092.00.1-14. VETERINARY TECHNOLOGY – LEVELS OF SUPERVISION
(Adopted 7/23/2019)

26. A veterinary technician or veterinary technologist who has obtained a certificate of qualification from the Board may be allowed to perform the following acts under the direction, supervision, and responsibility of a licensed veterinarian, who has established the veterinarian-client-patient relationship, and will comply with the record keeping rule established by the Board.

A. Immediate supervision:

(1) Surgical assistance to a licensed veterinarian; and

(2) Dental extractions not requiring sectioning of a tooth or the resection of bone.

B. Direct supervision:

(1) Any task or procedure that requires an animal to be under anesthesia;

(2) Induction, maintenance, and monitoring of anesthesia;

(3) Suturing of skin incisions made by a licensed veterinarian;

(4) Dental procedures limited to the following:

   (a) Removal of calculus, soft deposits, plaque, and stains;

   (b) Smoothing, filing, and polishing teeth;

(5) Blood or blood component collection, preparation and administration for blood transfusion; and

(6) Performance of any veterinary technology duties at a livestock auction.

C. Indirect supervision:

(1) Obtain history and perform a physical examination of an animal patient;

(2) Collection of blood for diagnostic laboratory tests, except when in conflict of a state or federal law or regulation;

(3) Collection and preparation of tissue, cellular, or microbiological samples by skin scrapings, impressions, or other non-surgical methods, except when in conflict of a state or federal law or regulation;

(4) Collection of urine by free catch, expression, cystocentesis, or catheterization
(unobstructed) and inserting an indwelling urinary catheter;

(5) Collection of fluid by abdominoacentesis, arthrocentesis, or thoracentesis;

(6) Performing laboratory procedures;

(7) Intravenous catheterization;

(8) Administration of parenteral fluid therapy;

(9) Radiograph, ultrasound, EKG, or other diagnostic imaging or monitoring;

(10) Ocular tonometry, Schirmer tear test, fluorescein staining;

(11) Administration and application of:

(a) Treatments, drugs, medications, and immunological agents by parenteral (subcutaneous, intramuscular, intraperitoneal, intraarticular, and intravenous) and non-parenteral routes, except when in conflict of a state or federal law or regulation;

(b) Splints, bandages, and wound dressings;

(12) Measure and prepare medication for dispensing to clients on the order of a licensed veterinarian;

(13) Pregnancy checking of food animals with or without equipment, rectal palpation, artificial insemination, correcting of uterine prolapse, uncomplicated fetal extractions excluding fetotomies and cesarean sections;

(14) Routine, non-surgical food animal management practices including castration, dehorning, tail docking, and ear notching; and

(15) Wound management and care.
State of Arkansas
92nd General Assembly
Regular Session, 2019

By: Representatives Vaught, Hillman, Eubanks, Christiansen
By: Senator Maloch

As Engrossed:  S2/6/19

A Bill

HOUSE BILL 1124

For An Act To Be Entitled
AN ACT TO AMEND THE LAWS CONCERNING VETERINARY
MEDICINE; TO ESTABLISH A VETERINARY TECHNOLOGIST
CERTIFICATION AND A VETERINARY TECHNICIAN SPECIALIST
CERTIFICATION; AND FOR OTHER PURPOSES.

Subtitle
TO AMEND THE LAWS CONCERNING VETERINARY
MEDICINE; AND TO ESTABLISH A VETERINARY
TECHNOLOGIST CERTIFICATION AND A
VETERINARY TECHNICIAN SPECIALIST
CERTIFICATION.

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

SECTION 1. Arkansas Code § 17-101-102 is amended to read as follows:
As used in this chapter:

(1) “Accredited or approved college of veterinary medicine”
means any veterinary college or any division of a university or college that
offers the degree of Doctor of Veterinary Medicine, or its equivalent, and
that conforms to the standards required for accreditation or approval by the
American Veterinary Medical Association;

(2) “Animal” means any member of the animal kingdom, other than
man, and includes fowl, birds, fish, and reptiles, whether wild or domestic,
humans, whether living or dead;
(3) "Board" means the Veterinary Medical Examining Board;

(4) "Direct supervision" or "direct personal supervision" means the licensed veterinarian must be on-site and instantly available for consultation;

(5) "Educational Commission for Foreign Veterinary Graduates Certificate" means a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates indicating that the holder has demonstrated knowledge and skills equivalent to those possessed by a graduate of an accredited or approved college of veterinary medicine;

(6) "Immediate supervision" means observation, in the immediate vicinity, with the opportunity for the supervising licensed veterinarian to advise or physically intervene in each procedure;

(6)(A) "Indirect supervision" means the licensed veterinarian is not physically present but has given written or oral instructions for the treatment of the animal and is readily available for communication either in person or through use of electronic information and communication technology.

(B) "Indirect supervision" does not include the administration of a Schedule II controlled substance.

(C) A veterinarian shall retain control of and authority over the care of the animal during indirect supervision;

(7) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state as a general practitioner or in a specialty area as the board Veterinary Medical Examining Board may by regulation rule provide;

(8) "Person" means any individual, firm, partnership, association, joint venture, cooperative, or corporation, or any other group or combination acting in concert, and whether or not acting as principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative, or as the successor in interest, assigning agent, factor, servant, employee, director, officer, or any other representative of such a person;

(9) "Practice of veterinary medicine" means:

(A) The diagnosis, treatment, correction, change, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental condition, including the prescribing or administration of any
prescription drug, medicine, biologic, apparatus, application, anesthetic, or
other therapeutic or diagnostic substance or technique on any animal,
including, but not limited to, acupuncture, dentistry, animal psychology,
animal chiropractic, theriogenology, surgery, including cosmetic surgery, any
manual, mechanical, biological, or chemical procedure for testing for
pregnancy or for correcting sterility or infertility or to tender service or
recommendations with regard to any of the above;
(B) To represent, directly or indirectly, publicly or
privately, an ability and willingness to do any act described in subdivision
(9)(A) of this section;
(C) The use of any title, words, abbreviation, or letters
in a manner or under circumstances which induce the belief that the person
using them is qualified to do any act described in subdivision (9)(A) of this
section. Such use shall be prima facie evidence of the intention to represent
oneself as engaged in the practice of veterinary medicine; and
(D) Collecting blood or other samples for the purpose of
diagnosing disease or other conditions. This shall not apply to:
(i) Unlicensed personnel employed by the United
States Department of Agriculture or the Arkansas Livestock and Poultry
Commission in disease control programs carried out under the authority of the
United States Department of Agriculture or the State of Arkansas; and
(ii) Veterinary technicians or assistants veterinary
technologists acting under the direct indirect supervision of a veterinarian
as set forth in §17-101-306(b) and (e) § 17-101-306(d) except for collecting
blood samples for state or federal tests requiring that the licensed
veterinarian draw the sample;
(10) "Veterinarian" means a person who has received a
professional degree from a college of veterinary medicine or any person who
is now licensed to practice veterinary medicine in this state;
(11) "Veterinarian-client-patient relationship" means:
(A) The veterinarian has assumed the responsibility for
making medical judgments regarding the health of the animal and the need
for medical treatment, and the client, that is, the owner or caretaker, has
agreed to follow the instruction of the veterinarian;
(B)(i) There is sufficient knowledge of the animal by the
veterinarian to initiate at least a general or preliminary diagnosis of the
medical condition of the animal.

   (ii) This means that the veterinarian has recently
seen and is personally acquainted with the keeping and care of the animal, by
virtue of an examination of the animal or by medically appropriate and timely
visits to the premises where the animal is kept; and

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

(12) "Veterinary medicine" includes veterinary surgery,
theriogenology, dentistry, acupuncture, animal psychology, chiropractic, and
all other branches or specialties of veterinary practice;

(13) "Veterinary premises" means any place or unit from which
the practice of veterinary medicine is conducted; and

(14) "Veterinary technician" means a person who:
   (A) Has received a diploma an associate degree or its
equivalent from a college-level program accredited by the American Veterinary
Medical Association; and

   (B) Provides veterinary services under the supervision and
direction of a licensed veterinarian who is responsible for the performance
of that veterinary technician;

(15) "Veterinary technician specialist" means a veterinary
technician or veterinary technologist who has completed a formal process of
education, training, experience, and testing through a specialty academy
approved by the Committee of Veterinary Technician Specialties of the
National Association of Veterinary Technicians in America;

(16) "Veterinary technologist" means a person who performs
veterinary technology services and is a graduate of a four-year baccalaureate
program accredited by the American Veterinary Medical Association; and

(17) (A) "Veterinary technology" means the performance of all
aspects of medical care, services, and treatment of an animal where a
veterinary-client-patient relationship has been established.

   (B) "Veterinary technology" does not include diagnosis,
prognosis, surgery, or the prescription of appliances, drugs, medications, or
treatment unless otherwise determined by the board.

   (C) A veterinarian shall retain control of and authority
over the care of the animal during the practice of veterinary technology.
SECTION 2. Arkansas Code § 17-101-306 is amended to read as follows:


(a) No person shall not assist in the practice of veterinary medicine under the direction, supervision, and responsibility of a veterinarian as a veterinary technician or veterinary technologist without first applying for and obtaining a certificate of qualification certification from the Veterinary Medical Examinining Board as a veterinary technician and having his or her employment with a licensed veterinarian registered in accordance with board regulations with the Veterinary Medical Examining Board.

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

(c)(1)(b)(1) An applicant for a certificate of qualification certification as a veterinary technician or veterinary technologist in this state may make written application to the board Veterinary Medical Examining Board showing that he or she is:

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

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

(2) The application for certification as a veterinary technician or veterinary technologist in the State of Arkansas shall be written, signed by the applicant, and submitted to the board Veterinary Medical Examining Board at least thirty (30) days before the examination, including, but not limited to, without limitation the information set forth in this subdivision. (c)(2)(b)(2), and the application shall be accompanied by a nonrefundable application fee established by the board Veterinary Medical Examining Board:

(A) A current photograph of the applicant;

(B)(i) A copy of the applicant’s diploma or its equivalent from a college-level program accredited by the American Veterinary Medical Association.

(ii) A photocopy of the diploma is acceptable if the applicant has not graduated at the time of application, an affidavit from the
program certifying the applicant's ability to graduate may be accepted with a 
copy of the diploma or its equivalent submitted upon availability;

(C) A certified copy of college transcripts;

(D) A passing score on the National Board Examination 

passing score provided by the national testing agency or Veterinary 

Technician National Examination, or future equivalent, reported through the 

American Association of Veterinary State Boards or its successor; and 

(E) A letter of recommendation signed by a licensed 

veterinarian who is licensed in this state or another state, territory, or 
district of the United States and notarized.

(3) This section does not prevent the Veterinary Medical 

Examining Board from issuing a certification by endorsement to an applicant 

who:

(A) Holds a certification, or its equivalent, as a 
veterinary technician or veterinary technologist in another state, territory, 
or district of the United States;

(B) Is not a respondent in any pending or unresolved board 

action in any state, territory, or district of the United States;

(C) Has a passing score on the National Board Examination 

or Veterinary Technician National Examination, or its future equivalent, 
reported through the American Association of Veterinary State Boards or its 

successor;

(D) Submits a completed application, including without 

limitation a letter of recommendation that is:

(i) Signed by a veterinarian;

(ii) Notarized by a notary public; and 

(iii) Accompanied by a nonrefundable application fee 

established by the Veterinary Medical Examining Board; and 

(E) Signs a statement attesting that he or she has read 

and understands this chapter and the rules adopted by the Veterinary Medical 

Examining Board governing the practice of veterinary medicine in Arkansas.

(4)(c)(1) Each certified A veterinary technician or veterinary 
technologist shall annually register his or her employment with the board 
Veterinary Medical Examining Board, stating:

(A) His His or her name and current address;

(B) the The name and office address of both his or her
employer and the supervising licensed veterinarian, and

(C) Any additional information as the board deems necessary required by the Veterinary Medical Examining Board.

(2) Upon any change of employment as a veterinary technician or veterinary technologist, the registration shall be considered suspended certification is inactive until;

(A) new employment as a veterinary technician or veterinary technologist has been obtained; and

(B) the board The Veterinary Medical Examining Board has been notified in writing of the new employment.

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

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

(g) After obtaining a degree from an accredited program in veterinary technology, and upon completing the application form for certification in Arkansas, the applicant will be issued a certificate of qualification.

(d)(1) A veterinary technician or veterinary technologist shall perform veterinary technology under the direction, supervision, and responsibility of the licensed veterinarian with which he or she is employed.

(2) Supervision of a veterinary technician or veterinary technologist may be direct supervision, indirect supervision, or immediate supervision.

(3) A veterinarian who utilizes indirect supervision of a veterinary technician or veterinary technologist shall:

(A) Retain control of and authority over the care of the animal; and

(B) Review all recordkeeping and notes documented by the veterinary technician or veterinary technologist on the charts regarding the care of the animal.
(e) The Veterinary Medical Examining Board shall promulgate rules to establish the appropriate level of supervision under which a veterinary technician or veterinary technologist can perform veterinary technology.

(h)(1)(f)(1) Every licensed veterinarian using, supervising, or employing a registered veterinary technician or veterinary technologist shall be individually responsible and liable for the performance of the acts and omissions delegated to the veterinary technician or veterinary technologist.

(2) Nothing in this subsection shall be construed to This subsection does not relieve the a veterinary technician or veterinary technologist of any responsibility and liability for any of his or her own acts and omissions.

(g) A licensed veterinarian shall not establish a separate office or clinic in a location other than his or her regular office and place the separate office or clinic under the control or supervision of a veterinary technician or veterinary technologist.

(h)(1) This section does not prevent a licensed veterinarian from utilizing the services of an employee to perform services not requiring the skill and judgment of a veterinary technician, veterinary technologist, or veterinary technician specialist, if the services performed by the employee are under the direct personal supervision of a licensed veterinarian.

(2) An employee described under subdivision (h)(1) of this section shall not be identified as a "veterinary technician", "animal technician", "technician", "veterinary technologist", "animal technologist", "technologist", or "veterinary technician specialist".

(i) A veterinary technician, veterinary technologist, or veterinary technician specialist shall not receive a fee or other compensation for veterinary services or veterinary technology services other than the salary or other compensation paid to the veterinary technician, veterinary technologist, or veterinary technician specialist by the veterinary clinic, veterinary practice, or veterinarian where he or she is employed.

(j)(1) The Veterinary Medical Examining Board may issue additional certifications for a veterinary technician specialist.

(2) For an applicant seeking certification as a veterinary technician specialist, the Veterinary Medical Examining Board may require an initial application, application fee as determined by the Veterinary Medical Examining Board, renewal application, renewal application fee as determined
by the Veterinary Medical Examining Board, and any other relevant information determined by the Veterinary Medical Examining Board.

SECTION 3. Arkansas Code § 17-101-307(b)(6), concerning exemptions for licensing of veterinarians and veterinary technicians, is amended to read as follows:

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

SECTION 4. Arkansas Code § 17-101-307(b)(9)(A), concerning exemptions for licensing of veterinarians and veterinary technicians, is amended to read as follows:

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

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

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

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

SECTION 5. Arkansas Code § 17-101-309(a)(2), concerning renewal and reinstatement of a license, certificate, and registration, is amended to read as follows:

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

SECTION 6. Arkansas Code § 17-101-309(b) and (c), concerning renewal
and reinstatement of a license, certificate, and registration, are amended to
read as follows:

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

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

(c) The board may provide by regulation rule for waiver of payment of
any renewal fee of a licensed veterinarian, or registered veterinary
technician, or veterinary technologist during any period when he or she is on
active duty with any branch of the United States Armed Forces for not to
exceed three (3) years or for the duration of a national emergency, whichever
is longer.

SECTION 7. Arkansas Code § 17-101-310 is amended to read as follows:

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

(2) The postgraduate study or attendance at an institution or at
an educational session approved by the Veterinary Medical Examining Board
shall be considered equivalent to continuing education requirements.

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

(b) The board shall excuse licentiates or certificate holders, as a
group or as individuals, from the annual educational requirements in any of
the following instances:
(1) When no educational program meeting the requirements approved by the board is conducted within the state;
(2) When an affidavit is submitted to the board evidencing that the licensee, for good cause assigned, was prevented from attending an educational program at the proper time;
(3) In the event of an unusual emergency; or
(4) If that person holds an inactive license or certificate.
(c)(1) Each veterinarian, or veterinary technician, or veterinary technologist must shall fulfill his or her annual education requirements at his or her own expense.
(2) The registration fee for his or her annual education requirements is not included in the license fee.

SECTION 8. Arkansas Code Title 17, Chapter 101, Subchapter 3, is amended to add an additional section to read as follows:


(a) Upon written complaint by any person or on the Veterinary Medical Examining Board's own motion and after notice and hearing as prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the board may deny or suspend any certification or deny or revoke any certificate of qualification of the applicant, veterinary technologist, or veterinary technician specialist for the following conduct:

(1) Solicitation patients on behalf of a veterinarian or veterinary technician;

(2) Solicitation or receiving any form of compensation from any person other than his or her registered employer for his or her employment;

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

(4)(A) Any offense punishable by incarceration in the Department of Correction or federal prison.

(B) A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be evidence;

(5) Inability to practice as a veterinary technologist or a veterinary technician specialist with reasonable skill and safety to patients
due to illness, the use of drugs, alcohol, narcotics, or chemicals, or as a
result of any mental or physical condition;

   (6) Fraud or misrepresentation in applying for or procuring:
       (A) A certificate of qualification to perform as a
          veterinary technologist or veterinary technician specialist in Arkansas; or
       (B) An annual employment registration;

   (7) Impersonation of another person registered as a veterinary
       technologist or veterinary technician specialist or authorization of any
       person to use his or her certificate of qualification or registration;

   (8) Aids or abets the practice of veterinary medicine by a
       person not licensed by the board;

   (9) Incompetence, gross negligence, or other malpractice in the
       performance of duties, tasks, or functions assigned to him or her by a
       licensed veterinarian;

   (10) Incapacity or incompetence to perform as a veterinary
        technologist or veterinary technician specialist;

   (11) Cruelty to animals;

   (12) Failure:
       (A) Of any applicant or licensee to cooperate with the
           board during any investigation, if the investigation does not concern the
           applicant or licensee;
       (B) To comply with any subpoena or subpoena duces tecum
           from the board or an order of the board; or
       (C) To timely pay certification or renewal fees; or

   (13) Unprofessional conduct or conduct that is detrimental to
        the best interests of the public.

   (b) At the discretion of the board, a person whose certificate of
       qualification is suspended or revoked by the board under this section may be:
       (1) Recertified or reinstated by the board at any time upon
           written application to the board showing cause to justify recertification or
           reinstatement; and
       (2) Subject to civil penalties under § 17-101-311 as determined
           by the board.

   /s/Vaught
   02-18-2019