

As Engrossed: 4/7/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 1348 OF 1995
HOUSE BILL 1480

4 **By: Representatives Hunton and McJunkin**

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For An Act To Be Entitled

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"AN ACT TO AMEND VARIOUS SECTIONS OF THE VETERINARY

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MEDICAL PRACTICE ACT; AND FOR OTHER PURPOSES."

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Subtitle

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"TO AMEND VARIOUS SECTIONS OF THE

13

VETERINARY MEDICAL PRACTICE ACT."

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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. Arkansas Code 17-99-302(b) and (c) are amended to read as

18 follow:

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"(b) The Board hereby adopts the National Board Examination (or its
20 future equivalent) and the Clinical Competency Test (or its future equivalent)
21 as a basis for licensure in the State of Arkansas along with a written
22 examination conducted by the Board.

23

(c) The Board requires that all applicants for licensure to practice
24 veterinary medicine in the State of Arkansas shall pass the National Board
25 Examination (NBE) (or its future equivalent) and the Clinical Competency Test
26 (CCT) (or its future equivalent) in addition to any and all state
27 examinations, written examinations, oral interviews, and/or practical
28 demonstrations as the Board may request or require."

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30 SECTION 2. Arkansas Code 17-99-303(a) is amended to read as follows:

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"(a) The Board, at its discretion, may issue a license without written
32 examination to any qualified applicant who furnishes satisfactory evidence
33 that he is a veterinarian and has:

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(1) For the five (5) years prior to filing his application, been a
35 practicing veterinarian and licensed in a state, territory, or district of the
36 United States having license requirements at the time the applicant was first

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1 licensed which are substantially equivalent to the requirements of this
2 chapter; or

3 (2) Qualified as a diplomate of a specialty board approved by the
4 American Veterinary Medical Association; or

5 (3) Been awarded a postgraduate degree in veterinary medicine; or

6 (4) Been recognized as an expert in the veterinary profession."
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8 SECTION 3. Arkansas Code 17-99-305 is amended by adding a new
9 subsection at the end to read as follows:

10 "(c) Upon suspension or revocation of a license, the actual license
11 certificate must be surrendered to the Board within 30 days of the Board's
12 order unless the action is appealed and a stay is issued. If the Board
13 prevails upon appeal or the stay is lifted, the license certificate shall be
14 surrendered within ten (10) days of the final order of the court."
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16 SECTION 4. Arkansas Code 17-99-306(b) and (g) are amended to read as
17 follow:

18 "(b) A veterinary technician shall perform only those acts and duties
19 overseen by a supervising veterinarian that are within the scope of practice
20 of such supervising veterinarian, but shall not include diagnosis, prescribing
21 medication, treatment, or surgery *in the practice of animal husbandry*."
22

23 "(g) After obtaining a degree from an accredited program in veterinary
24 technology, and upon completing the application form for certification in
25 Arkansas, the applicant will be issued a certificate of qualification."
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26 SECTION 5. Arkansas Code 17-99-307 is amended to read as follows:

27 "17-99-307. License required - Exemptions.

28 (a) No person may practice veterinary medicine in this state who is not
29 a licensed veterinarian or the holder of a valid temporary permit issued by
30 the Board.

31 (b) This chapter shall not be construed to prohibit:

32 (1) Employees of the federal, state, or local government from
33 performing their official duties;

34 (2) Regular students in a veterinary school or college from
35 performing duties or actions assigned by the school or college or working

1 under direct supervision of a licensed veterinarian;

2 (3) Reciprocal aid of neighbors in performing routine accepted
3 livestock management practices without compensation;

4 (4) Any veterinarian licensed in any foreign jurisdiction from
5 consulting with a licensed veterinarian;

6 (5) The owner of an animal, his consignees, and their employees
7 from performing routine accepted livestock management practices in the care of
8 animals belonging to the owner;

9 (6) A member of the faculty of a veterinary school from
10 performing his regular functions, or a person from lecturing or giving
11 instruction or demonstration at a veterinary school or in connection with a
12 continuing education course or seminar for licensed veterinarians or
13 registered technicians;

14 (7) A person from engaging in bona fide scientific research which
15 reasonably requires experimentation involving animals;

16 (8) (A) Any act, task, or function performed by a veterinary
17 technician at the direction of and under the supervision of a licensed
18 veterinarian, when:

19 (i) The technician is certified by and annually registered
20 with the board as one qualified by training or experience to function as an
21 assistant to a veterinarian;

22 (ii) The act, task, or function is performed at the
23 direction of, and under the supervision of, a licensed veterinarian in
24 accordance with rules and regulations promulgated by the board; and

25 (iii) The services of the veterinary technician are limited
26 to assisting the veterinarian in the particular fields for which the assistant
27 has been trained, certified, and registered.

28 (B) Subdivision (8) (A) of this section shall not limit or
29 prevent any veterinarian from delegating to a qualified person any acts,
30 tasks, or functions which are otherwise permitted by law, but which do not
31 include diagnosis, prescribing medication, or surgery.

32 (9) *Any chiropractor licensed in this state and certified by the*
33 *American Veterinary Chiropractic Association from performing chiropractic upon*
34 *animals so long as the chiropractic is performed under the immediate*
35 *supervision of an Arkansas licensed veterinarian."*

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2 SECTION 6. Arkansas Code 17-99-311 is amended to read as follows:

3 "17-99-311. Civil penalty - Appeals and disposition of funds.

4 (a) (1) Whenever the Board determines that any provision of this chapter
5 or any regulation promulgated by the Board pursuant to this chapter has been
6 violated, the Board may impose a civil penalty not to exceed five thousand
7 dollars (\$5,000) per violation.

8 (2) The Board may file an action in the Circuit Court of Pulaski
9 County to collect any civil penalty not paid within thirty (30) days of
10 service of the order assessing the penalty, unless the circuit court enters a
11 stay of the Board_s order.

12 (3) If the Board prevails in the action, the defendant shall be
13 directed to pay reasonable attorney's fees and costs incurred by the board in
14 prosecuting the action in addition to the civil penalty.

15 (b) Any person aggrieved by the action of the Board imposing civil
16 penalties may appeal the decision in the manner and under the procedure
17 prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,
18 for appeals from administrative decisions.

19 (c) All funds derived from civil penalties imposed by the board shall
20 be deposited in one (1) or more depositories qualifying for the deposit of
21 public funds. The funds shall be used by the board for administering the
22 provisions of this chapter."

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24 SECTION 7. Arkansas Code Title 17, Chapter 99, subchapter 3 is amended
25 by adding a new section at the end to read as follows:

26 "17-99-314. Practicing without a license - Board Penalties.

27 If, upon completion of an investigation, the executive secretary of the
28 Board has probable cause to believe that a veterinarian or an unlicensed
29 person acting as a veterinarian has violated the provisions of this Chapter,
30 he or she may issue a citation to the veterinarian or unlicensed person, as
31 provided in this section.

32 Each citation shall be in writing and shall describe with particularity
33 the nature of the violation, including a reference to the provision of this
34 Chapter alleged to have been violated.

35 Each citation may also contain an order of abatement fixing a reasonable

1 time for abatement of the violation, and may contain an assessment of a civil
2 penalty not to exceed five thousand dollars (\$5,000).

3 The citation shall be served upon the veterinarian or unlicensed
4 individual personally or by any type of mailing requiring a return receipt.

5 Before any citation may be issued, the executive secretary shall submit
6 the alleged violation for review to at least one member of the Board. Such
7 review shall include attempts to contact the veterinarian or unlicensed
8 individual to discuss and resolve the alleged violation.

9 Upon conclusion of the Board designee_s review, the designee shall
10 prepare a finding of fact and a recommendation. If the Board designee
11 concludes that the veterinarian or unlicensed person has violated any
12 provision of this Chapter, a civil citation shall be issued to the
13 veterinarian or unlicensed person.

14 If a veterinarian or unlicensed person desires to administratively
15 contest a civil citation or the proposed assessment of a civil penalty, he or
16 she shall, within ten (10) business days after service of the citation, notify
17 the executive officer in writing of his or her request for an informal
18 conference with the executive secretary and the Board_s designee. The
19 informal conference shall be held within twenty (20) days from the receipt of
20 the request. At the conclusion of the informal conference, the Board designee
21 may affirm, dismiss or modify the citation or proposed assessment of a civil
22 penalty, and he or she shall state with particularity in writing his or her
23 reasons for the actions, and shall immediately transmit a copy thereof to the
24 Board, the veterinarian or unlicensed person, and the person who submitted the
25 complaint.

26 If the veterinarian or unlicensed person desires to administratively
27 contest a decision made after the informal conference, he or she shall inform
28 the executive secretary in writing within five (5) business days after he or
29 she receives the decision resulting from the informal conference.

30 Any administrative hearing conducted subsequent to the informal
31 conference shall be governed by the Arkansas Administrative Procedure Act
32 (§25-15-201 et seq.).

33 In addition to the penalties provided in this section, the Board may
34 institute legal proceedings to enjoin the violation of the provisions of this
35 Chapter or the rules of the Board in any court of competent jurisdiction, and

1 the court may grant a temporary or permanent injunction restraining the
2 violation thereof."

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4 SECTION 8. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 9. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 10. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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17 */s/Rep. Hunton, et al*

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19 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-19-95

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