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1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# **A Bill**

**ACT 1198 OF 1993**  
**HOUSE BILL 1251**

4 **By: Representatives Capps and Whorton**

5

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7

## **For An Act To Be Entitled**

8 "AN ACT TO DEFINE THE PRACTICE OF VETERINARY MEDICINE; TO  
9 ESTABLISH THE QUALIFICATIONS FOR LICENSURE TO PRACTICE  
10 VETERINARY MEDICINE, TO CREATE THE VETERINARY MEDICAL  
11 EXAMINING BOARD AND TO DEFINE ITS POWERS AND DUTIES; TO  
12 PROVIDE FOR THE CERTIFICATION OF VETERINARY TECHNICIANS;  
13 TO CERTIFY CONTINUING EDUCATION IN THE FIELD OF VETERINARY  
14 MEDICINE; TO PROVIDE FOR THE DENIAL, SUSPENSION OR  
15 REVOCATION OF LICENSURE; TO ESTABLISH CERTAIN EXEMPTIONS  
16 FROM LICENSURE; TO ESTABLISH PENALTIES FOR THE ILLEGAL  
17 PRACTICE OF VETERINARY MEDICINE; TO AUTHORIZE THE ISSUANCE  
18 OF INJUNCTIONS TO PREVENT THE ILLEGAL PRACTICE OF  
19 VETERINARY MEDICINE; TO DECLARE AN EMERGENCY; AND FOR  
20 OTHER PURPOSES."

21

22

## **Subtitle**

23 "AN ACT TO AMEND THE ARKANSAS VETERINARY MEDICAL PRACTICE  
24 ACT."

25

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

27

28 SECTION 1. Chapter 99 of Title 17 of the Arkansas Code is amended to  
29 read as follows:

30 "§ 17-99-101. Title.

31 This chapter shall be known as the "Arkansas Veterinary Medical Practice  
32 Act".

33 §17-99-102. Definitions.

34 As used in this chapter, unless the context otherwise requires:

35 (1) Animal means any animal other than man and includes fowl, birds,  
36 fish, and reptiles, whether wild or domestic, living or dead;

1           (2) Practice of veterinary medicine means:

2           (A) The diagnosis, treatment, correction, change, relief, or  
3 prevention of animal disease, deformity, defect, injury, or other physical or  
4 mental condition, including the *prescribing* or administration of any  
5 *prescription* drug, medicine, biologic, apparatus, application, anesthetic, or  
6 other therapeutic or diagnostic substance or technique, on any animal  
7 including but not limited to acupuncture, dentistry, animal psychology, animal  
8 chiropractic, theriogenology, surgery (including cosmetic surgery), any  
9 manual, mechanical, biological or chemical procedure for testing for pregnancy  
10 or for correcting sterility or infertility or to tender service or  
11 recommendations with regard to any of the above.

12           (B) To represent, directly or indirectly, publicly or privately,  
13 an ability and willingness to do any act described in the paragraph above;

14           (C) The use of any title, words, abbreviation, or letters in a  
15 manner or under circumstances which induce the belief that the person using  
16 them is qualified to do any act described in subdivision (2) (A) of this  
17 section. Such use shall be prima facie evidence of the intention to represent  
18 oneself as engaged in the practice of veterinary medicine;

19           (D) Collecting blood or other samples for the purpose of  
20 diagnosing disease or other conditions. This shall not apply to unlicensed  
21 personnel employed by the United States Department of Agriculture or the  
22 Arkansas Livestock & Poultry Commission in disease control programs carried  
23 out under the authority of U.S.D.A. and/or the State of Arkansas;

24           (3) Veterinarian means a person who has received a professional  
25 degree from a college of veterinary medicine or any person who is now licensed  
26 to practice veterinary medicine in this state;

27           (4) Licensed veterinarian means a person who is validly and currently  
28 licensed to practice veterinary medicine in this state as a general  
29 practitioner or in a specialty area as the board may by regulation provide;

30           (5) Accredited or approved college of veterinary medicine means any  
31 veterinary college or any division of a university or college that offers the  
32 degree of Doctor of Veterinary Medicine or its equivalent and that conforms  
33 to the standards required for accreditation or approval by the American  
34 Veterinary Medical Association;

35           (6) Board means Veterinary Medical Examining Board;

1           (7) \_Veterinary technician\_ means a person who has received a diploma  
2 or its equivalent from a college-level program accredited by the American  
3 Veterinary Medical Association and who provides veterinary services under the  
4 supervision and direction of a licensed veterinarian who is responsible for  
5 the performance of that technician;

6           (8) \_ECFVG certificate\_ means a certificate issued by the American  
7 Veterinary Medical Association Educational Commission for Foreign Veterinary  
8 Graduates indicating that the holder has demonstrated knowledge and skills  
9 equivalent to those possessed by a graduate of an accredited or approved  
10 college of veterinary medicine.

11           (9) \_Veterinary Medicine\_ includes veterinary surgery, theriogenology,  
12 dentistry, acupuncture, animal psychology, chiropractic and all other branches  
13 or specialties of Veterinary Practice;

14           (10) \_Veterinary Premise\_ means any place or unit from which the  
15 practice of veterinary medicine is conducted;

16           (11) \_Veterinarian-Client-Patient Relationship\_ means:

17                   (A) The veterinarian has assumed the responsibility for making  
18 medical judgments regarding the health of the animal and the need for medical  
19 treatment, and the client (owner or caretaker) has agreed to follow the  
20 instruction of the veterinarian;

21                   (B) There is sufficient knowledge of the animal by the  
22 veterinarian to initiate at least a general or preliminary diagnosis of the  
23 medical condition of the animal. This means that the veterinarian has  
24 recently seen and is personally acquainted with the keeping and care of the  
25 animal by virtue of an examination of the animal, and/or by medically  
26 appropriate and timely visits to the premises where the animal is kept; and

27                   (C) The practicing veterinarian is readily available for follow-  
28 up in case of adverse reactions or failure of the regimen of therapy.

29           (12) \_Person\_ means any individual, firm, partnership association,  
30 joint venture, cooperative, or corporation or any other group or combination  
31 acting in concert; and whether or not acting as principal, trustee, fiduciary,  
32 receiver, or as any kind of legal or personal representative, or as the  
33 successor in interest, assigning agent, factor, servant, employee, director,  
34 officer or any other representative of such person.

35           § 17-99-201. Creation - Members - Organization.

1 (a) There is created the Veterinary Medical Examining Board.

2 (b) The board shall consist of five (5) members appointed by the  
3 Governor for terms of five (5) years.

4 (1) Four (4) members shall be licensed to practice veterinary  
5 medicine in the State of Arkansas and shall be in good standing and members of  
6 the Arkansas Veterinary Medical Association and are graduates of an accredited  
7 or approved college of veterinary medicine or holders of an ECFVG certificate.

8 (2) One (1) member shall be a public member.

9 (c) (1) A board member's term of office shall expire on March 1 of the  
10 last year of the term of appointment.

11 (2) Each member shall serve until his successor has been  
12 appointed and qualified.

13 (d) The board shall elect from its membership a chairman and a  
14 secretary-treasurer.

15 (e) A majority of the members of the board constitutes a quorum for the  
16 transaction of business, except that the vote of four (4) members is required  
17 for suspension or revocation of a license.

18 (f) The members of the board shall be paid fifty dollars (\$50.00) per  
19 day and actual expenses while attending meetings or other official duties of  
20 the board.

21 §17-99-202. Secretary-treasurer.

22 (a) The secretary-treasurer shall be the custodian of all fees paid by  
23 the board under the provisions of this chapter and shall deposit all fees  
24 received with the State Treasurer for the exclusive use of the board.

25 (b) The secretary-treasurer shall be paid a salary in such sums as may  
26 be determined by the board.

27 (c) The secretary-treasurer shall execute a bond to the board in such  
28 sums as shall be prescribed from time to time by the board to faithfully  
29 discharge his duties as treasurer.

30 §17-99-203. Powers and duties.

31 The board shall have the power to:

32 (1) Examine and determine the qualifications and fitness of applicants  
33 for a license to practice general veterinary medicine, or any specialty area  
34 thereof, and certification of veterinary technicians in Arkansas and issue,  
35 renew, deny, suspend, or revoke licenses or certificates or otherwise

1 discipline veterinarians or veterinary technicians;

2           (2) Subpoena witnesses and take testimony bearing on the records of  
3 applicants for permits or for licenses to practice veterinary medicine in the  
4 State of Arkansas;

5           (3) Establish annually a schedule of license and permit fees based on  
6 the board's financial requirements for the ensuing year;

7           (4) Conduct investigations into matters brought before the board and  
8 proceed on the board's own motion to a hearing or other disciplinary action;

9           (5) Employ personnel necessary to carry out its duties;

10          (6) Purchase or rent necessary office space, equipment, and supplies;

11          (7) Promulgate and enforce regulations necessary to establish  
12 recognized standards for the practice of veterinary medicine and to carry out  
13 the provisions of this chapter. The board shall make available to interested  
14 members of the public copies of this chapter and all regulations promulgated  
15 by the board;

16          (8) Examine and evaluate qualifications of education, skill, and  
17 experience for certification of a person as a veterinary technician and for  
18 annual registration of employment;

19          (9) Regulate all veterinarians in a corporate practice and prevent  
20 corporate or noncorporate holdings from being sold to, directed by, or  
21 controlled by a nonveterinarian.

22          (10) Hold hearings on all matters properly brought before the board and  
23 in connection thereto to administer oaths, receive evidence, make the  
24 necessary determinations, and enter orders consistent with the findings. The  
25 board may require by subpoena the attendance and testimony of witnesses and  
26 the production of papers, records, or other documentary evidence and  
27 commission depositions; and

28          (11) Bring proceedings in the courts for the enforcement of this chapter  
29 or any regulations made pursuant thereto.

30           §17-99-301. Veterinarians - Application - Qualifications.

31           (a) Any veterinarian or licensed veterinarian desiring a license to  
32 practice veterinary medicine in this state may make written application to the  
33 board showing that he is:

34                   (A) At least twenty-one (21) years of age;

35                   (B) A citizen of the United States or an applicant for

1 citizenship; and

2 (C) A person of moral integrity and acceptable ethical standards.

3 The application for licensure to practice veterinary medicine in the  
4 State of Arkansas shall be written, signed by the applicant and submitted to  
5 the board at least thirty (30) days prior to the exam including, but not  
6 limited to, the information set forth below and accompanied by anon-refundable  
7 application fee established by the board.

8 (1) A current photograph of the applicant;

9 (2) A certified transcript of the applicant\_s veterinary school  
10 records;

11 (3) A copy of the applicant\_s diploma from an accredited  
12 veterinary school or an affidavit from the dean of such veterinary school  
13 certifying the applicant\_s ability to graduate if he has not graduated at the  
14 time of application; but a copy of the diploma must be submitted upon  
15 availability and before the exam date;

16 (4) Educational Commission on Foreign Veterinary Graduates  
17 (ECFVG) Certificate (if applicable);

18 (5) National Board Exam (NBE) score and Clinical Competency Test  
19 (CCT) score from the national testing agency (the CCT is not required for a  
20 Poultry Specialty License);

21 (6) The board, by regulation, may require that all applicants for  
22 licensure by examination complete a *preceptorship program during their senior*  
23 *year* under the supervision of a veterinarian licensed and and in good standing  
24 in any state, territory or district of the United States. The supervising  
25 veterinarian shall submit an affidavit to the board stating that the applicant  
26 has satisfactorily completed the *preceptorship*.

27 C. If the board finds that the applicant possesses the proper  
28 qualifications, it shall admit him to the next examination. If an applicant  
29 is found unqualified to take the examination or to receive a license without  
30 examination, the board shall immediately notify the applicant in writing of  
31 its findings and the grounds for same.

32 §17-99-302. Veterinarians - Examinations.

33 (a) The board, at such times as it may designate, shall conduct an  
34 examination of applicants for license to practice veterinary medicine in the  
35 State of Arkansas. All examinations shall be in writing, supplemented by oral

1 interviews and practical examinations as the board may deem necessary and  
2 shall be so conducted as to insure absolute impartiality in grading.

3 (b) The board hereby adopts the National Board Examination (or its  
4 equivalent) and the Clinical Competency Test (or its equivalent) as a basis  
5 for licensure in the State of Arkansas along with a written examination  
6 conducted by the board.

7 (c) The board requires that all applicants for licensure to practice  
8 veterinary medicine in the State of Arkansas shall pass the National Board  
9 Examination (NBE) (or its equivalent) and the Clinical Competency Test (CCT)  
10 (or its equivalent) in addition to any and all state examinations, written  
11 examinations, oral interviews and/or practical demonstrations as the board may  
12 request or require.

13 (d) All applicants are required to complete a written examination  
14 conducted by the board composed of, but not limited to, the AR Veterinary  
15 Medical Practice Act, State and Federal statues relating to prescription  
16 and/or controlled drugs, ethics of veterinary medicine, and rules and  
17 regulations of the AR Livestock & Poultry Commission, USDA-APHIS and Rabies  
18 Control.

19 (e) Poultry specialty applicants shall sit for a written examination  
20 conducted by the board on poultry veterinary medicine. A license will be  
21 issued to poultry specialty applicants with a seventy percent (70%) or better  
22 score on the State Board Exam and a passing score on the National Board  
23 Examination or its equivalent.

24 (f) Provided that the provisions of this section shall not be deemed to  
25 apply to those persons who are duly licensed under the laws of this state to  
26 practice veterinary medicine at the time this act becomes effective, it being  
27 the intention hereof to allow such license holders to continue in the practice  
28 of their profession, and to approve and confirm all licenses so held at the  
29 time this act becomes effective.

30 §17-99-303. License without Examination or License by Endorsement.

31 (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 who has:

34 (1) For the five (5) years prior to filing his application, been  
35 a practicing veterinarian and licensed in a state, territory, or district of

1 the United States having license requirements at the time the applicant was  
2 first licensed which are substantially equivalent to the requirements of this  
3 chapter; and

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

6           (3) Been awarded a post graduate degree in veterinary medicine;  
7 or

8           (4) Been recognized as an expert in the veterinary profession.

9           (b) At its discretion, the board may examine, orally or practically,  
10 any person applying for a license under this section provided that said  
11 applicant has had no disciplinary proceedings pending or completed in another  
12 jurisdiction.

13           §17-99-304. Veterinarians - Temporary permit.

14           (a) The secretary of the board may issue without examination a  
15 temporary permit to practice veterinary medicine in this state to a qualified  
16 applicant for license, pending examination, provided that the temporary permit  
17 shall expire the day after the notice or results of the first examination  
18 given after the permit is issued.

19           (b) A temporary permit may be issued or revoked by majority vote of the  
20 board.

21           §17-99-305. Veterinarians - Denial, suspension, or revocation of  
22 license.

23           (a) Upon written complaint by any person or on the board's own motion  
24 and after notice and hearing as prescribed in the Administrative Procedure  
25 Act, 25-15-201 et seq., the board may deny, suspend for a definite period, or  
26 revoke the license of any veterinarian and/or impose a civil penalty for:

27           (1) Fraud, misrepresentation, or deception in obtaining a license  
28 or permit;

29           (2) Adjudication of insanity;

30           (3) Use of advertising or solicitation which is false,  
31 misleading, or otherwise deemed unprofessional under regulations promulgated  
32 by the board;

33           (4) Conviction of a felony, or other crime involving moral  
34 turpitude. A copy of the record of conviction, certified by the clerk of the  
35 court entering the conviction, shall be conclusive evidence;

1           (5) Incompetence, gross negligence, or other malpractice in the  
2 practice of veterinary medicine;

3           (6) Having professional association with, or employing, any  
4 person practicing veterinary medicine unlawfully;

5           (7) Fraud or dishonesty in the application or reporting of any  
6 test for disease in animals;

7           (8) Failure to maintain professional premises and equipment in a  
8 clean and sanitary condition in compliance with regulations promulgated by the  
9 board;

10           (9) Dishonesty or gross negligence in the inspection of  
11 foodstuffs or in the issuance of health or inspection certificates;

12           (10) Cruelty to animals;

13           (11) Unprofessional conduct by violation of a regulation  
14 promulgated by the board under this chapter.

15           (12) Being unable to practice as a veterinarian with reasonable  
16 skill and safety to patients because of illness, drunkenness, excessive use of  
17 drugs, narcotics, chemicals, or as a result of any mental or physical  
18 condition;

19           (13) Revocation of a license to practice veterinary medicine by  
20 another state, territory or district of the United States on grounds other  
21 than nonpayment of registration fee or suspension of privileges by any other  
22 regulatory agency;

23           (14) The use, prescription or sale of any veterinary prescription  
24 drug, or the prescription of an extra-label use of any over-the-counter drug  
25 in the absence of a valid veterinarian-client-patient relationship;

26           (15) Overtreating patients or charging for services which did not  
27 occur unless the services were contracted for in advance, or for services  
28 which were not rendered or documented in the patient\_s records, or charging  
29 for services which were not consented to by the owner of the patient or the  
30 owner\_s agent;

31           (16) Failing to furnish details of a patient\_s medical records to  
32 another treating veterinarian, hospital, clinic, owner, or owner\_s agent upon  
33 proper request or waiver by the owner or owner\_s agent, or failing to comply  
34 with any other law relating to medical records; except, x-rays prepared by the  
35 licensed veterinarian shall remain the property of the veterinarian and shall

1 be returned upon request or as otherwise agreed between the veterinarian and  
2 client;

3 (17) Failure of any applicant or licensee to cooperate with the  
4 board during any investigation, if such investigation does not concern the  
5 applicant or licensee;

6 (18) Failure to comply with any subpoena or subpoena duces tecum  
7 from the board or an order of the board;

8 (19) Failure to timely pay license or registration renewal fees  
9 as specified in Section 17-99-309;

10 (20) Violating a probation agreement with the board or any other  
11 licensing authority of this state, another state or territory of the United  
12 States, or a federal agency; and

13 (21) Violating any informal consent agreement for discipline  
14 entered into by an applicant or licensee with the board or any other licensing  
15 authority of this state, another state or territory of the United States, or a  
16 federal agency.

17 (b) Any person whose license is suspended or revoked by the board under  
18 this section may, at the discretion of the board, be relicensed or reinstated  
19 by the board at any time upon written application to the board showing cause  
20 to justify relicensing or reinstatement.

21 §17-99-306. Veterinary technician- Certification.

22 (a) No person shall assist in the practice of veterinary medicine under  
23 the direction, supervision, and responsibility of a veterinarian as a  
24 veterinary technician without first applying for and obtaining a certificate  
25 of qualification from the board as a veterinary technician and having his  
26 employment registered in accordance with board regulations.

27 (b) A veterinary technician shall perform only those acts and duties  
28 assigned him by a supervising veterinarian that are within the scope of  
29 practice of such supervising veterinarian, but shall not include diagnosis,  
30 prescribing or *dispensing* medication, treatment or surgery.

31 (c) (1) An applicant for a certificate of qualification as a veterinary  
32 technician in this state may make written application to the board showing  
33 that he is:

34 (A) A citizen of the United States or an applicant for  
35 citizenship;

1 (B) A person of moral integrity and acceptable ethical  
2 standards.

3 (2) The application for certification as a veterinary technician  
4 in the State of Arkansas shall be written, signed by the applicant and  
5 submitted to the board at least thirty (30) days prior to the examination  
6 including, but not limited to, the information set forth below and shall be  
7 accompanied by a non-refundable application fee established by the board:

8 (A) A current photograph of the applicant;

9 (B) A diploma or its equivalent from a college level  
10 program accredited by the American Veterinary Medical Association (a photocopy  
11 of diploma is acceptable);

12 (C) A certified copy of college transcripts;

13 (D) National Board Examination passing score provided by  
14 the national testing agency;

15 (E) A letter of recommendation signed by a licensed  
16 veterinarian and notarized.

17 (d) Each certified veterinary technician shall annually register his  
18 employment with the board, stating his name and current address, the name and  
19 office address of both his employer and the supervising licensed veterinarian,  
20 and additional information as the board deems necessary. Upon any change of  
21 employment as a veterinary technician, the registration shall be considered  
22 suspended until new employment has been obtained and the board notified in  
23 writing of the new employment.

24 (e) Nothing in this section shall prevent a veterinarian from utilizing  
25 the services of an employee to perform services not requiring the skill and  
26 judgment of a veterinary technician and which services are performed under the  
27 direct personal supervision of the veterinarian. Such lay employee shall not  
28 be identified as a veterinary technician, animal technician or  
29 technician.

30 (f) A veterinarian licensed under the provisions of this chapter may  
31 not establish a separate office or clinic in a location other than his regular  
32 office and place same under the control or supervision of a veterinary  
33 technician.

34 (g) After obtaining a degree from an accredited program in veterinary  
35 technology, and upon completing the application form for certification in

1 Arkansas, the applicant will be required to take a written state board  
2 examination consisting of questions covering all aspects of veterinary  
3 technology.

4 (h) Every veterinarian using, supervising, or employing a registered  
5 veterinary technician shall be individually responsible and liable for the  
6 performance of the acts and omissions delegated to the veterinary technician.  
7 Nothing in this subsection shall be construed to relieve the veterinary  
8 technician of any responsibility and liability for any of his own acts and  
9 omissions.

10 §17-99-307. License required - Exemptions.

11 No person may practice veterinary medicine in this state who is not a  
12 licensed veterinarian or the holder of a valid temporary permit issued by the  
13 board. *This chapter does not apply to any person licensed under Chapter 91 of*  
14 *Title 17 of the Arkansas Code.* This chapter shall not be construed to  
15 prohibit:

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

18 (2) Regular students in a veterinary school or college from  
19 performing duties or actions assigned by the school or college or from working  
20 under direct supervision of a licensed veterinarian;

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

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

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

28 (6) A member of the faculty of a veterinary school from  
29 performing his regular functions, or a person from lecturing or giving  
30 instruction or demonstration at a veterinary school or in connection with a  
31 continuing education course or seminar for licensed veterinarians or  
32 registered technicians;

33 (7) A person from engaging in a bona fide scientific research  
34 which reasonably requires experimentation involving animals;

35 (8) A graduate of a foreign college of veterinary medicine who is

1 in the process of obtaining an ECFVG certificate from performing duties or  
2 actions under the direction and supervision of a licensed veterinarian;

3 (9) (A) Any act, task, or function performed by a veterinary  
4 technician at the direction of and under the supervision of a licensed  
5 veterinarian, when:

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

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

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

15 (B) Subdivision (9) (A) of this section shall not limit or prevent any  
16 veterinarian from delegating to a qualified person any acts, tasks, or  
17 functions which are otherwise permitted by law, but which do not include  
18 diagnosis, prescribing medication, or surgery.

19 §17-99-308. Veterinary technicians - Denial, suspension, or revocation  
20 of certificate.

21 (a) The board may deny or suspend any registration or deny or revoke  
22 any certificate of qualification, upon the grounds that the applicant or  
23 veterinary technician is guilty of:

24 (1) Soliciting patients for any practitioner of the veterinary  
25 healing arts;

26 (2) Soliciting or receiving any form of compensation from any  
27 person other than his registered employer for performing as a veterinary  
28 technician;

29 (3) Willfully or negligently divulging a professional secret or  
30 discussing a veterinarian's diagnosis or treatment without the express  
31 permission of the veterinarian;

32 (4) Any offense punishable by incarceration in a state  
33 penitentiary or federal prison. A copy of the record of conviction, certified  
34 by the clerk of the court entering the conviction, shall be conclusive  
35 evidence;

1           (5) Being unable to practice as a veterinary technician with  
2 reasonable skill and safety to patients because of illness, drunkenness,  
3 excessive use of drugs, narcotics, chemicals or as a result of any mental or  
4 physical condition;

5           (6) Fraud or misrepresentation in applying for or procuring a  
6 certificate of qualification to perform as a veterinary technician in  
7 Arkansas, or in applying for or procuring an annual registration;

8           (7) Impersonating another person registered as a veterinary  
9 technician or allowing any person to use his certificate of qualification or  
10 registration;

11           (8) Aiding or abetting the practice of veterinary medicine by a  
12 person not licensed by the board;

13           (9) Gross negligence in the performance of duties, tasks, or  
14 functions assigned to him by a licensed veterinarian;

15           (10) Manifesting incapacity or incompetence to perform as a  
16 veterinary technician;

17           (11) Conduct unbecoming a person registered as a veterinary  
18 technician or detrimental to the best interests of the public.

19           (b) Any person whose certificate of qualification is suspended or  
20 revoked by the board under this section may, at the discretion of the board,  
21 be recertified or reinstated by the board at any time upon written application  
22 to the board showing cause to justify recertification or reinstatement.

23           §17-99-309. License, certificate, and registration renewal -  
24 Reinstatement.

25           (a) (1) All licenses, certificates and registrations expire on March 31  
26 each year and may be renewed by payment of the annual renewal fee established  
27 by regulation of the board.

28           (2) Not later than March 1 each year, the board shall mail a  
29 notice to each licensed veterinarian and registered veterinary technician that  
30 their license, registration, or certificate will expire on March 31 and shall  
31 provide a renewal application form.

32           (b) (1) Any person may reinstate an expired license, registration, or  
33 certificate within five (5) years of its expiration by making application to  
34 the board for renewal and paying the current renewal fee along with all  
35 delinquent renewal fees.

1           (2) After five (5) years have elapsed since the date of  
2 expiration, a license, registration, or certificate may not be renewed and the  
3 holder must apply for a new license, registration, or certificate and take the  
4 required examination(s).

5           (c) The board may provide by regulation for waiver of payment of any  
6 renewal fee of a licensed veterinarian and/or registered veterinary technician  
7 during any period when he is on active duty with any branch of the armed  
8 services of the United States for not to exceed three (3) years or for the  
9 duration of a national emergency, whichever is longer.

10           §17-99-310. Continuing education required - Exemptions

11           (a) (1) Each veterinarian or veterinary technician under this chapter  
12 shall be required to attend an educational program in the twelve (12) months  
13 preceding each renewal date;

14           (2) The postgraduate study or attendance at an institution or at  
15 an educational session approved by the board shall be considered equivalent to  
16 continuing educational requirements;

17           (3) The board shall have the right, for good cause shown, to  
18 prescribe the type and character of postgraduate study to be done by any  
19 licensed veterinarian in order to comply with the requirements of this  
20 chapter.

21           (b) The board shall excuse licentiates, as a group or as individuals,  
22 from the annual educational requirements in any of the following instances:

23           (1) When no educational program meeting the requirements approved  
24 by the board is conducted within the state;

25           (2) When an affidavit is submitted to the board evidencing that  
26 the licensee, for good cause assigned, was prevented from attending an  
27 educational program at the proper time;

28           (3) In the event of an unusual emergency;

29           (4) If that person holds an inactive license;

30           (c) Each veterinarian or veterinary technician must fulfill his annual  
31 education requirements at his own expense. The registration fee for his annual  
32 educational requirements is not included in the license fee.

33           §17-99-311. Civil penalty - Appeals and disposition of funds.

34           (a) (1) Whenever the board, after a hearing conducted in accordance with  
35 the Administrative Procedure Act, §25-15-201 et seq., determines that a

1 licensed veterinarian has violated any provision of this chapter or any  
2 regulations promulgated by the board pursuant to this chapter, the board may  
3 impose a civil penalty not to exceed five thousand dollars (\$5,000) on the  
4 licensed veterinarian.

5           (2) If a licensed veterinarian against whom a civil penalty has  
6 been imposed by the board fails to pay the penalty, the board may file an  
7 action in the Circuit Court of Pulaski County to collect the civil penalty.

8           (3) If the board prevails in the action, the defendant shall be  
9 directed to pay reasonable attorneys' fees and costs incurred by the board in  
10 prosecuting the action in addition to the civil penalty.

11           (b) Any licensed veterinarian aggrieved by the action of the board  
12 imposing civil penalties may appeal the decision in the manner under the  
13 procedure prescribed in the Administrative Procedure Act, §25-15-201 et seq.,  
14 for appeals from administrative decision.

15           (c) All funds derived from civil penalties imposed by the board shall  
16 be deposited in one (1) or more depositories qualifying for the deposit of  
17 public funds. The funds shall be used by the board for administering the  
18 provisions of this chapter.

19           §17-99-312. Unlawful practice - Penalties - Injunctions.

20           (a) Any person who shall practice or attempt to practice veterinary  
21 medicine in this state without having been duly licensed in accordance with  
22 the provisions of this chapter shall be deemed guilty of a misdemeanor. Upon  
23 conviction, the person shall be fined in any sum of not less than fifty  
24 dollars (\$50.00) nor more than two hundred fifty dollars (\$250) for each and  
25 every offense or imprisoned for a term of not less than six (6) months nor  
26 more than one (1) year, or shall be both fined and imprisoned in the  
27 discretion of the court.

28           (b) Each day of such unlawful practice shall constitute a separate  
29 offense.

30           (c) One-half (1/2) of the sums assessed as fines under this chapter shall  
31 be paid into the general fund of the county wherein it is assessed, and  
32 one-half (1/2) of the sums assessed as fines under this chapter shall be  
33 deposited with the secretary-treasurer of the board and credited to the  
34 account of the Veterinary Medical Examining Board.

35           (d) The unlawful practice of veterinary medicine is declared to be a

1 public nuisance.

2 (e) In addition to the penalties provided in this section, the board may  
3 institute legal proceedings to enjoin the violation of the provisions of this  
4 chapter or the rules of the board in any court of competent jurisdiction, and  
5 the court may grant a temporary or permanent injunction restraining the  
6 violation thereof. follows:

7 §17-99-313 - Abandoned Animals.

8 Unless otherwise provided by contract between the veterinarian and his  
9 client, a veterinarian may dispose of any animal abandoned in his care if he  
10 gives notice of his intention to do so by certified mail sent to the last  
11 known address of the client. The veterinarian must allow the client twelve  
12 (12) days from the mailing of the certified letter in which to retrieve the  
13 animal."

14

15 SECTION 2. All provisions of this act of a general and permanent nature  
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
17 Revision Commission shall incorporate the same in the Code.

18

19 SECTION 3. If any provision of this act or the application thereof to  
20 any person or circumstance is held invalid, such invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.

24

25 SECTION 4. All laws and parts of laws in conflict with this act are  
26 hereby repealed.

27

28 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the  
29 General Assembly that there is a shortage of practitioners of veterinary  
30 medicine in the State of Arkansas and that the revision of the laws governing  
31 the practice of veterinary medicine including, but not limited to the  
32 certification of veterinary technicians will help alleviate such shortage and  
33 that the immediate passage of this act is necessary to provide a safeguard for  
34 the people of the State of Arkansas against dishonest, incompetent and  
35 unprincipled practitioners of veterinary medicine. Therefore an emergency is

1 hereby declared to exist, and this act being immediately necessary for the  
2 preservation of the public peace, health and safety shall be in full force and  
3 effect from and after its passage and approval.

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*/s/John Paul Capps, et al*

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APPROVED: 4/19/93

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