

1 HB188
2 147998-2
3 By Representatives Todd, Hubbard (M) and Sanderford
4 RFD: Boards, Agencies and Commissions
5 First Read: 07-FEB-13

1 Section 1. Sections 34-29-61, 34-29-87, and 34-29-88
2 of the Code of Alabama 1975, are amended to read as follows:

3 "§34-29-61.

4 "For the purposes of this article, the following
5 terms shall have the following meanings ascribed by this
6 section:

7 "(1) ACCREDITED SCHOOL OF VETERINARY MEDICINE. Any
8 veterinary college or division of a university or college that
9 offers the degree of doctor of veterinary medicine or its
10 equivalent and is accredited by the American Veterinary
11 Medical Association (AVMA).

12 "(2) ANIMAL. Any animal or mammal other than man,
13 including birds, fish, reptiles, wild or domestic, living or
14 dead.

15 "(3) APPLICANT. A person who files an application to
16 be licensed to practice veterinary medicine or licensed as a
17 veterinary technician.

18 "(4) BOARD. Alabama State Board of Veterinary
19 Medical Examiners.

20 "(5) CONSULTING VETERINARIAN. A veterinarian
21 licensed in another state who gives advice or demonstrates
22 techniques to a licensed Alabama veterinarian or group of
23 licensed Alabama veterinarians. A consulting veterinarian
24 shall not utilize this privilege to circumvent the law.

25 "(6) DIRECT SUPERVISION. The supervising
26 veterinarian has initially examined the animal and will
27 examine at other times as acceptable veterinary medical

1 practice requires, consistent with the particular delegated
2 animal health care task. The supervising veterinarian is on
3 the premises and is quickly and easily available.

4 "(7) EMERGENCY. The animal has been placed in a life
5 threatening condition and immediate treatment is necessary to
6 sustain life.

7 "(8) FOREIGN VETERINARY GRADUATE, EXCLUDING CANADA.
8 Any person, including a foreign national or an American
9 citizen, who has received a professional veterinarian medical
10 degree from an American Veterinary Medical Association listed
11 veterinary college that is not accredited by the American
12 Veterinary Medical Association.

13 "(9) IMMEDIATE SUPERVISION. The supervising
14 veterinarian is on the premises and in audible or visual range
15 of the animal patient and the person treating the patient.

16 "(10) INDIRECT SUPERVISION. The supervising
17 veterinarian has examined the animal and has given written or
18 oral instructions for the treatment of the animal while the
19 supervising veterinarian is away from the premises.

20 "(11) LICENSE. Any permit, approval, registration,
21 or certificate of qualification issued by the board.

22 "(12) LICENSED VETERINARIAN. A person who is validly
23 and currently licensed to practice veterinary medicine in
24 Alabama.

25 "(13) LICENSED VETERINARY TECHNICIAN. A person who
26 is validly and currently licensed to practice as a veterinary
27 technician in Alabama.

1 "(14) PERSON. Any individual, firm, partnership,
2 association, joint venture, cooperative, or corporation or any
3 other group or combination acting in concert; and whether or
4 not acting as a principal, trustee, fiduciary, receiver, or as
5 any kind of legal or personal representative, or as the
6 successor in interest, assigning agent, factor, servant,
7 employee, director, officer, or any other representative of
8 such person.

9 "(15) PRACTICE OF VETERINARY MEDICINE:

10 "a. To diagnose, treat, correct, change, relieve, or
11 prevent animal disease, deformity, defect, injury, or other
12 physical or mental condition; including the prescription or
13 administration of any drug, medicine, biologic, apparatus,
14 application, anesthesia, or other therapeutic or diagnostic
15 substance or technique on any animal including but not limited
16 to acupuncture, dentistry, animal psychology, animal
17 chiropractic, theriogenology, surgery, including cosmetic
18 surgery, any manual, mechanical, biological, or chemical
19 procedure for testing for pregnancy or for correcting
20 sterility or infertility, or to render service or
21 recommendations with regard to any of the above.

22 "b. To represent directly or indirectly, publicly or
23 privately, an ability and willingness to do any act described
24 in paragraph a.

25 "c. To use any title, words, abbreviations, or
26 letters in a manner or under circumstances which induce the
27 belief that the person using them is qualified to do any act

1 described in paragraph a. Such use shall be prima facie
2 evidence of the intention to represent oneself as engaged in
3 the practice of veterinary medicine.

4 "d. ~~Collects~~ To collect blood or other samples for
5 the purpose of diagnosing disease or other conditions. This
6 paragraph shall not apply to unlicensed personnel employed by
7 the United States Department of Agriculture or the Alabama
8 Department of Agriculture who are engaged in the Brucellosis
9 eradication program or external parasite control program
10 pursuant to Section 2-15-192.

11 "e. To remove any embryo from a food animal or
12 companion animal for the purpose of transplanting the embryo
13 into another female animal or for the purpose of
14 cryopreserving the embryo, or to implant the embryo into a
15 food or companion animal. It shall not be considered the
16 practice of veterinary medicine for a person or his or her
17 full-time employees to remove an embryo from the food or
18 companion animal of the person for the purpose of
19 transplanting or cryopreserving the embryo, or to implant an
20 embryo into the food or companion animal of the person,
21 provided ownership of the food or companion animal shall not
22 be transferred or employment of the person shall not be
23 changed for the purpose of circumventing this article.

24 "f. To provide veterinary medical services to a
25 client or patient in this state, through telephonic,
26 electronic, or other means, regardless of the location of the
27 veterinarian, shall constitute the practice of veterinary

1 medicine in this state and shall require licensure within this
2 state and a veterinarian-client-patient relationship must be
3 established.

4 "g. It shall be unlawful for any person, other than
5 a licensed veterinarian, to undertake the direct supervision
6 of the veterinary medical services or to make any policy or
7 decision relating to the medical or surgical treatment of
8 animals including, but not limited to, the number of surgical
9 procedures to be performed per day per veterinarian or the
10 number of auxiliary veterinary medical personnel, including
11 licensed veterinary technicians and unlicensed veterinary
12 assistants, necessary to provide adequate outpatient surgery
13 services.

14 "(16) SUPERVISING VETERINARIAN. A veterinarian who
15 assumes responsibility for the professional care given to an
16 animal by a person working under his or her direction.

17 "(17) TEMPORARY LICENSE. Temporary permission to
18 practice veterinary medicine issued by the board pursuant to
19 this article.

20 "(18) UNLICENSED ASSISTANT. Any individual who is
21 not a licensed veterinary technician or veterinarian and is
22 employed by a licensed veterinarian.

23 "(19) VETERINARIAN-CLIENT-PATIENT RELATIONSHIP
24 (VCPR). A relationship when the veterinarian has assumed
25 responsibility for making medical judgments regarding the
26 health of the animal or animals and the need for medical
27 treatment and is created by actual examination by the

1 veterinarian of the animal or a representative segment of a
2 consignment or herd.

3 "(20) VETERINARIAN, DOCTOR OF VETERINARY MEDICINE,
4 DVM, VMD, or EQUIVALENT TITLE. A person who has received a
5 doctor's degree in veterinary medicine from an accredited
6 school of veterinary medicine or holds an Educational
7 Commission for Foreign Veterinary Graduates (ECFVG)
8 certificate issued by the American Veterinary Medical
9 Association (AVMA).

10 "(21) VETERINARY FACILITIES. Any place or unit from
11 which the practice of veterinary medicine is conducted. The
12 following are types of veterinary facilities:

13 "a. Veterinary or Animal Hospital or Clinic. Meets
14 or exceeds all mandatory requirements as listed in the
15 administrative code of the board for veterinary facilities. In
16 doing so, it provides quality examination, diagnostic, and
17 health maintenance services for medical and surgical treatment
18 of animals and is equipped to provide housing and nursing care
19 for the animals during illness or convalescence.

20 "b. Specialty Practice or Clinic. Provides complete
21 specialty service by a veterinarian who has advanced training
22 in that specialty and is a diplomat of an approved specialty
23 college. It meets all minimum standards that are applicable to
24 that specialty.

25 "c. Central Hospital. Shall meet all requirements of
26 paragraph a., as well as provide specialized care including
27 24-hour nursing care and specialty consultation on a permanent

1 or on-call basis. It is mainly utilized on referral from area
2 veterinary hospitals or clinics.

3 "d. Satellite, Outpatient, or Mobile Small Animal
4 Clinics. A supportive facility owned by or associated with, or
5 both, and has ready access to, within a reasonable distance, a
6 full-service veterinary hospital or clinic or a central
7 hospital providing all mandatory services and meeting all
8 minimum standards. The public shall be informed of the
9 limitation of services by way of a posted notice in plain view
10 and easily readable or by notice provided to the client by
11 flyer or card which clearly specifies those mandatory
12 veterinary medical services which are not provided. In
13 addition, the main location and telephone number of the
14 veterinary hospital or clinic providing the required service,
15 as well as the signed agreement with the veterinary hospital
16 or clinic shall also be posted in plain view and be easily
17 readable. A veterinarian associated with this veterinary
18 hospital or clinic shall be on call during and after operation
19 of the satellite, outpatient, or mobile clinic to render aid
20 if necessary. The personnel of satellite, outpatient, or
21 mobile clinics shall consist of one or more veterinarians and
22 auxiliary personnel necessary to provide adequate outpatient
23 service. Operation of any satellite, outpatient, or mobile
24 clinic shall be under the direct supervision of a licensed
25 veterinarian who remains on the premises during the entire
26 time of operation.

1 "e. Large Animal Mobile Clinic. Must provide
2 examination, diagnostic, and preventive medicine, and minor
3 surgical services for large animals not requiring confinement
4 or hospitalization. Emergency service and radiology service
5 shall be provided by that veterinarian or by written agreement
6 with another veterinarian or group of veterinarians in
7 practice in that locale. These clinics shall provide a degree
8 of veterinary care compatible with the level of standards
9 considered adequate to the practice of veterinary medicine
10 currently available in the area. Complete hospital facilities
11 may be provided by the nearest large animal hospital or
12 veterinary school.

13 "f. Emergency Clinic. A facility established to
14 receive patients and to treat illnesses and injuries of an
15 emergency nature requiring treatment. The clinic shall provide
16 professional diagnostic and emergency treatment during hours
17 when local veterinary hospitals are normally closed. Emergency
18 clinics shall meet all mandatory requirements of a veterinary
19 hospital or clinic.

20 "g. Spay Neuter Clinic. A limited service veterinary
21 clinic providing spay and neuter services, where no patient
22 shall be allowed on the premises for more than 36 hours.
23 Services provided by a spay neuter clinic shall be limited to
24 spay and neuters. One-year rabies vaccinations and treatment
25 of intestinal and external parasites may be administered only
26 at the time of the surgery. A spay neuter clinic shall meet or
27 exceed all physical requirements and minimum standards

1 established by this article, and the rules of the board, for
2 veterinary facilities providing limited services on an
3 outpatient basis. Service contracts with a full-service
4 veterinary facility that provides emergency and after-hour
5 care shall be required for after-hour emergencies.

6 "(22) VETERINARY INTERN. A person who is working
7 towards completion of an ECFVG certificate and who is working
8 under the direct or indirect supervision of a board approved
9 licensed veterinarian in any state to complete the practical
10 experience internship required for licensing in Alabama.

11 "(23) VETERINARY MEDICINE. Includes veterinary
12 surgery, theriogenology, dentistry, acupuncture, animal
13 psychology, chiropractic, and all other branches or
14 specialties of veterinary practice.

15 "(24) VETERINARY STUDENT PRECEPTEE. A person who is
16 pursuing a veterinary degree in an accredited school of
17 veterinary medicine which has a preceptor or extern program
18 and who has completed the academic requirements of the
19 program.

20 "(25) VETERINARY TECHNICIAN STUDENT. Any person
21 enrolled in an AVMA accredited veterinary technology program;
22 gaining clinical experience under the supervision of a
23 licensed veterinarian or licensed veterinary technician in a
24 clinical setting.

25 "(26) VETERINARY TECHNOLOGY. The skills and
26 knowledge accrued in a post-high school course of study,
27 accredited by the AVMA Committee on Education (COE) or the

1 board, in the area of care and treatment of animals. It
2 embodies limited skills, responsibility, and minimal exercise
3 of independent judgment in the treatment of patients of
4 veterinarians while under direct, indirect, or immediate
5 supervision of a veterinarian.

6 "(27) WHOLESALE VETERINARY DRUG DISTRIBUTOR. A
7 person engaged in the business of distributing veterinary
8 drugs and medicines for resale to veterinary practitioners and
9 other veterinary wholesalers and possesses a current permit
10 issued by the Alabama Board of Pharmacy to engage in the
11 selling of veterinary drugs or medicines in the State of
12 Alabama.

13 "§34-29-87.

14 "(a) Whenever the practice of veterinary medicine is
15 carried on by a partnership, all partners shall be either
16 licensed or holders of temporary licenses to practice
17 veterinary medicine in the State of Alabama.

18 "(b) It shall be unlawful for any licensed
19 veterinarian to practice veterinary medicine as an employee of
20 any person or other entity not engaged primarily in the
21 practice of veterinary medicine or for any person that is the
22 owner or owners of an active veterinary practice to be other
23 than a veterinarian or veterinarians duly licensed in the
24 State of Alabama.

25 "(c) The following shall be exempt from this
26 section:

1 "(1) A veterinarian employed by a person treating
2 his or her employer's animals.

3 "(2) A veterinarian employed by an official agency
4 of the federal or state government or any subdivision thereof.

5 "(3) A veterinarian employed by any licensed
6 research facility.

7 "(4) An heir or heirs inheriting under the terms of
8 a will or by intestate succession for a period of ~~two~~ five
9 years following the death of the licensee.

10 "(5) A licensed veterinarian employed by a spay
11 neuter clinic owned and operated by a nonprofit, tax exempt
12 entity, as defined under Section 501(c)(3) of the Internal
13 Revenue Code. Each licensed veterinarian employed by a
14 501(c)(3) spay neuter clinic shall be subject to the standards
15 of care for veterinary medicine as established in this
16 article, rules promulgated by the board pursuant to this
17 article, and the standards of care for veterinary medicine and
18 surgery as established in this article and by rule of the
19 board.

20 "§34-29-88.

21 "(a) Any facility, including mobile clinics, spay
22 neuter clinics, or any other premises where a licensed
23 veterinarian practices shall have a premise permit issued by
24 the board. Upon application and payment of a premise permit
25 fee and an inspection fee, if necessary to cover the cost of
26 inspection, the board shall cause a facility to be inspected.
27 A premise permit shall be issued if the facility meets minimum

1 standards to be adopted by the administrative code of the
2 board as to sanitary conditions and physical plant. In lieu of
3 the above procedure, the board may issue a premise permit to
4 any premise which is accredited by a recognized organization
5 whose standards meet or exceed minimum board standards as
6 established by the administrative code of the board.

7 "(b) Each application for premise permit shall set
8 forth the names of all licensed veterinarians who shall be
9 responsible for the management of the premises.

10 "(c) The premise permit may be revoked, suspended,
11 or denied when inspection reveals that the premises do not
12 meet the standards set by the administrative code of the board
13 or when the license of the responsible veterinarian or
14 veterinarians has been suspended or revoked.

15 "(d) The board may cause the closure of a facility
16 and impose a penalty against any owner, operator, or
17 responsible veterinarian of any premises operating without a
18 premise permit in violation of this section or in violation of
19 the administrative code of the board. No penalties so imposed
20 shall exceed one thousand dollars (\$1,000) for each count or
21 separate offense. In order that the board and the executive
22 director may determine whether or not a danger to the public
23 or to animals exists, the executive director or investigators
24 employed by the board may conduct inspections or
25 investigations of premises suspected of being in violation of
26 any rule of the board. If a violation is found in conducting
27 an inspection which is determined to be a hazard and a danger

1 to the public or to animals, the executive director may
2 suspend that premise permit until further notice.

3 "(e) All premise permits shall be renewed yearly by
4 payment of a fee to the board.

5 "(f) Veterinary facilities shall be reinspected
6 periodically as determined by the board.

7 "(g) Premise permits issued to satellite,
8 outpatient, spay neuter clinics, or mobile small animal
9 clinics shall state the name of the full service veterinary
10 facility in that locale providing emergency and after hours
11 service. Premise permits issued to mobile large animal clinics
12 shall state the name of the full service veterinary facility
13 in that locale providing radiology, emergency, and after hours
14 service. Mobile clinics operating in more than one locale,
15 i.e. city, shall have a premise permit for each locale. If the
16 agreement between the outpatient, satellite, mobile large
17 animal clinic, mobile small animal clinic, spay neuter clinic,
18 and the full service veterinary clinic providing back-up
19 service ceases, the board shall be notified immediately and a
20 new agreement for back-up service shall be provided before the
21 issuance of a new premise permit."

22 Section 2. (a) Nothing in Sections 34-29-61,
23 34-29-87, and 34-29-88, Code of Alabama 1975, as amended by
24 this act, shall restrict a licensed veterinarian from doing
25 all of the following:

26 (1) Exercising the same degree of care, skill, and
27 diligence in treating patients as are ordinarily used in the

1 same or similar circumstances by members of the veterinary
2 medical profession in good standing in the locality or
3 community in which he or she practices, or in similar
4 communities.

5 (2) Deciding what employment he or she will accept
6 in his or her professional capacity and what course of
7 treatment will be followed once he or she has accepted
8 employment.

9 (3) Treating all animals entrusted to him or her by
10 his or her clients in keeping with the veterinary medical
11 professional standards of humane treatment and care.

12 (b) Nothing in Section 34-29-61, 34-29-87, and
13 34-29-88, Code of Alabama 1975, as amended by this act, shall
14 be construed to allow a spay neuter clinic to operate a full
15 service veterinary clinic.

16 Section 3. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Boards, Agencies
and Commissions..... 07-FEB-13

Read for the second time and placed
on the calendar..... 14-FEB-13

Read for the third time and passed
as amended..... 02-APR-13

Yeas 79, Nays 14, Abstains 1

Jeff Woodard
Clerk