

SENATE FILE NO. SF0006

Veterinary Practice Act-amendments.

Sponsored by: Joint Agriculture, Public Lands and Water
Resources Interim Committee

A BILL

for

1 AN ACT relating to the Veterinary Practice Act; providing
2 definitions; modifying licensing qualifications and
3 procedures; modifying the composition of the board of
4 veterinary medicine; allowing supervision of certain
5 veterinary practices; modifying scope of practices covered
6 by the act; modifying disciplinary actions; providing
7 penalties; repealing obsolete and inconsistent provisions;
8 and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 33-30-202(a)(ii), (iii)(A) and by
13 creating new paragraphs (ix) and (x), 33-30-203(a)(ii),
14 (iii), (v), (xi) and by creating new paragraphs (xii) and
15 (xiii), 33-30-204(a), (f), (k) and (m) by creating a new
16 paragraph (xiv), 33-30-206, 33-30-207(a) and (b),

1 33-30-208(a)(i) and (ii), 33-30-211(a), (b) and (d),
2 33-30-212(a)(intro), (iv), (v), (vii), (ix) through (xi),
3 (xiv) and by creating new paragraphs (xx) through (xxiv),
4 33-30-214 and 33-30-215(a) are amended to read:

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6 **33-30-202. Definitions.**

7

8 (a) When used in this act, these words and phrases,
9 unless the context otherwise indicates, shall be defined as
10 follows:

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12 (ii) "Veterinary medicine" is that discipline of
13 medicine, system, science and art devoted to preventing or
14 alleviating illness, pain, disease and deformity of animals
15 by diagnosing, treating, prescribing or operating, and to
16 preventing the spread to human beings of those diseases
17 capable of being contracted by human beings from animals,
18 utilizing means and methods which are taught and practiced
19 in accredited colleges of veterinary medicine. Veterinary
20 dentistry, ~~cosmetic~~ surgery and physiological examination
21 of animals shall be considered a part of veterinary
22 medicine.

23

1 (iii) "Practice of veterinary medicine" shall
2 include, but not be limited to, the practice:

3
4 (A) To diagnose, prognose, treat, correct,
5 change, relieve, or prevent disease, pain, deformity,
6 defect, injury, or other physical or mental conditions of
7 any animal for a fee or other compensation; including the
8 prescription or administration of any controlled substance
9 or prescription drug, medicine, biologic, apparatus,
10 application, anesthetic, or other therapeutic or diagnostic
11 substance or technique;

12
13 (ix) "Animal health emergency" means any event
14 or situation involving animal disease or animal welfare
15 such as foreign animal diseases, natural disaster or
16 bioterrorism that threatens the viability of animal
17 industries;

18
19 (x) "Supervised services" means services and
20 procedures performed by a nonveterinarian that are
21 supervised by a veterinarian pursuant to board rules and
22 regulations and may include:

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24 (A) Acupuncture;

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(B) Bovine ovariectomy;

(C) Chiropractic;

(D) Dentistry;

(E) Physical therapy;

(F) Pregnancy testing.

33-30-203. License required; exceptions.

(a) No person may practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. This act shall not be construed to prohibit:

(ii) A person who is a regular student in a college of veterinary medicine from performing duties or action assigned by his instructors, or from working under the responsible supervision of a licensed veterinarian; ~~during a school vacation period;~~

1 (iii) A veterinarian regularly licensed in
2 another state from consulting with, or practicing
3 veterinary medicine at the invitation, and under the direct
4 supervision, of a licensed veterinarian in this state;

5
6 (v) The owner of an animal, the owner's
7 employees or any livestock operator and such operator's
8 employees with whom the owner exchanges work and assistance
9 in connection with animals, from caring for and treating
10 any animal belonging to such owner, in any manner desired
11 by said owner except where the ownership of the animal was
12 transferred for purposes of circumventing this act;

13
14 (xi) Any person approved by the board from
15 performing embryo transplants upon animals; ~~as provided by~~
16 ~~W.S. 33-30-204(m)(xiii).~~

17
18 (xii) A person from providing supervised
19 services;

20
21 (xiii) A person from advising with respect to,
22 or performing, acts that constitute generally accepted
23 livestock management practices.

24

1 **33-30-204. Board of veterinary medicine.**

2

3 (a) A Wyoming board of veterinary medicine shall be
4 appointed by the governor, by and with the consent of the
5 senate, and shall consist of ~~five (5)~~ seven (7) members who
6 shall hold office for a term of six (6) years. ~~Four (4)~~
7 Five (5) members shall be licensed veterinarians, ~~one (1)~~
8 ~~member~~ two (2) members shall be ~~a consumer~~ consumers of
9 veterinary services. Members of the state board of
10 veterinary examiners previously appointed under this act
11 shall continue as members of the board until the expiration
12 of the term for which they were appointed. Initial
13 appointments to the board may be for less than six (6)
14 years so that the terms of not more than ~~two (2)~~ three (3)
15 members shall expire in any one (1) biennium. Whenever the
16 occasion arises for an appointment of a licensed
17 veterinarian under this section the Wyoming Veterinary
18 Medical Association shall nominate ~~three (3)~~ four (4) or
19 more qualified persons and forward the nominations to the
20 governor at least thirty (30) days prior to the convening
21 date of the senate. Vacancies due to death, resignation or
22 removal shall be filled by appointment by the governor in
23 accordance with W.S. 28-12-101 upon nominations being made
24 as otherwise provided in this section for appointment. No

1 person shall serve two (2) consecutive six (6) year terms,
2 but a person appointed for a term of fewer than six (6)
3 years, or to fill a vacancy, may succeed himself. Effective
4 July 1, 1979, appointments and terms shall be made in
5 accordance with W.S. 28-12-101 through 28-12-103.

6
7 (f) The board shall meet at least once each year at
8 the time and place ~~fixed~~determined by ~~rule of~~ the board.
9 Other necessary meetings may be called by the president of
10 the board by giving notice as ~~may be~~ required by ~~rule~~W.S.
11 16-4-401 through 16-4-407. Except as otherwise provided, a
12 majority of the board, including one (1) officer,
13 constitutes a quorum. Meetings shall be open and public
14 except that the board may meet in closed session to
15 prepare, approve, administer or grade examinations, or to
16 deliberate the qualification of an applicant for license,
17 or the disposition of a proceeding to discipline a licensed
18 veterinarian. The board shall adopt a seal which shall be
19 affixed to all licenses issued by the board and to other
20 papers requiring the same.

21
22 (k) All money shall be received and collected as
23 provided by law. The state treasurer shall credit the money
24 to an account within the earmarked revenue fund. All

1 expenses of the board and all expenses incurred in
2 connection with the administration of this act shall be
3 paid from the account by requisition signed by the board's
4 secretary-treasurer ~~of the board~~ or his designee in a
5 manner provided by law for payment of other state expenses.
6 The account shall be a continuing account and shall not be
7 subject to reversion to the state's general fund.

8
9 (m) The board is empowered to:

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11 (xiv) Summarily, and without a hearing, revoke a
12 license or temporary permit by majority vote of the board
13 in cases involving serious and immediate danger to the
14 health, safety or welfare of animals or the public. In
15 such cases, the board shall provide to the licensee or
16 permittee an opportunity for a hearing within fifteen (15)
17 days of the revocation.

18
19 **33-30-206. Application for license; fee;**
20 **determination of qualifications.**

21
22 (a) Any person desiring a license to practice
23 veterinary medicine in this state shall make written
24 application to the board. The application shall show that

1 the applicant is an adult, ~~subscribes to and will uphold~~
2 ~~the principles incorporated in the constitution of the~~
3 ~~United States,~~ a graduate of a college of veterinary
4 medicine, as approved by board rule or holds a certificate
5 from the Educational Commission for Foreign Veterinary
6 Graduates certification program and a person of good moral
7 character, ~~physical and mental health,~~ and shall provide
8 ~~such~~ other information and proof as the board may require
9 by rule. The application shall be accompanied by a fee in
10 the amount established ~~and published~~ by ~~the~~ board rule.

11

12 (b) If the board determines that the applicant
13 possesses the proper qualifications, it ~~shall~~ may admit the
14 applicant to the next examination, or if the applicant is
15 eligible for a license without examination under W.S.
16 33-30-208, the board may forthwith grant him a license. If
17 an applicant is found not qualified to take the examination
18 or does not qualify for a license without examination, the
19 secretary-treasurer of the board shall immediately notify
20 the applicant in writing of such finding and the grounds
21 therefor. A licensee whose license is revoked or an
22 applicant found unqualified shall be afforded an
23 opportunity for a hearing to be conducted in accordance
24 with the Wyoming Administrative Procedure Act. Any

1 applicant who is found not qualified shall be allowed the
2 return of his application fee.

3

4 **33-30-207. Examinations generally.**

5

6 (a) The board ~~shall~~ may hold ~~at least~~ one (1)
7 ~~examination~~ or more examinations of applicants for license
8 to practice veterinary medicine during each year. ~~and may~~
9 ~~hold such additional examinations as are necessary.~~

10

11 (b) The preparation, administration, and grading of
12 examinations shall be governed by board rules. ~~prescribed~~
13 ~~by the board. Examinations shall be designed to test the~~
14 ~~examinee's knowledge of and proficiency in the subjects and~~
15 ~~techniques commonly taught in colleges of veterinary~~
16 ~~medicine. To pass the examination, the examinee must~~
17 ~~demonstrate scientific and practical knowledge of the~~
18 ~~highest competency to prove himself qualified to practice~~
19 ~~veterinary medicine in the judgment of the board. All~~
20 ~~examinees shall be tested by a written examination,~~
21 ~~supplemented by such oral interviews and practical~~
22 ~~demonstrations as the board may deem necessary.~~ The board
23 may adopt and use the examination prepared by the national
24 board of veterinary medical examiners.

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33-30-208. When examination not required.

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(a) The board may, but is not required to, issue a license without a written examination to a qualified applicant who:

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(i) Has for the five (5) years ~~next prior to~~ immediately before filing his application been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time the applicant was first licensed which were substantially equivalent to the requirements of this act, and who has the recommendation for Wyoming licensure by the examining board of his state of residence; or

(ii) Has within the ~~three (3) years next prior to~~ five (5) years immediately before filing his application successfully completed the examination conducted by the national board of veterinary medical examiners.

33-30-211. Expiration and renewal of licenses; fees; veterinarians on active duty with armed services; duplicate licenses.

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2 (a) All licenses shall expire annually on December 31
3 of each year and shall be renewed by registration with the
4 board, ~~and~~ payment of the registration renewal fee
5 ~~established and published~~ and proof of continuing education
6 requirements as required by ~~the~~ board rule. On December 1
7 of each year, the secretary-treasurer shall mail a notice
8 to each licensed veterinarian that his license will expire
9 on December 31 and provide him with a form for
10 reregistration. The secretary-treasurer shall issue annual
11 certificates of registration to all persons registering
12 under this act.

13

14 (b) Any person who shall practice veterinary medicine
15 after the expiration of his license ~~and wilfully or by~~
16 ~~neglect fail to renew such license~~ shall be practicing in
17 violation of this act. ~~;~~ ~~provided that, at the discretion of~~
18 ~~the board,~~ Any person not practicing in the state may renew
19 an expired license within five (5) years of the date of its
20 expiration by making written application for renewal, ~~and~~
21 paying the current renewal fee plus all delinquent renewal
22 fees and showing proof of compliance with continuing
23 education requirements. After five (5) years have elapsed
24 since the date of the expiration, a license may not be

1 renewed, but the holder must make application for a new
2 license.

3

4 (d) The board shall issue a duplicate license to
5 replace one that has been lost or otherwise rendered
6 unusable upon payment of a fee ~~set~~ determined by ~~rule of~~
7 ~~the~~ board rule. Such duplicate license shall be so
8 designated.

9

10 **33-30-212. Denial, suspension and revocation of**
11 **licenses.**

12

13 (a) Upon a written and signed complaint, ~~sworn to by~~
14 ~~any person,~~ the board may ~~after a fair hearing and by a~~
15 ~~concurrence of all members,~~ deny, revoke, ~~or~~ suspend, ~~for a~~
16 ~~certain time the license of, or~~ reprimand, or otherwise
17 censure any ~~applicant or licensed veterinarian who upon~~
18 ~~proof to the satisfaction of the board~~ licensee or
19 permittee who:

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21 (iv) Has been convicted of a felony, ~~involving~~
22 ~~moral turpitude,~~ impacting upon the ability to practice
23 veterinary medicine or has entered a plea of nolo

1 contendere upon being charged with commission of such a
2 felony;

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4 (v) Has been convicted of a violation of any
5 federal or state law relating to ~~narcotic drugs~~ controlled
6 substances;

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8 (vii) Has been guilty of ~~gross~~ malpractice or
9 ~~gross~~ neglect in the practice of veterinary medicine which
10 has endangered the health or life of any person or animal;

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12 (ix) Has committed acts of fraud or dishonesty,
13 ~~especially in the application or reporting of any test for~~
14 ~~disease in animals~~ relating to the practice of veterinary
15 medicine;

16

17 (x) Has ~~failed to report, if required by law, or~~
18 made false report of, or failed to report, if required by
19 law, any suspected contagious, or infectious disease or
20 results of any tests for disease in animals;

21

22 (xi) Has been guilty of ~~gross~~ negligence in the
23 inspection of foodstuffs or the issuance of health
24 certificate, inspection certificate or vaccination

1 certificate or other form used in the practice of
2 veterinary medicine contributing to the dissemination of
3 animal disease, transportation of diseased animals, or the
4 sale of products of animal origin not fit for human
5 consumption;

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7 (xiv) Has ~~been guilty of willful or repeated~~
8 ~~violation of~~ willfully or intentionally violated any
9 provision of this act;

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11 (xx) Has willfully or intentionally violated any
12 state or federal animal health rule or regulation;

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14 (xxi) Has willfully or intentionally violated
15 any board rule or regulation;

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17 (xxii) In the event of an animal health
18 emergency, has failed to comply with reasonable orders of
19 state and federal animal health officials;

20

21 (xxiii) Has failed to maintain adequate medical
22 records as defined by board rule;

23

1 (xxiv) Has been guilty of using, prescribing or
2 selling any prescription drug or prescribing an extra-label
3 use of a drug in the absence of a valid veterinarian
4 client-patient relationship.

5
6 **33-30-214. Penalty for violation; injunction.**

7
8 (a) Any person who shall practice veterinary medicine
9 without a currently valid license or temporary permit shall
10 be guilty of a misdemeanor and upon conviction for a first
11 offense shall be fined not more than ~~one hundred dollars~~
12 ~~(\$100.00)~~ two hundred dollars (\$200.00), or imprisoned for
13 no more than ninety (90) days, or both fined and
14 imprisoned; provided that each act of such unlawful
15 practice shall constitute a distinct and separate offense.

16
17 (b) The board ~~or any citizen of this state~~ may bring
18 an action to enjoin any person from practicing veterinary
19 medicine without a currently valid license or temporary
20 permit. If the court finds that the person is violating or
21 is threatening to violate this act, it shall enter an
22 injunction restraining him from such unlawful acts.

23

33-30-215. Disposition of unclaimed animals in custody of veterinarians; notice to owner; liability of veterinarians; "abandoned animals".

(a) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than ten (10) days after written notice is given to the owner or his agent at his last known address, shall be deemed to be abandoned. ~~and may be turned over to the custody of the nearest humane society or dog pound in the area for the disposal as such custodian may deem proper~~ If the animal can not be turned over to a humane service or animal shelter, the custodial veterinarian may dispose of the animal in an appropriate and humane manner.

Section 2. W.S. 33-30-203(a) (viii) and (ix), 33-30-204(j) and (m) (iii), 33-30-209(b) and (c), 33-30-210(b), 33-30-212(a) (xiii) and (xv), 33-30-213 and 33-30-215(b) are repealed.

Section 3. This act is effective July 1, 2003.

(END)