

INTERIM STUDY PROPOSAL 2017-133

State of Arkansas
91st General Assembly
Third Extraordinary Session, 2018

A Bill

JMB/JMB
HOUSE BILL

By: Representative Vaught
By: Senator Maloch

Filed with: Senate Committee on Agriculture, Forestry, and Economic Development
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO ESTABLISH A VETERINARY ADVANCED
TECHNOLOGIST LICENSURE; TO ESTABLISH A MIDLEVEL
VETERINARY MEDICINE PROFESSIONAL; AND FOR OTHER
PURPOSES.

Subtitle

TO ESTABLISH A VETERINARY ADVANCED
TECHNOLOGIST LICENSURE; AND TO ESTABLISH
A MIDLEVEL VETERINARY MEDICINE
PROFESSIONAL.

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

SECTION 1. Arkansas Code Title 17, Chapter 101, is amended to add an
additional subchapter to read as follows:

Subchapter 4 – Veterinary Advanced Technologist

17-101-401. Definitions.

As used in this subchapter:

(1) "Large animal" means the same as defined in § 2-40-1301;

(2) "Practice of veterinary medicine" means the same as defined
in § 17-101-102;

1 (3) "Supervising veterinarian" means a veterinarian licensed by
2 the Veterinary Medical Examining Board who supervises a veterinary advanced
3 technologist;

4 (4)(A) "Supervision" means overseeing the activities of and
5 accepting responsibility for the veterinary services rendered by a veterinary
6 advanced technologist by a supervising veterinarian.

7 (B) "Supervision" does not mean the constant physical
8 presence of a veterinarian as long as the supervising veterinarian and the
9 veterinary advanced technologist are, or can be easily, in contact with one
10 another by radio, telephone, or other electronic or telecommunication device;
11 and

12 (5) "Veterinary advanced technologist" means a person who
13 performs the practice of veterinary medicine under the supervision of a
14 veterinarian licensed in this state.

15
16 17-101-402. Qualifications for licensure – Application – Examination.

17 (a) A person seeking licensure as a veterinary advanced technologist
18 in this state shall submit a written application to the Veterinary Medical
19 Examining Board showing that he or she is:

20 (1) At least twenty-one (21) years of age; and

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

23 (b) The application for veterinary advanced technologist licensure
24 shall:

25 (1) Be completed and signed by the applicant;

26 (2) Document that the applicant shall provide services only for
27 large animals;

28 (3) Be submitted to the board at least thirty (30) days before
29 the date of the board's licensure examination;

30 (4) Be accompanied by a nonrefundable application fee
31 established by the board; and

32 (5) Include without limitation:

33 (A) A current photograph of the applicant;

34 (B) A certified transcript of the applicant's animal
35 science program records;

1 (C)(i) A written statement from a large animal veterinary
2 technician program accredited by the America Veterinary Medical Association
3 that certifies the applicant's qualification for graduation if he or she has
4 not graduated at the time of application.

5 (ii) However, a copy of the diploma shall be
6 submitted upon availability and before the examination date; and

7 (D) A written statement that certifies that the applicant
8 has completed a one-semester preceptorship or internship concerning the care
9 of large animals.

10 (c)(1) If the board finds that the applicant has the proper
11 qualifications, the board shall authorize him or her to take the examination.

12 (2) If an applicant is found to be unqualified to take the
13 examination, the board shall immediately notify the applicant in writing of
14 the board's findings and the grounds for denial.

15 (d)(1) The board shall conduct an examination of the applicants for
16 veterinary advanced technologist licensure.

17 (2) The examination shall include without limitation questions
18 testing the applicant's knowledge of:

19 (A) The Arkansas Veterinary Medical Practice Act, § 17-
20 101-101 et seq.;

21 (B) State and federal statutes relating to prescription
22 and controlled drugs;

23 (C) The ethics of veterinary medicine; and

24 (D) The rules of the Arkansas Livestock and Poultry
25 Commission, the United States Department of Agriculture, the Animal and Plant
26 Health Inspection Service, and Rabies Control.

27
28 17-101-403. Scope of practice – Prescriptive authority.

29 A veterinary advanced technologist may:

30 (1) Perform those duties and responsibilities, including
31 prescribing medication and performing diagnosis, treatment, and surgery, as
32 delegated by his or her supervising veterinarian;

33 (2) Practice veterinary medicine in any setting authorized by
34 the supervising veterinarian; and

35 (3)(A) Prescribe, order, and administer:

1 (i) Schedule III – V controlled substances as
2 described in the Uniform Controlled Substances Act, §§ 5-64-101 et seq., and
3 21 C.F.R. Part 1300;

4 (ii) Hydrocodone combination products reclassified
5 from Schedule III to Schedule II as of October 6, 2014, if authorized by the
6 veterinary advanced technologist’s supervising veterinarian;

7 (iii) All legend drugs; and

8 (iv) All nonschedule prescription medications and
9 medical devices.

10 (B) All prescriptions and orders issued by a veterinary
11 advanced technologist shall identify his or her supervising veterinarian.

12 (C) A veterinary advanced technologist who prescribes
13 controlled substances shall register with the United States Drug Enforcement
14 Administration as part of the United States Drug Enforcement Administration’s
15 Mid-Level Practitioner Registry, 21 C.F.R. Part 1300, 58 FR 31171-31175, and
16 the Controlled Substances Act.

17
18 17-101-404. Supervision.

19 (a) Supervision of a veterinary advanced technologist shall be
20 continuous but does not require the physical presence of the supervising
21 veterinarian at the time and place that the services are rendered.

22 (b) It is the obligation of each supervising veterinarian and each
23 veterinary advanced technologist to ensure that:

24 (1) The veterinary advanced technologist’s scope of practice is
25 identified;

26 (2) The delegation of veterinary medical services is appropriate
27 to the veterinary advanced technologist’s level of competence;

28 (3) The relationship and access to the supervising veterinarian
29 is defined; and

30 (4) A process of evaluation of the veterinary advanced
31 technologist’s performance is established.

32 (c) The veterinary advanced technologist and supervising veterinarian
33 may designate back-up veterinarians who have agreed to supervise the
34 veterinary advanced technologist if the supervising veterinarian is absent.

1 (d) A veterinary advanced technologist may supervise or control a
2 separate office or clinic in a location other than the supervising
3 veterinarian's regular office if the supervision requirements are met.

4 (e) A veterinarian desiring to supervise a veterinary advanced
5 technologist shall:

6 (1) Be licensed in this state;

7 (2) Notify the Veterinary Medical Examining Board of his or her
8 intent to supervise a veterinary advanced technologist; and

9 (3) Submit a statement to the board that he or she will
10 supervise the veterinary advanced technologist in accordance with rules
11 adopted by the board.

12
13 17-101-405. Disciplinary authority.

14 Upon finding that a veterinary advanced technologist or an applicant
15 has committed an offense described in § 17-101-305, the Veterinary Medical
16 Examining Board may:

17 (1) Refuse to grant a license;

18 (2) Administer a public or private reprimand;

19 (3) Revoke, suspend, limit, or otherwise restrict a license;

20 (4) Require a veterinary advanced technologist to submit to the
21 care, counseling, or treatment of a physician or psychologist designated by
22 the board;

23 (5) Suspend enforcement of a penalty and place the veterinary
24 advanced technologist on probation;

25 (6) Revoke the probation of a veterinary advanced technologist
26 for noncompliance with the probation; or

27 (7) Restore or reissue, at the board's discretion, a license and
28 impose any disciplinary or corrective measure which the board deem
29 appropriate.

30
31 17-101-406. Rulemaking authority.

32 The Veterinary Medical Examining Board shall:

33 (1) Promulgate rules in accordance with the Arkansas
34 Administrative Procedure Act, § 25-15-201 et seq., that are reasonable and
35 necessary for the performance of the duties imposed upon the board by this
36 subchapter; and

1 (2) Administer the provisions of this subchapter under
2 procedures the board considers advisable and adopt rules that are reasonable
3 and necessary to implement the provisions of this subchapter.

4
5 17-101-407. Title and practice protection.

6 (a) A person who is not licensed under this subchapter is guilty of a
7 Class A misdemeanor and is subject to penalties applicable to the unlicensed
8 practice of veterinary medicine if he or she:

9 (1) Holds himself or herself out as a veterinary advanced
10 technologist;

11 (2) Uses any combination or abbreviation of the term “veterinary
12 advanced technologist” to indicate or imply that he or she is a veterinary
13 advanced technologist; or

14 (3) Acts as a veterinary advanced technologist.

15 (b) An unlicensed veterinarian shall not be permitted to use the title
16 of veterinary advanced technologist or to practice as a veterinary advanced
17 technologist unless he or she fulfills the requirements of this subchapter.

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19
20 Referred by Senator Maloch

21 Prepared by: JMB/JMB

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