

SENATE FILE NO. SF0006

Veterinary Practice Act-amendments.

Sponsored by: Joint Agriculture, Public Lands and Water
Resources Interim Committee

A BILL

for

1 AN ACT relating to the Veterinary Practice Act; providing
2 definitions; modifying licensing qualifications and
3 procedures; modifying the composition of the board of
4 veterinary medicine; allowing supervision of certain
5 veterinary practices; modifying scope of practices covered
6 by the act; modifying disciplinary actions; providing
7 penalties; repealing obsolete and inconsistent provisions;
8 and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 33-30-202(a)(ii), (iii)(A) and by
13 creating new paragraphs (ix) and (x), 33-30-203(a)(ii),
14 (iii), (v), (xi) and by creating new paragraphs (xii) and
15 (xiii), 33-30-204(a), (f), (k) and (m) by creating a new
16 paragraph (xiv), 33-30-206, 33-30-207(a) and (b),

1 33-30-208(a)(i) and (ii), 33-30-211(a), (b) and (d),
2 33-30-212(a)(intro), (iv), (v), (vii), (ix) through (xi),
3 (xiv) and by creating new paragraphs (xx) through (xxiv),
4 33-30-214 and 33-30-215(a) are amended to read:

5

6 **33-30-202. Definitions.**

7

8 (a) When used in this act, these words and phrases,
9 unless the context otherwise indicates, shall be defined as
10 follows:

11

12 (ii) "Veterinary medicine" is that discipline of
13 medicine, system, science and art devoted to preventing or
14 alleviating illness, pain, disease and deformity of animals
15 by diagnosing, treating, prescribing or operating, and to
16 preventing the spread to human beings of those diseases
17 capable of being contracted by human beings from animals,
18 utilizing means and methods which are taught and practiced
19 in accredited colleges of veterinary medicine. Veterinary
20 dentistry, ~~cosmetic~~ surgery and physiological examination
21 of animals shall be considered a part of veterinary
22 medicine.

23

1 (iii) "Practice of veterinary medicine" shall
2 include, but not be limited to, the practice:

3
4 (A) To diagnose, prognose, treat, correct,
5 change, relieve, or prevent disease, pain, deformity,
6 defect, injury, or other physical or mental conditions of
7 any animal for a fee or other compensation; including the
8 prescription or administration of any controlled substance
9 or prescription drug, medicine, biologic, apparatus,
10 application, anesthetic, or other therapeutic or diagnostic
11 substance or technique;

12
13 (ix) "Animal health emergency" means any event
14 or situation involving animal disease or animal health and
15 safety such as foreign animal diseases, natural disaster
16 or bioterrorism that threatens the viability of animal
17 industries;

18
19 (x) "Supervised services" means services and
20 procedures performed by a nonveterinarian that are
21 supervised by a veterinarian pursuant to board rules and
22 regulations and may include:

23
24 (A) Acupuncture;

1

2

(B) Bovine ovariectomy;

3

4

(C) Chiropractic;

5

6

(D) Dentistry;

7

8

(E) Physical therapy;

9

10

(F) Pregnancy testing except for embryo

11

transplants.

12

13

33-30-203. License required; exceptions.

14

15

(a) No person may practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. This act shall not be construed to prohibit:

19

20

(ii) A person who is a regular student in a college of veterinary medicine from performing duties or action assigned by his instructors, or from working under the responsible supervision of a licensed veterinarian;

24

~~during a school vacation period;~~

1

2 (iii) A veterinarian regularly licensed in
3 another state from consulting with, or practicing
4 veterinary medicine at the invitation, and under the direct
5 supervision, of a licensed veterinarian in this state;

6

7 (v) The owner of an animal, the owner's family
8 members, the owner's full-time or part-time employees or
9 any livestock operator and such operator's employees with
10 whom the owner exchanges work and assistance in connection
11 with animals or who has the care and custody of animals
12 under contract with the owner, from caring for and treating
13 any animal belonging to such owner, in any manner desired
14 by ~~said~~ the owner except where the ownership of the animal
15 was transferred for purposes of circumventing this act.
16 The exception provided by this paragraph shall not apply to
17 any employment contract, work or assistance created for the
18 purpose of circumventing this act;

19

20 (xi) Any person approved by the board from
21 performing embryo transplants upon animals; ~~as provided by~~
22 ~~W.S. 33-30-204(m)(xiii).~~

23

1 (xii) A person from providing supervised
2 services;

3
4 (xiii) A person from advising with respect to,
5 or performing, acts that constitute generally accepted
6 livestock management practices.

7
8 **33-30-204. Board of veterinary medicine.**

9
10 (a) A Wyoming board of veterinary medicine shall be
11 appointed by the governor, by and with the consent of the
12 senate, and shall consist of ~~five (5)~~ seven (7) members who
13 shall hold office for a term of six (6) years. ~~Four (4)~~
14 Five (5) members shall be licensed veterinarians, ~~one (1)~~
15 ~~member~~ two (2) members shall be ~~a consumer~~ consumers of
16 veterinary services. Members of the state board of
17 veterinary examiners previously appointed under this act
18 shall continue as members of the board until the expiration
19 of the term for which they were appointed. Initial
20 appointments to the board may be for less than six (6)
21 years so that the terms of not more than ~~two (2)~~ three (3)
22 members shall expire in any one (1) biennium. Whenever the
23 occasion arises for an appointment of a licensed
24 veterinarian under this section the Wyoming Veterinary

1 Medical Association shall nominate ~~three (3)~~ four (4) or
2 more qualified persons and forward the nominations to the
3 governor at least thirty (30) days prior to the convening
4 date of the senate. Vacancies due to death, resignation or
5 removal shall be filled by appointment by the governor in
6 accordance with W.S. 28-12-101 upon nominations being made
7 as otherwise provided in this section for appointment. No
8 person shall serve two (2) consecutive six (6) year terms,
9 but a person appointed for a term of fewer than six (6)
10 years, or to fill a vacancy, may succeed himself. Effective
11 July 1, 1979, appointments and terms shall be made in
12 accordance with W.S. 28-12-101 through 28-12-103.

13

14 (f) The board shall meet at least once each year at
15 the time and place ~~fixed~~ determined by ~~rule of~~ the board.
16 Other necessary meetings may be called by the president of
17 the board by giving notice as ~~may be~~ required by ~~rule~~ W.S.
18 16-4-401 through 16-4-407. Except as otherwise provided, a
19 majority of the board, including one (1) officer,
20 constitutes a quorum. Meetings shall be open and public
21 except that the board may meet in closed session to
22 prepare, approve, administer or grade examinations, or to
23 deliberate the qualification of an applicant for license,
24 or the disposition of a proceeding to discipline a licensed

1 veterinarian. The board shall adopt a seal which shall be
2 affixed to all licenses issued by the board and to other
3 papers requiring the same.

4
5 (k) All money shall be received and collected as
6 provided by law. The state treasurer shall credit the money
7 to an account within the earmarked revenue fund. All
8 expenses of the board and all expenses incurred in
9 connection with the administration of this act shall be
10 paid from the account by requisition signed by the board's
11 secretary-treasurer ~~of the board~~ or his designee in a
12 manner provided by law for payment of other state expenses.
13 The account shall be a continuing account and shall not be
14 subject to reversion to the state's general fund.

15
16 (m) The board is empowered to:

17
18 (xiv) Summarily, and without a hearing, suspend
19 a license or temporary permit by a two-thirds (2/3) vote of
20 the board in cases involving serious and immediate danger
21 to the health, safety or welfare of animals or the public.
22 In such cases, the board shall provide to the licensee or
23 permittee an opportunity for a hearing within fifteen (15)
24 days of the suspension.

1

2 **33-30-206. Application for license; fee;**
3 **determination of qualifications.**

4

5 (a) Any person desiring a license to practice
6 veterinary medicine in this state shall make written
7 application to the board. The application shall show that
8 the applicant is an adult, ~~subscribes to and will uphold~~
9 ~~the principles incorporated in the constitution of the~~
10 ~~United States,~~ a graduate of a college of veterinary
11 medicine, as approved by board rule or holds a certificate
12 from the Educational Commission for Foreign Veterinary
13 Graduates certification program and a person of good moral
14 character, ~~physical and mental health,~~ and shall provide
15 ~~such~~ other information and proof as the board may require
16 by rule. The application shall be accompanied by a fee in
17 the amount established ~~and published by the board~~ rule.

18

19 (b) If the board determines that the applicant
20 possesses the proper qualifications, it shall admit the
21 applicant to the next examination, if any, or if the
22 applicant is eligible for a license without examination
23 under W.S. 33-30-208, the board may forthwith grant him a
24 license. If an applicant is found not qualified to take the

1 examination or does not qualify for a license without
2 examination, the secretary-treasurer of the board shall
3 immediately notify the applicant in writing of such finding
4 and the grounds therefor. A licensee whose license is
5 revoked or an applicant found unqualified shall be afforded
6 an opportunity for a hearing to be conducted in accordance
7 with the Wyoming Administrative Procedure Act. Any
8 applicant who is found not qualified shall be allowed the
9 return of his application fee.

10

11 **33-30-207. Examinations generally.**

12

13 (a) The board ~~shall~~ may hold ~~at least~~ one (1)
14 ~~examination~~ or more examinations of applicants for license
15 to practice veterinary medicine during each year. ~~and may~~
16 ~~hold such additional examinations as are necessary.~~

17

18 (b) The preparation, administration, and grading of
19 examinations shall be governed by board rules. ~~prescribed~~
20 ~~by the board. Examinations shall be designed to test the~~
21 ~~examinee's knowledge of and proficiency in the subjects and~~
22 ~~techniques commonly taught in colleges of veterinary~~
23 ~~medicine. To pass the examination, the examinee must~~
24 ~~demonstrate scientific and practical knowledge of the~~

1 ~~highest competency to prove himself qualified to practice~~
2 ~~veterinary medicine in the judgment of the board. All~~
3 ~~examinees shall be tested by a written examination,~~
4 ~~supplemented by such oral interviews and practical~~
5 ~~demonstrations as the board may deem necessary.~~ The board
6 may adopt and use the examination prepared by the national
7 board of veterinary medical examiners.

8
9 **33-30-208. When examination not required.**

10
11 (a) The board may, but is not required to, issue a
12 license without a written examination to a qualified
13 applicant who:

14
15 (i) Has for the five (5) years ~~next prior to~~
16 immediately before filing his application been a practicing
17 veterinarian licensed in a state, territory, or district of
18 the United States having license requirements at the time
19 the applicant was first licensed which were substantially
20 equivalent to the requirements of this act, and who has the
21 recommendation for Wyoming licensure by the examining board
22 of his state of residence; or

23

1 (ii) Has within the ~~three (3) years next prior to~~
2 five (5) years immediately before filing his application
3 successfully completed the examination conducted by the
4 national board of veterinary medical examiners.

5

6 **33-30-211. Expiration and renewal of licenses; fees;**
7 **veterinarians on active duty with armed services; duplicate**
8 **licenses.**

9

10 (a) All licenses shall expire annually on December 31
11 of each year and shall be renewed by registration with the
12 board, ~~and~~ payment of the registration renewal fee
13 ~~established and published~~ and proof of continuing education
14 requirements as required by ~~the~~ board rule. On December 1
15 of each year, the secretary-treasurer shall mail a notice
16 to each licensed veterinarian that his license will expire
17 on December 31 and provide him with a form for
18 reregistration. The secretary-treasurer shall issue annual
19 certificates of registration to all persons registering
20 under this act.

21

22 (b) Any person who shall practice veterinary medicine
23 after the expiration of his license ~~and wilfully or by~~
24 ~~neglect fail to renew such license~~ shall be practicing in

1 violation of this act ~~;~~ ~~provided that, at the discretion of~~
2 ~~the board,~~ Any person ~~not practicing in the state~~ may renew
3 an expired license within five (5) years of the date of its
4 expiration by making written application for renewal, ~~and~~
5 paying the current renewal fee plus all delinquent renewal
6 fees and showing proof of compliance with continuing
7 education requirements. After five (5) years have elapsed
8 since the date of the expiration, a license may not be
9 renewed, but the holder must make application for a new
10 license.

11

12 (d) The board shall issue a duplicate license to
13 replace one that has been lost or otherwise rendered
14 unusable upon payment of a fee ~~set~~ determined by ~~rule of~~
15 ~~the~~ board rule. Such duplicate license shall be so
16 designated.

17

18 **33-30-212. Denial, suspension and revocation of**
19 **licenses.**

20

21 (a) Upon a written and signed complaint, ~~sworn to by~~
22 ~~any person,~~ the board in compliance with the Wyoming
23 Administrative Procedure Act may ~~after a fair hearing and~~
24 ~~by a concurrence of all members,~~ deny, revoke, ~~or~~ suspend,

1 ~~for a certain time the license of, or~~ reprimand, or
2 otherwise censure any ~~applicant or licensed veterinarian~~
3 ~~who upon proof to the satisfaction of the board~~ licensee or
4 permittee who:

5
6 (iv) Has been convicted of a felony, ~~involving~~
7 ~~moral turpitude,~~ impacting upon the ability to practice
8 veterinary medicine or has entered a plea of nolo
9 contendere upon being charged with commission of such a
10 felony;

11
12 (v) Has been convicted of a violation of any
13 federal or state law relating to ~~narcotic drugs~~ controlled
14 substances;

15
16 (vii) Has been guilty of gross malpractice or
17 gross neglect or has demonstrated a course of conduct
18 evidencing a pattern of malpractice or neglect in the
19 practice of veterinary medicine which has endangered the
20 health or life of any person or animal;

21
22 (ix) Has committed acts of fraud or dishonesty;
23 ~~especially in the application or reporting of any test for~~

1 ~~disease in animals~~ relating to the practice of veterinary
2 medicine;

3
4 (x) Has ~~failed to report, if required by law, or~~
5 made false report of, or failed to report, if required by
6 law, any suspected contagious, or infectious disease or
7 results of any tests for disease in animals;

8
9 (xi) Has been guilty of ~~gross~~ negligence in the
10 inspection of foodstuffs or the issuance of health
11 certificate, inspection certificate or vaccination
12 certificate or other form used in the practice of
13 veterinary medicine contributing to the dissemination of
14 animal disease, transportation of diseased animals, or the
15 sale of products of animal origin not fit for human
16 consumption;

17
18 (xiv) Has ~~been guilty of willful or repeated~~
19 ~~violation of~~ willfully or intentionally violated any
20 provision of this act;

21
22 (xx) Has willfully or intentionally violated any
23 state or federal animal health rule or regulation;

24

1 (xxi) Has willfully or intentionally violated
2 any board rule or regulation;

3

4 (xxii) In the event of an animal health
5 emergency, has failed to comply with reasonable orders of
6 state and federal animal health officials;

7

8 (xxiii) Has failed to maintain adequate medical
9 records as defined by board rule;

10

11 (xxiv) Has been guilty of using, prescribing or
12 selling any prescription drug or prescribing an extra-label
13 use of a drug in the absence of a valid veterinarian
14 client-patient relationship.

15

16 **33-30-214. Penalty for violation; injunction.**

17

18 (a) Any person who shall practice veterinary medicine
19 without a currently valid license or temporary permit shall
20 be guilty of a misdemeanor and upon conviction for a first
21 offense shall be fined not more than ~~one hundred dollars~~
22 ~~(\$100.00)~~ two hundred dollars (\$200.00), or imprisoned for
23 no more than ninety (90) days, or both fined and

1 imprisoned; provided that each act of such unlawful
2 practice shall constitute a distinct and separate offense.

3

4 (b) The board ~~or any citizen of this state~~ may bring
5 an action to enjoin any person from practicing veterinary
6 medicine without a currently valid license or temporary
7 permit. If the court finds that the person is violating or
8 is threatening to violate this act, it shall enter an
9 injunction restraining him from such unlawful acts.

10

11 **33-30-215. Disposition of unclaimed animals in**
12 **custody of veterinarians; notice to owner; liability of**
13 **veterinarians; "abandoned animals".**

14

15 (a) Any animal placed in the custody of a licensed
16 veterinarian for treatment, boarding, or other care, which
17 shall be unclaimed by its owner or his agent for a period
18 of more than ten (10) days after written notice is given to
19 the owner or his agent at his last known address, shall be
20 deemed to be abandoned. ~~and may be turned over to the~~
21 ~~custody of the nearest humane society or dog pound in the~~
22 ~~area for the disposal as such custodian may deem proper~~ If
23 the animal can not be turned over to a humane service or

1 animal shelter, the custodial veterinarian may dispose of
 2 the animal in an appropriate and humane manner.

3

4 **Section 2.** W.S. 33-30-203(a)(viii) and (ix),
 5 33-30-204(j) and (m)(iii), 33-30-209(b) and (c),
 6 33-30-210(b), 33-30-212(a)(xiii) and (xv), 33-30-213 and
 7 33-30-215(b) are repealed.

8

9 **Section 3.** This act is effective July 1, 2003.

10

11

(END)