

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representatives Hunton and McJunkin

A Bill

HOUSE BILL 1480

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF THE VETERINARY
MEDICAL PRACTICE ACT; AND FOR OTHER PURPOSES."

Subtitle

"TO AMEND VARIOUS SECTIONS OF THE
VETERINARY MEDICAL PRACTICE ACT."

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

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

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

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

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

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

(1) For the five (5) years prior to filing his application, been 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; or

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

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

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

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

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

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

29 "17-99-307. License required - Exemptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (9) *Any chiropractor licensed in this state and certified by the*
35 *American Veterinary Chiropractic Association from performing chiropractic*

1 upon animals so long as the chiropractic is performed under the immediate
2 supervision of an Arkansas licensed veterinarian."

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

5 "17-99-311. Civil penalty - Appeals and disposition of funds.

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

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

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

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

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

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

28 "17-99-314. Practicing without a license - Board Penalties.

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

34 Each citation shall be in writing and shall describe with particularity
35 the nature of the violation, including a reference to the provision of this

1 Chapter alleged to have been violated.

2 Each citation may also contain an order of abatement fixing a
3 reasonable time for abatement of the violation, and may contain an assessment
4 of a civil penalty not to exceed five thousand dollars (\$5,000).

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

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

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

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

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

32 Any administrative hearing conducted subsequent to the informal
33 conference shall be governed by the Arkansas Administrative Procedure Act
34 (§25-15-201 et seq.).

35 In addition to the penalties provided in this section, the Board may

1 institute legal proceedings to enjoin the violation of the provisions of this
2 Chapter or the rules of the Board in any court of competent jurisdiction, and
3 the court may grant a temporary or permanent injunction restraining the
4 violation thereof."

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

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

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

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

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