

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1124

5 By: Representatives Vaught, Hillman
6 By: Senator Maloch
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAWS CONCERNING VETERINARY
10 MEDICINE; TO ESTABLISH A VETERINARY TECHNOLOGIST
11 CERTIFICATION AND A VETERINARY TECHNICIAN SPECIALIST
12 CERTIFICATION; AND FOR OTHER PURPOSES.
13
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Subtitle

15 TO AMEND THE LAWS CONCERNING VETERINARY
16 MEDICINE; AND TO ESTABLISH A VETERINARY
17 TECHNOLOGIST CERTIFICATION AND A
18 VETERINARY TECHNICIAN SPECIALIST
19 CERTIFICATION.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 17-101-102 is amended to read as follows:
26 17-101-102. Definitions.

27 As used in this chapter:

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

33 (2) "Animal" means any member of the animal kingdom, other than
34 ~~man, and includes fowl, birds, fish, and reptiles, whether wild or domestic,~~
35 humans, whether living or dead;

36 ~~(3) "Board" means the Veterinary Medical Examining Board;~~



1 ~~(4)~~(3) “Direct supervision” or “direct personal supervision”
2 means the licensed veterinarian must be on-site and instantly available for
3 consultation;

4 ~~(5)~~(4) “Educational Commission for Foreign Veterinary Graduates
5 Certificate” means a certificate issued by the American Veterinary Medical
6 Association Educational Commission for Foreign Veterinary Graduates
7 indicating that the holder has demonstrated knowledge and skills equivalent
8 to those possessed by a graduate of an accredited or approved college of
9 veterinary medicine;

10 ~~(6)~~(5) “Immediate supervision” means observation, in the
11 immediate vicinity, with the opportunity for the ~~supervising~~ licensed
12 veterinarian to advise or physically intervene in each procedure;

13 (6) “Indirect supervision” means the licensed veterinarian is
14 not physically present but has given written or oral instructions for the
15 treatment of the animal and is readily available for communication either in
16 person or through use of electronic information and communication technology;

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

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

28 (9) “Practice of veterinary medicine” means:

29 (A) The diagnosis, treatment, correction, change, relief,
30 or prevention of animal disease, deformity, defect, injury, or other physical
31 or mental condition, including the prescribing or administration of any
32 prescription drug, medicine, biologic, apparatus, application, anesthetic, or
33 other therapeutic or diagnostic substance or technique on any animal,
34 including, but not limited to, acupuncture, dentistry, animal psychology,
35 animal chiropractic, theriogenology, surgery, including cosmetic surgery, any
36 manual, mechanical, biological, or chemical procedure for testing for

1 pregnancy or for correcting sterility or infertility or to tender service or
2 recommendations with regard to any of the above;

3 (B) To represent, directly or indirectly, publicly or
4 privately, an ability and willingness to do any act described in subdivision
5 (9)(A) of this section;

6 (C) The use of any title, words, abbreviation, or letters
7 in a manner or under circumstances which induce the belief that the person
8 using them is qualified to do any act described in subdivision (9)(A) of this
9 section. Such use shall be prima facie evidence of the intention to represent
10 oneself as engaged in the practice of veterinary medicine; and

11 (D) Collecting blood or other samples for the purpose of
12 diagnosing disease or other conditions. This shall not apply to:

13 (i) Unlicensed personnel employed by the United
14 States Department of Agriculture or the Arkansas Livestock and Poultry
15 Commission in disease control programs carried out under the authority of the
16 United States Department of Agriculture or the State of Arkansas; and

17 (ii) Veterinary technicians or ~~assistants~~ veterinary
18 technologists acting under the ~~direct~~ indirect supervision of a veterinarian
19 as set forth in ~~§ 17-101-306(b) and (c)~~ § 17-101-306(d) except for collecting
20 ~~blood~~ samples for state or federal tests requiring that the licensed
21 veterinarian draw the sample;

22 (10) "Veterinarian" means a person who has received a
23 professional degree from a college of veterinary medicine or any person who
24 is ~~now~~ licensed to practice veterinary medicine in this state;

25 (11) "Veterinarian-client-patient relationship" means:

26 (A) The veterinarian has assumed the responsibility for
27 making medical judgments regarding the health of ~~the~~ a animal and the need
28 for medical treatment, and the client, that is, the owner or caretaker, has
29 agreed to follow the instruction of the veterinarian;

30 (B)(i) There is sufficient knowledge of the animal by the
31 veterinarian to initiate at least a general or preliminary diagnosis of the
32 medical condition of the animal.

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

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

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

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

8 (14) "Veterinary technician" means a person who+

9 (A) Has received ~~a diploma~~ an associate degree or its
10 equivalent from a college-level program accredited by the American Veterinary
11 Medical Association; and

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

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

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

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

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

29
30 SECTION 2. Arkansas Code § 17-101-306 is amended to read as follows:

31 17-101-306. Veterinary technician, veterinary technologist, and
32 veterinary technician specialist – Certification.

33 (a) ~~No~~ A person shall not assist in the practice of veterinary
34 medicine ~~under the direction, supervision, and responsibility of a~~
35 ~~veterinarian~~ as a veterinary technician or veterinary technologist without
36 first applying for and obtaining a ~~certificate of qualification~~ certification

1 from the Veterinary Medical Examining Board ~~as a veterinary technician~~ and
 2 having his or her employment with a licensed veterinarian registered in
 3 ~~accordance with board regulations~~ with the Veterinary Medical Examining
 4 Board.

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

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

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

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

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

24 (A) A current photograph of the applicant;

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

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

32 (C) A certified copy of college transcripts;

33 (D) A passing score on the National Board Examination
 34 ~~passing score provided by the national testing agency~~ or Veterinary
 35 Technician National Examination, or future equivalent, reported through the
 36 American Association of Veterinary State Boards or its successor; and

1 (E) A letter of recommendation signed by a licensed
 2 veterinarian who is licensed in this state or another state, territory, or
 3 district of the United States and notarized.

4 (3) This section does not prevent the Veterinary Medical
 5 Examining Board from issuing a certification by endorsement to an applicant
 6 who:

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

10 (B) Is not a respondent in any pending or unresolved board
 11 action in any state, territory, or district of the United States;

12 (C) Has a passing score on the National Board Examination
 13 or Veterinary Technician National Examination, or its future equivalent,
 14 reported through the American Association of Veterinary State Boards or its
 15 successor;

16 (D) Submits a completed application, including without
 17 limitation a letter of recommendation that is:

18 (i) Signed by a veterinarian;

19 (ii) Notarized by a notary public; and

20 (iii) Accompanied by a nonrefundable application fee
 21 established by the Veterinary Medical Examining Board; and

22 (E) Signs a statement attesting that he or she has read
 23 and understands this chapter and the rules adopted by the Veterinary Medical
 24 Examining Board governing the practice of veterinary medicine in Arkansas.

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

28 (A) ~~his~~ His or her name and current address; ~~;~~

29 (B) ~~the~~ The name and office address of both his or her
 30 employer and the supervising licensed veterinarian; ~~;~~ and

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

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

36 (A) ~~new~~ New employment as a veterinary technician or

1 veterinary technologist has been obtained; and

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

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

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

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

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

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

23 (e) The Veterinary Medical Examining Board shall promulgate rules to
24 establish the appropriate level of supervision under which a veterinary
25 technician or veterinary technologist can perform veterinary technology.

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

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

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

1 technician or veterinary technologist.

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

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

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

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

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

25
26 SECTION 3. Arkansas Code § 17-101-307(b)(6), concerning exemptions for
27 licensing of veterinarians and veterinary technicians, is amended to read as
28 follows:

29 (6) A member of the faculty of a veterinary school from
30 performing his or her regular functions or a person from lecturing or giving
31 instruction or demonstration at a veterinary school or in connection with a
32 continuing education course or seminar for licensed veterinarians, ~~or~~
33 ~~registered~~ veterinary technicians, or veterinary technologists;
34

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

1 as follows:

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

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

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

16

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

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

25

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

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

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

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

7
 8 SECTION 7. Arkansas Code § 17-101-310 is amended to read as follows:
 9 17-101-310. Continuing education required – Exemptions.

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

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

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

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

23 (1) When no educational program meeting the requirements
 24 approved 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; or

29 (4) If that person holds an inactive license or certificate.

30 (c)(1) ~~Each~~ A veterinarian, ~~or~~ veterinary technician, or veterinary
 31 technologist ~~must~~ shall fulfill his or her annual education requirements at
 32 his or her own expense.

33 (2) The ~~registration~~ fee for his or her annual education
 34 requirements is not included in the license fee.

35
 36 SECTION 8. Arkansas Code Title 17, Chapter 101, Subchapter 3, is

1 amended to add an additional section to read as follows:

2 17-101-317. Veterinary technologist and veterinary technician
3 specialist – Grounds for denial, suspension, or revocation.

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

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

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

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

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

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

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

25 (6) Fraud or misrepresentation in applying for or procuring:

26 (A) A certificate of qualification to perform as a
27 veterinary technologist or veterinary technician specialist in Arkansas; or

28 (B) An annual employment registration;

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

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

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

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

3 (11) Cruelty to animals;

4 (12) Failure:

5 (A) Of any applicant or licensee to cooperate with the
6 board during any investigation, if the investigation does not concern the
7 applicant or licensee;

8 (B) To comply with any subpoena or subpoena duces tecum
9 from the board or an order of the board; or

10 (C) To timely pay certification or renewal fees; or

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

13 (b) At the discretion of the board, a person whose certificate of
14 qualification is suspended or revoked by the board under this section may be:

15 (1) Recertified or reinstated by the board at any time upon
16 written application to the board showing cause to justify recertification or
17 reinstatement; and

18 (2) Subject to civil penalties under § 17-101-311 as determined
19 by the board.

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