

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3482

By: Hasenbeck

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 698.2, 698.3, as last
9 amended by Section 1, Chapter 353, O.S.L. 2014,
10 698.4, 698.7, as amended by Section 14, Chapter 428,
11 O.S.L. 2019, 698.8, 698.30, 698.30a and 698.33 (59
12 O.S. Supp. 2019, Sections 698.3 and 698.7), which
13 relate to the Oklahoma Veterinary Practice Act;
14 modifying definitions; re-creating the State Board of
15 Veterinary Medical Examiners; modifying termination
16 date; removing obsolete language; modifying powers
17 and duties of the Board; modifying reciprocity of
18 license; modifying certification of nonveterinary
19 equine dental care; removing obsolete language;
20 extending prohibition for program agreements; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 59 O.S. 2011, Section 698.2, is
24 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" means a person who has graduated
16 from a program accredited by the American Veterinary Medical
17 Association, or its equivalent which is recognized and approved by
18 the Board, and who has passed the examination requirements set forth
19 by the Board, is certified to practice under the direct supervision
20 of a licensed veterinarian. For the purpose of the Oklahoma
21 Veterinary Practice Act, "registered veterinary technician (RVT)"
22 will be used interchangeably with veterinary technician who is
23 certified pursuant to Sections 698.21 through 698.26 of this title;

24

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

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

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

14 10. "Direct supervision" means:

- 15 a. directions have been given to a veterinary technician,
16 nurse, laboratory technician, intern, veterinary
17 assistant or other employee for medical care following
18 the examination of an animal by the licensed
19 veterinarian responsible for the professional care of
20 the animal, or
21 b. that, under certain circumstances following the
22 examination of an animal by a licensed veterinarian
23 responsible for the professional care of the animal,
24 the presence of the licensed veterinarian on the

1 premises in an animal hospital setting or in the same
2 general area in a range setting is required after
3 directions have been given to a veterinarian who has a
4 certificate issued pursuant to Section 698.8 of this
5 title;

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

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

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

- 17 a. the licensed veterinarian has assumed the
18 responsibility for making medical judgments regarding
19 the health of an animal or animals and the need for
20 medical treatment, and the client, owner or other
21 caretaker has agreed to follow the instructions of the
22 licensed veterinarian, and
23 b. there is sufficient knowledge of the animal or animals
24 by the licensed veterinarian to initiate at least a

1 general or preliminary diagnosis of the medical
2 condition of the animal or animals in that:

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

6 (2) the licensed veterinarian has made medically
7 necessary and timely visits to the premises where
8 the animal or animals are kept or both, and

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

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

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

22 15. "Veterinary prescription drugs" means such prescription
23 items as are in the possession of a person regularly and lawfully
24 engaged in the manufacture, transportation, storage, or wholesale or

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

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

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

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

1 ~~regarding case management with the primary care licensed~~
2 ~~veterinarian who transmits the cases~~ means the practice of
3 veterinary medicine, including diagnosis, consultation, evaluation,
4 treatment, transfer of medical data or exchange of information by
5 means of a two-way, real-time interactive communication between a
6 client or patient and a veterinarian with access to and reviewing
7 the patient's relevant information prior to the telemedicine visit.
8 Telemedicine or telehealth shall not include consultations provided
9 by telephone audio-only communication. A veterinarian using
10 telehealth technologies shall take appropriate steps to establish
11 the veterinarian-client-patient relationship and conduct all
12 appropriate evaluations and history of the patient consistent with
13 traditional standards of care for the particular patient
14 presentation. A veterinarian shall be licensed, or under the
15 jurisdiction of, the veterinary board of the jurisdiction where the
16 patient is located. The practice of medicine occurs where the
17 patient is located at the time telehealth technologies are used;

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

1 fictitious name certificate, or any other representative of such
2 person;

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

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

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

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

- 22 a. use of x-rays,
- 23 b. performing of surgery,
- 24 c. dispensing or administering of medications, or

1 d. performance of traditional veterinary care;

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

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

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

23 27. "Embryo transfer" means the biosecure process of inducing
24 increased ovulations within a donor female for the in vivo

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

5 28. "Animal Technology Advisory Committee" means the advisory
6 committee established by the Board pursuant to Section ~~4 of this act~~
7 698.30b of this title to advise and make recommendations to the
8 Board regarding any new and evolving technology, procedure, method
9 or practice that may be considered or otherwise designated as an act
10 of animal husbandry that should be included as an act not prohibited
11 in paragraph 1 of Section 698.12 of the Oklahoma Veterinary Practice
12 Act. Reference to the advisory committee in this act shall mean the
13 Animal Technology Advisory Committee; ~~and~~

14 29. "Examination Committee" means the committee established and
15 described in subsection ~~E D~~ of Section ~~3 of this act~~ 698.30a of this
16 title related to nonveterinary reproductive services; and

17 30. "Probable Cause Committee" means the committee consisting
18 of the Board's secretary or treasurer, investigator and attorney, to
19 negotiate and settle disputes in accordance with Oklahoma Veterinary
20 Practice Act.

21 SECTION 2. AMENDATORY 59 O.S. 2011, Section 698.3, as
22 last amended by Section 1, Chapter 353, O.S.L. 2014 (59 O.S. Supp.
23 2019, Section 698.3), is amended to read as follows:

24

1 Section 698.3 A. The State Board of Veterinary Medical
2 Examiners is hereby re-created, to continue until July 1, ~~2020~~ 2025,
3 in accordance with the provisions of the Oklahoma Sunset Law, to
4 regulate and enforce the practice of veterinary medicine in this
5 state in accordance with the Oklahoma Veterinary Practice Act.

6 B. 1. The duty of determining a person's initial and
7 continuing qualification and fitness for the practice of veterinary
8 medicine, of proceeding against the unlawful and unlicensed practice
9 of veterinary medicine and of enforcing the Oklahoma Veterinary
10 Practice Act is hereby delegated to the Board. That duty shall be
11 discharged in accordance with the Oklahoma Veterinary Practice Act
12 and other applicable statutes.

13 2. a. It is necessary that the powers conferred on the Board
14 by the Oklahoma Veterinary Practice Act be construed
15 to protect the health, safety and welfare of the
16 people of this state.

17 b. No member of the Board, acting in that capacity or as
18 a member of any Board committee, shall participate in
19 the making of any decision or the taking of any action
20 affecting such member's own personal, professional or
21 pecuniary interest, or that of a person related to the
22 member within the third degree by consanguinity,
23 marriage or adoption or of a business or professional
24 associate.

1 c. With advice of legal counsel, the Board shall adopt
2 and annually review a conflict of interest policy to
3 enforce the provisions of the Oklahoma Veterinary
4 Practice Act.

5 C. The practice of veterinary medicine is a privilege granted
6 by the people of this state acting through their elected
7 representatives. It is not a natural right of individuals. In the
8 interest of the public, and to protect the public, it is necessary
9 to provide laws and rules to govern the granting and subsequent use
10 of the privilege to practice veterinary medicine. The primary
11 responsibility and obligation of the Board is to protect the public
12 from the unprofessional, improper, incompetent and unlawful practice
13 of veterinary medicine.

14 D. The liability of any member or employee of the Board acting
15 within the scope of Board duties or employment shall be governed by
16 The Governmental Tort Claims Act.

17 SECTION 3. AMENDATORY 59 O.S. 2011, Section 698.4, is
18 amended to read as follows:

19 Section 698.4 A. 1. The State Board of Veterinary Medical
20 Examiners shall consist of six (6) members, appointed by the
21 Governor with the advice and consent of the Senate. The Board shall
22 consist of five licensed veterinarian members, and one lay person
23 representing the general public.

1 2. Each veterinary member shall be a graduate of an approved
2 school of veterinary medicine, shall be a currently licensed
3 veterinarian and shall have held an active license for the three (3)
4 years preceding appointment to the Board. One member shall be
5 appointed from each congressional district and any remaining members
6 shall be appointed from the state at large. However, when
7 congressional districts are redrawn each member appointed prior to
8 July 1 of the year in which such modification becomes effective
9 shall complete the current term of office and appointments made
10 after July 1 of the year in which such modification becomes
11 effective shall be based on the redrawn districts. Appointments
12 made after July 1 of the year in which such modification becomes
13 effective shall be from any redrawn districts which are not
14 represented by a board member until such time as each of the
15 modified congressional districts are represented by a board member.
16 No appointments may be made after July 1 of the year in which such
17 modification becomes effective if such appointment would result in
18 more than two members serving from the same modified district.

19 3. Of the five licensed veterinarian members, one must be an
20 equine practitioner and one must be a large animal practitioner.

21 4. The lay member shall have no financial interest in the
22 profession other than as a consumer or potential consumer of its
23 services.
24

1 5. Members must be residents of the State of Oklahoma and be
2 persons of integrity and good reputation. No member shall be a
3 registered lobbyist. No member shall be an officer, board member or
4 employee of a statewide or national organization established for the
5 purpose of advocating the interests of or conducting peer review of
6 veterinarians licensed pursuant to the Oklahoma Veterinary Practice
7 Act.

8 B. Members of the Board shall be appointed for a term of five
9 (5) years. No member shall serve consecutively for more than two
10 (2) terms. Not more than two (2) terms shall expire in each year,
11 and vacancies for the remainder of an unexpired term shall be filled
12 by appointment by the Governor. Members shall serve beyond the
13 expiration of their term until a successor is appointed by the
14 Governor. ~~The initial appointee for the Board position created on~~
15 ~~November 1, 1999, shall be appointed for less than five (5) years to~~
16 ~~abide by staggered term requirements.~~ The Governor shall appoint to
17 a vacancy within ninety (90) days of the beginning of the vacancy.
18 Nominees considered by the Governor for appointment to the Board
19 must be free of pending disciplinary action or active investigation
20 by the Board.

21 C. A member may be removed from the Board by the Governor for
22 cause which shall include, but not be limited to, if a member:

- 23 1. Ceases to be qualified;
- 24

1 2. Is found guilty by a court of competent jurisdiction of a
2 felony or unlawful act which involves moral turpitude;

3 3. Is found guilty of malfeasance, misfeasance or nonfeasance
4 in relation to Board duties;

5 4. Is found mentally incompetent by a court of competent
6 jurisdiction;

7 5. Is found in violation of the Oklahoma Veterinary Practice
8 Act; or

9 6. Fails to attend three successive Board meetings without just
10 cause as determined by the Board.

11 SECTION 4. AMENDATORY 59 O.S. 2011, Section 698.7, as
12 amended by Section 14, Chapter 428, O.S.L. 2019 (59 O.S. Supp. 2019,
13 Section 698.7), is amended to read as follows:

14 Section 698.7 The State Board of Veterinary Medical Examiners
15 shall have the powers and it shall also be its duty to regulate the
16 practice of veterinary medicine. In addition to any other powers
17 placed on it by the Oklahoma Veterinary Practice Act or as otherwise
18 provided by law, the Board shall have the power and duty to:

- 19 1. a. set standards for licensure or certification by
20 examination and develop such examinations as will
21 provide assurance of competency to practice, and
22 b. employ or enter into agreements with organizations or
23 agencies to provide examinations acceptable to the
24 Board or employ or enter into agreements with

1 organizations or agencies to provide administration,
2 preparation or scoring of examinations;

3 2. Set fees;

4 3. Prescribe the time, place, method, manner, scope and
5 subjects of examination for licensure;

6 4. Prepare or select, conduct or direct the conduct of, set
7 minimum requirements for, and assure security of licensing and other
8 required examinations;

9 5. a. issue or deny licenses and certificates and renewals
10 thereof,

11 b. acquire information about and evaluate the
12 professional education and training of applicants for
13 licensure or certification; and accept or deny
14 applications for licensure, certification or renewal
15 of either licensure or certification based on the
16 evaluation of information relating to applicant
17 fitness, performance or competency to practice,

18 c. determine which professional schools, colleges,
19 universities, training institutions and educational
20 programs are acceptable in connection with licensure
21 pursuant to the Oklahoma Veterinary Practice Act, and
22 accept the approval of such facilities and programs by
23 American-Veterinary-Medical-Association-accredited
24 institutions in the United States and Canada,

1 d. require supporting documentation or other acceptable
2 verifying evidence for any information provided the
3 Board by an applicant for licensure or certification,
4 and

5 e. require information on an applicant's fitness,
6 qualification and previous professional record and
7 performance from recognized data sources including,
8 but not limited to, other licensing and disciplinary
9 authorities of other jurisdictions, professional
10 education and training institutions, liability
11 insurers, animal health care institutions and law
12 enforcement agencies;

13 6. Develop and use applications and other necessary forms and
14 related procedures for purposes of the Oklahoma Veterinary Practice
15 Act;

16 7. a. review and investigate complaints and adverse
17 information about licensees and certificate holders,

18 b. conduct hearings in accordance with the Oklahoma
19 Veterinary Practice Act and the Administrative
20 Procedures Act, and

21 c. adjudicate matters that come before the Board for
22 judgment pursuant to the Oklahoma Veterinary Practice
23 Act upon clear and convincing evidence and issue final
24

1 decisions on such matters to discipline licensees and
2 certificate holders;

- 3 8. a. impose sanctions, deny licenses and certificates and
4 renewals thereof, levy reimbursement costs, seek
5 appropriate administrative, civil or criminal
6 penalties or any combination of these against those
7 who violate examination security, who attempt to or
8 who do obtain licensure or certification by fraud, who
9 knowingly assist in illegal activities, or who aid and
10 abet the illegal practice of veterinary medicine,
11 b. review and investigate complaints and adverse
12 information about licensees and certificate holders,
13 c. discipline licensees and certificate holders,
14 d. institute proceedings in courts of competent
15 jurisdiction to enforce Board orders and provisions of
16 the Oklahoma Veterinary Practice Act,
17 e. (1) establish mechanisms for dealing with licensees
18 and certificate holders who abuse or are
19 dependent on or addicted to alcohol or other
20 chemical substances, and enter into agreements,
21 at its discretion, with professional
22 organizations whose relevant procedures and
23 techniques it has evaluated and approved for
24 their cooperation or participation in the

1 rehabilitation of the licensee or certificate
2 holder,

3 (2) establish by rules cooperation with other
4 professional organizations for the identification
5 and monitoring of licensees and certificate
6 holders in treatment who are chemically dependent
7 or addicted, and

8 f. issue conditional, restricted or otherwise
9 circumscribed modifications to licensure or
10 certification as determined to be appropriate by due
11 process procedures and summarily suspend a license if
12 the Board has cause to believe by clear and convincing
13 evidence such action is required to protect public or
14 animal health and safety or to prevent continuation of
15 incompetent practices;

16 9. Promulgate rules of professional conduct and require all
17 licensees and certificate holders to practice in accordance
18 therewith;

19 10. Act to halt the unlicensed or illegal practice of
20 veterinary medicine and seek administrative, criminal and civil
21 penalties against those engaged in such practice;

22 11. Establish appropriate fees and charges to ensure active and
23 effective pursuit of Board responsibilities;

24

1 12. Employ, direct, reimburse, evaluate and dismiss staff in
2 accordance with state procedures;

3 13. Establish policies for Board operations;

4 14. Respond to legislative inquiry regarding those changes in,
5 or amendments to, the Oklahoma Veterinary Practice Act;

6 15. Act on its own motion in disciplinary matters, administer
7 oaths, issue notices, issue subpoenas in the name of the State of
8 Oklahoma, including subpoenas for client and animal records, hold
9 hearings, institute court proceedings for contempt or to compel
10 testimony or obedience to its orders and subpoenas, take evidentiary
11 depositions and perform such other acts as are reasonable and
12 necessary under law to carry out its duties;

13 16. Use clear and convincing evidence as the standard of proof
14 and issue final decisions when acting as trier of fact in the
15 performance of its adjudicatory duties;

16 17. Determine and direct Board operating, administrative,
17 personnel and budget policies and procedures in accordance with
18 applicable statutes;

19 18. Promulgate uniform rules such as may be necessary for
20 carrying out and enforcing the provisions of the Oklahoma Veterinary
21 Practice Act and such as in its discretion may be necessary to
22 protect the health, safety and welfare of the public;

23 19. Determine continuing education requirements. Such
24 continuing education shall include not less than one (1) hour of

1 education in pain management or one (1) hour of education in opioid
2 use or addiction annually, unless the licensee has demonstrated to
3 the satisfaction of the Board that the licensee does not currently
4 hold a valid federal Drug Enforcement Administration registration
5 number;

6 20. Establish minimum standards for veterinary premises;

7 21. Establish standards for veterinary labeling and dispensing
8 of veterinary prescription drugs and federal Food and Drug
9 Administration-approved human drugs for animals which would conform
10 to current applicable state and federal law and regulations;

11 22. Promulgate rules such as may be necessary for carrying out
12 and enforcing provisions relating to certification of animal
13 euthanasia technicians and approval of drugs to be used for
14 euthanasia of animals in an animal shelter pursuant to the
15 requirements of Section 502 of Title 4 of the Oklahoma Statutes;

16 23. Shall conduct a national criminal history records search
17 for certified animal euthanasia technicians:

18 a. the applicant shall furnish the Board two completed
19 fingerprint cards and a money order or cashier's check
20 made payable to the Oklahoma State Bureau of
21 Investigation,

22 b. the Board shall forward the fingerprint cards, along
23 with the applicable fee for a national fingerprint
24 criminal history records search, to the Bureau, and

1 c. the Bureau shall retain one set of fingerprints in the
2 Automated Fingerprint Identification System (AFIS) and
3 submit the other set to the Federal Bureau of
4 Investigation (FBI) for a national criminal history
5 records search;

6 24. Establish standards for animal chiropractic diagnosis and
7 treatment. The standards shall include but not be limited to a
8 requirement that a veterinarian who holds himself or herself out to
9 the public as certified to engage in animal chiropractic diagnosis
10 and treatment shall:

11 a. carry at least One Million Dollars (\$1,000,000.00) of
12 additional malpractice coverage to perform animal
13 chiropractic diagnosis and treatment, and

14 b. have appropriate training in animal chiropractic
15 diagnosis and treatment. The Veterinary Examining
16 Board shall have the authority to establish
17 educational criteria for certification standards in
18 animal chiropractic diagnosis and treatment. The
19 Veterinary Examining Board shall work in conjunction
20 with the Board of Chiropractic Examiners to establish
21 comparable standards for the practice of animal
22 chiropractic diagnosis and treatment for both medical
23 professions within thirty (30) days after the
24 effective date of this act. The Board shall certify

1 any licensed veterinarian wishing to engage in animal
2 chiropractic diagnosis and treatment who meets the
3 standards established by the Board pursuant to this
4 paragraph. Upon request, the Board shall make
5 available to the public a list of licensed
6 veterinarians so certified; ~~and~~

7 25. Give scholarships, as determined by the Board, to an
8 individual advancing toward obtaining a degree in veterinary
9 medicine from an Oklahoma higher education institution; and take
10 such other action as may be reasonably necessary or appropriate to
11 effectuate the Veterinary Practice Act. The Board may, at its
12 discretion, contract with other state agencies and nonprofit
13 corporations for the endowment, management and administration of
14 scholarships. The requirements of such scholarships shall be
15 determined by the Board. However, nothing contained herein shall be
16 construed as requiring the Board to endow or award any scholarship;
17 and

18 26. Perform such other duties and exercise such other powers as
19 the provisions and enforcement of the Oklahoma Veterinary Practice
20 Act may require.

21 SECTION 5. AMENDATORY 59 O.S. 2011, Section 698.8, is
22 amended to read as follows:
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24

1 Section 698.8 A. It shall be unlawful to practice veterinary
2 medicine in this state without a license or certificate issued by
3 the State Board of Veterinary Medical Examiners.

4 B. Requirements for licensure or certification shall be set by
5 the Board and may be changed as the education and training for the
6 practice of veterinary medicine changes. Prior to issuance of a
7 license or certificate to practice veterinary medicine in this
8 state, the applicant shall have been found by the Board to be of
9 good moral character and the Board shall consider but not be limited
10 to the following evidence of suitability to practice:

11 1. a. Graduation from an approved school of veterinary
12 medicine whose requirements at the time of graduation
13 are acceptable to the Board.

14 b. Graduates of schools of veterinary medicine located
15 outside the United States and Canada shall be held to
16 the same standards for evidence of suitability to
17 practice as are graduates of schools of veterinary
18 medicine located within the United States in that
19 applicants shall conform in all respects to the
20 requirements set forth in this section. Where
21 necessary, further examination shall be administered
22 by the Board or its designee to determine competency
23 to practice. In addition, applicants shall
24 demonstrate a command of the English language

1 satisfactory to the Board. Documents and material
2 submitted in support of application for licensure or
3 certification, if in a foreign language, shall be
4 translated and certified as accurate by an
5 organization acceptable to the Board;

6 2. Satisfactory completion of a minimum number of months of
7 education in veterinary medicine as a requirement for graduation
8 from a school of veterinary medicine as set by the Board;

9 3. Evidence that the applicant for licensure or certification
10 is of good moral character;

11 4. a. Except as otherwise provided by this paragraph,
12 evidence that the applicant has passed examinations
13 satisfactory to the Board and that the examination
14 score is acceptable to the Board. The Board may set
15 minimum passing scores for examinations and limit the
16 number of times an applicant may take an examination
17 in this state.

18 b. In lieu of national examination requirements, an
19 applicant shall have actively engaged in the clinical
20 practice of veterinary medicine for a period of at
21 least five thousand (5,000) hours during the five (5)
22 consecutive years immediately prior to making
23 application in Oklahoma and hold a license to practice
24 veterinary medicine in another state, territory,

1 district or province of the United States and Canada
2 and successfully passed the Oklahoma State
3 Jurisprudence Examination;

4 5. Evidence that the applicant has demonstrated familiarity
5 with the statutes and rules set by the Board;

6 6. Evidence that the applicant is mentally and professionally
7 capable of practicing veterinary medicine in a competent manner as
8 determined by the Board and willing to submit, if deemed appropriate
9 by the Board, to an evaluation of skills and abilities;

10 7. Evidence that the applicant has not been found guilty by a
11 court of law of any conduct that would constitute grounds for
12 disciplinary action under the Oklahoma Veterinary Practice Act or
13 rules of the Board, and there has been no disciplinary action taken
14 against the applicant by any public agency concerned with the
15 practice of veterinary medicine;

16 8. If the Board deems it necessary, a personal appearance by
17 the applicant before the Board in support of the applicant's
18 application for licensure or certification. If the Board is not
19 satisfied with the credentials of the applicant, or demonstration of
20 knowledge or skills presented, the Board may require further
21 examination or supervised practice before reconsideration of the
22 application; and

23 9. Evidence that all required fees have been paid.
24

1 C. Practice without the legal possession of an active license
2 or certificate shall be prohibited, and evidence of said practice
3 shall be reported by the Board to the district attorney of the
4 county in which the practice is found to occur.

5 D. Certificates may be issued to any veterinarian who has
6 failed to obtain or failed to maintain a regular license to practice
7 veterinary medicine. Such certificates may be issued by the Board
8 at such times as the Board determines that all requirements for
9 possession of such certificate have been met as set by rules and
10 policies of the Board. Certificates may be issued for, but not
11 limited to, the practice of veterinary medicine under the direct
12 supervision of a licensed veterinarian while the application for
13 full licensure is pending.

14 E. Any active military or their spouse who is licensed in
15 veterinary medicine or is registered or certified as a veterinary
16 technician in another state may submit a completed application for
17 licensure or registration in Oklahoma and if found to be in good
18 standing and has equivalent education, training and experience shall
19 be licensed within thirty (30) days. The application fee and the
20 first period of issuance shall be waived for such active military or
21 their spouse.

22 SECTION 6. AMENDATORY 59 O.S. 2011, Section 698.30, is
23 amended to read as follows:
24

1 Section 698.30 A. The State Board of Veterinary Medical
2 Examiners shall annually certify any practitioner of teeth floating,
3 known as a nonveterinary equine dental care provider and as defined
4 by paragraph 25 of Section 698.2 of Title 59 of the Oklahoma
5 Statutes. Certification shall be issued within ninety (90) days of
6 application, and to be eligible for this certification,
7 nonveterinary equine dental care providers shall provide proof of
8 qualification to be a nonveterinary equine dental care provider
9 using one of the following methods:

10 1. Completion of at least eighty (80) hours of training in
11 ~~equine dentistry at the Texas Institute of Equine Dentistry, the~~
12 ~~Academy of Equine Dentistry or a similar~~ program approved by the
13 State Board of Veterinary Medical Examiners; or

14 2. Certification as ~~an~~ a nonveterinary equine dental ~~technician~~
15 care provider by the International Association of Equine Dentistry
16 or its equivalent by a similar certifying organization approved by
17 the State Board of Veterinary Medical Examiners.

18 B. ~~Prior to July 1, 2011, teeth floaters shall be granted~~
19 ~~certification upon submission of a signed and notarized affidavit~~
20 ~~from three persons who are residents of this state, stating that~~
21 ~~they know this individual and the individual is known by the~~
22 ~~community to be a nonveterinary equine dental care provider. Of the~~
23 ~~three residents, one shall be from a veterinarian that is licensed~~
24 ~~to practice in the state; and one shall be from the current~~

1 ~~president of any official statewide association representing horses,~~
2 ~~horse breeds or horsemen, or a horse owner currently residing in the~~
3 ~~state.~~

4 C. Proof of four (4) hours of continuing education shall be
5 required for annual certification renewal for ~~teeth floaters~~ a
6 nonveterinary equine dental care provider. This continuing
7 education shall be a course approved by ~~the Texas Institute of~~
8 ~~Equine Dentistry, the Academy of Equine Dentistry, the State Board~~
9 ~~of Veterinary Medical Examiners,~~ the International Association of
10 Equine Dentistry or a similar organization approved by the State
11 Board of Veterinary Medical Examiners and shall be obtained in the
12 twelve-month period immediately preceding the year for which the
13 certification is to be issued.

14 D. C. If prescription drugs, not to include any controlled
15 dangerous substances as defined in the Uniform Controlled Dangerous
16 Substances Act, are to be used in nonveterinary equine dental care
17 procedures, the equine owner shall contact a veterinarian licensed
18 by the state. If the veterinarian deems that prescription drugs,
19 not to include any controlled dangerous substances as defined in the
20 Uniform Controlled Dangerous Substances Act, are necessary, the
21 veterinarian may assemble those drugs and may allow the owner or the
22 owner's agent, who can be a nonveterinary equine dental care
23 provider, to pick up those drugs and deliver them to the equine
24 owner. No prescription drugs shall be prescribed, dispensed, or

1 administered without the establishment of a valid client-patient
2 relationship between the equine owner and the veterinarian.
3 Prescription drugs must be used in accordance with United States
4 Food and Drug Administration regulations.

5 ~~E.~~ D. Complaints related to any ~~teeth-floater~~ nonveterinary
6 equine dental care provider shall be filed with the State
7 Veterinarian through the Oklahoma Department of Agriculture, Food,
8 and Forestry. The State Veterinarian may investigate complaints,
9 and may forward findings as it deems appropriate to the appropriate
10 law enforcement entity.

11 SECTION 7. AMENDATORY 59 O.S. 2011, Section 698.30a, is
12 amended to read as follows:

13 Section 698.30a A. The State Board of Veterinary Medical
14 Examiners shall certify an individual as a nonveterinary
15 reproductive services technician who qualifies and passes a written
16 certification examination approved by the Board and who holds a
17 Ph.D. from an accredited college or university with emphasis in
18 animal reproductive physiology, or a Master of Science degree from
19 an accredited college or university with emphasis in animal
20 reproductive physiology and Board Certification in animal physiology
21 by the American Registry of Professional Animal Scientists, which
22 certification authorizes them to provide nonveterinary reproductive
23 services as defined in the Oklahoma Veterinary Practice Act.

24

1 ~~B. Prior to July 1, 2012, an individual with a Bachelor of~~
2 ~~Science degree from an accredited college or university, which~~
3 ~~includes completion of at least six (6) semester hours in~~
4 ~~reproductive physiology and who has practical experience in embryo~~
5 ~~transfer in ruminating animals as verified in writing by sworn~~
6 ~~affidavit from at least two client animal owners and from two~~
7 ~~approved certified members of the American Embryo Transfer~~
8 ~~Association, shall be allowed to become certified as a nonveterinary~~
9 ~~reproductive services technician upon passing a written~~
10 ~~certification examination approved by the Board.~~

11 ~~C.~~ In connection with performing nonveterinary reproductive
12 services, federal legend drugs shall be prescribed and dispensed
13 only on the order of a licensed veterinarian who has an existing
14 veterinarian-client-patient relationship as defined by the Oklahoma
15 Veterinary Practice Act and the rules of the Board and shall only be
16 administered in accordance with the act. Every nonveterinary
17 reproductive services technician shall keep and maintain medical
18 records that include the source of any prescription drugs used in
19 connection with providing nonveterinary reproductive services,
20 including the name and address of the veterinarian prescribing or
21 dispensing the drugs, the date the drugs are received, the species
22 and description of the animal involved, the animal owner or client
23 name and address, and the medications administered including date
24 and dosage. All medical records pertaining to prescription drugs

1 shall be made available for inspection by the Board or the Board's
2 agent upon request and must be kept and maintained for a period of
3 two (2) years from the date the drug was administered.

4 ~~D.~~ C. Proof of at least eight (8) hours of continuing education
5 from courses and study approved by the Board shall be required for
6 annual certification renewal as a nonveterinarian reproductive
7 services technician.

8 ~~E.~~ D. The certification examination and continuing education
9 described in this section shall be approved by the Examination
10 Committee that is overseen by the Board and consists of:

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

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

16 3. An animal embryologist as designated by the American Embryo
17 Transfer Association.

18 SECTION 8. AMENDATORY 59 O.S. 2011, Section 698.33, is
19 amended to read as follows:

20 Section 698.33 A. There is hereby established the veterinary
21 training program for rural Oklahoma to be administered by the
22 Oklahoma State University Center for Veterinary Health Sciences.

23 The program shall be developed and implemented in order to provide
24 encouragement, opportunities, and incentives for persons pursuing a

1 veterinary medicine degree at Oklahoma State University to locate
2 their veterinary practice in rural Oklahoma communities, and receive
3 specialized training targeted to meet the needs of livestock
4 producers in rural Oklahoma communities.

5 B. Subject to available funds, each year the Veterinary Center
6 may enter into program agreements with up to three first-year
7 veterinary students or currently practicing large animal
8 veterinarians with qualifying school loans, as determined by the
9 Veterinary Center. Preference shall be given to those students and
10 large animal veterinarians who are Oklahoma residents and who agree
11 to serve in a community as described in paragraph 3 of subsection D
12 of this section, which is determined by the Veterinary Center to be
13 an underserved area for the practice of veterinary medicine.

14 C. Subject to available funds, each student or large animal
15 veterinarian entering into a program agreement under this section
16 shall receive assistance in an amount not to exceed Twenty Thousand
17 Dollars (\$20,000.00) per year for not more than four (4) years for
18 tuition, books, supplies, and other school expenses, and travel and
19 training expenses incurred by the student in pursuing a veterinary
20 medicine degree. Upon satisfaction of all commitments under the
21 provisions of the agreement and the provisions of this section, the
22 financial obligations pursuant to this section shall be deemed
23 satisfied and forgiven.

24

1 D. Each program agreement shall require that the person
2 receiving the assistance:

3 1. Complete the veterinary medicine degree program at the
4 Veterinary Center;

5 2. Complete all requirements in public health, livestock
6 biosecurity, foreign animal disease diagnosis, regulatory veterinary
7 medicine and zoonotic disease, and an externship and mentoring
8 requirement with a licensed, accredited veterinarian in rural
9 Oklahoma as required by the Veterinary Center;

10 3. Engage in the full-time practice of veterinary medicine in
11 any community in Oklahoma which has a population not exceeding
12 twenty-five thousand (25,000) as determined by the most recent
13 Federal Decennial Census at the time the person entered into the
14 program agreement for a period of at least twelve (12) continuous
15 months for each separate year a student receives assistance under
16 the program, unless the obligation is otherwise satisfied as
17 provided in this section. If, after the date a program agreement
18 was entered into by the parties, a community no longer meets the
19 maximum population requirements provided in this paragraph, a person
20 engaging in the full-time practice of veterinary medicine pursuant
21 to the program agreement shall continue to practice in that
22 designated community; and

23 4. Commence the full-time practice of veterinary medicine in
24 that community within ninety (90) days after completion of the

1 person's degree program, or if the person enters a postdegree
2 training program, such as a graduate school or internship or
3 residency program, within ninety (90) days after completion of the
4 postdegree training program.

5 E. Upon the failure of a person to satisfy the obligation to
6 engage in the full-time practice of veterinary medicine in
7 accordance with the provisions of this section, that person shall
8 repay to the Veterinary Center, within ninety (90) days of the
9 failure, the amount equal to the assistance provided to the person
10 less a prorated amount based on any periods of practice of
11 veterinary medicine meeting the requirements of this section, plus
12 interest at the prime rate of interest plus two percent (2%) from
13 the date the assistance accrued. The interest shall be compounded
14 annually.

15 F. An obligation to engage in the practice of veterinary
16 medicine in accordance with the provisions of this section shall be
17 postponed during:

18 1. Any period of temporary medical disability during which the
19 person obligated is unable to practice veterinary medicine due to
20 the disability; and

21 2. Any other period of postponement agreed to or determined in
22 accordance with criteria agreed to in the practice agreement.

23
24

1 G. An obligation to engage in the practice of veterinary
2 medicine in accordance with the provisions of the agreement and this
3 section shall be satisfied:

4 1. If the obligation to engage in the practice of veterinary
5 medicine in accordance with the agreement has been completed;

6 2. If, because of permanent disability, the person obligated is
7 unable to practice veterinary medicine; or

8 3. The person who is obligated dies.

9 H. The Veterinary Center may adopt additional provisions,
10 requirements, or conditions to participate in this program as are
11 practicable and appropriate to accomplish the provisions of the
12 program or may be required for the implementation or administration
13 of the program, and are not inconsistent with the provisions of this
14 section.

15 I. The Veterinary Center shall not enter into any program
16 agreements pursuant to the provisions of this section after July 1,
17 ~~2018~~ 2025. All agreements entered into prior to such date shall be
18 valid.

19 SECTION 9. This act shall become effective November 1, 2020.

20

21 57-2-9415 LRB 01/14/20

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