, territory, district, or**  
11 **province of the United States or Canada for five consecutive years, the board may**  
12 **determine that the applicant is eligible for licensure by grade score transfer. For a**  
13 **previous examination score to be transferred for a current licensing period, the score must**  
14 **be received within the five-year period immediately preceding the application. If such**  
15 **passing score is not received within three attempts, the board may require the applicant**  
16 **to appear before the board and/or submit evidence that the applicant has completed**  
17 **continuing education.**

          340.312. 1. If the technician leaves the employment or supervision of the licensed  
2 veterinarian and is not employed by or supervised by another licensed veterinarian within thirty  
3 days of the termination of his or her employment, the technician's certificate shall be placed on  
4 inactive status. It is the responsibility of the technician to inform the executive director within  
5 thirty days of termination of his or her employment. It is grounds for revocation of the  
6 technician's certificate if he or she fails to notify the executive director of such termination.

          2. Any veterinary technician in the state of Missouri whose certificate has been on  
8 inactive status [for at least five continuous years] will be required to [take] **complete the**  
9 **required** continuing education [as required by the board] **credits in accordance with rules of**  
10 **the board**, pay all fees and meet all other requirements of sections 340.200 to 340.330 and board  
11 rules for registration as a veterinary technician.

          340.320. 1. Any person who practices as a veterinary technician after his or her  
2 certificate has been revoked pursuant to section 340.318 is in violation of sections 340.200 to  
3 340.330 and subject to criminal prosecution as provided for under sections 340.200 to 340.330.  
4 Such criminal penalty shall be in addition to and not in lieu of any penalty or other discipline  
5 provided for under sections 340.200 to 340.330.

          2. If a person is otherwise eligible to renew his or her certificate, such person may renew  
7 an expired certificate within [one year] **two years** of the date of expiration by submitting an  
8 application for renewal, payment of the renewal fee, payment of delinquent renewal fees and  
9 payment of a penalty fee as established by the board. A certificate may not be renewed if [one  
10 year has] **two years have** lapsed since the date the certificate expired. Such holder of an expired  
11 certificate must make application for a new certificate.