

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

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8 SYNOPSIS: Under existing law, the Alabama Veterinary  
9 Practice Act governs the practice of veterinary  
10 medicine in the state.

11 This bill would provide further for the  
12 definition of the practice of veterinary medicine  
13 to prohibit any person, other than a licensed  
14 veterinarian, from directly supervising veterinary  
15 medical services or making certain decisions  
16 relating to the medical or surgical treatment of  
17 animals.

18 This bill would include a spay neuter clinic  
19 under the definition of a veterinary facility, and  
20 would limit the scope of services offered at a spay  
21 neuter clinic.

22 This bill would exempt licensed  
23 veterinarians employed by nonprofit spay neuter  
24 clinics from certain prohibitions against  
25 practicing veterinary medicine as an employee of a  
26 person not licensed by the board.

1                   This bill would subject spay neuter clinics  
2                   to the same permits and requirements as other  
3                   veterinary facilities.

4                   This bill would also specify that licensed  
5                   veterinarians continue to exercise the standard of  
6                   care, professional judgment, and humane treatment  
7                   of animals required under the practice act as  
8                   amended.

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10                   A BILL  
11                   TO BE ENTITLED  
12                   AN ACT

13  
14                   To amend Sections 34-29-61, 34-29-87, and 34-29-88,  
15                   Code of Alabama 1975, relating to the Alabama Veterinary  
16                   Practice Act; to provide further for the definition of the  
17                   practice of veterinary medicine to prohibit any person, other  
18                   than a licensed veterinarian, from directly supervising  
19                   veterinary medical services or making certain decisions  
20                   relating to the medical or surgical treatment of animals; to  
21                   include a spay neuter clinic under the definition of a  
22                   veterinary facility, and to limit the scope of services  
23                   offered at a spay neuter clinic; to exempt licensed  
24                   veterinarians employed by nonprofit spay neuter clinics from  
25                   certain prohibitions against practicing veterinary medicine as  
26                   an employee of a person not licensed by the board; subject  
27                   spay neuter clinics to the same permits and requirements as

1 other veterinary facilities; and to specify that licensed  
2 veterinarians continue to exercise the standard of care,  
3 professional judgment, and humane treatment of animals  
4 required under the practice act as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8 "§34-29-61.

9 "For the purposes of this article, the following  
10 terms shall have the following meanings ascribed by this  
11 section:

12 "(1) ACCREDITED SCHOOL OF VETERINARY MEDICINE. Any  
13 veterinary college or division of a university or college that  
14 offers the degree of doctor of veterinary medicine or its  
15 equivalent and is accredited by the American Veterinary  
16 Medical Association (AVMA).

17 "(2) ANIMAL. Any animal or mammal other than man,  
18 including birds, fish, reptiles, wild or domestic, living or  
19 dead.

20 "(3) APPLICANT. A person who files an application to  
21 be licensed to practice veterinary medicine or licensed as a  
22 veterinary technician.

23 "(4) BOARD. Alabama State Board of Veterinary  
24 Medical Examiners.

25 "(5) CONSULTING VETERINARIAN. A veterinarian  
26 licensed in another state who gives advice or demonstrates  
27 techniques to a licensed Alabama veterinarian or group of

1 licensed Alabama veterinarians. A consulting veterinarian  
2 shall not utilize this privilege to circumvent the law.

3 "(6) DIRECT SUPERVISION. The supervising  
4 veterinarian has initially examined the animal and will  
5 examine at other times as acceptable veterinary medical  
6 practice requires, consistent with the particular delegated  
7 animal health care task. The supervising veterinarian is on  
8 the premises and is quickly and easily available.

9 "(7) EMERGENCY. The animal has been placed in a life  
10 threatening condition and immediate treatment is necessary to  
11 sustain life.

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

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

21 "(10) INDIRECT SUPERVISION. The supervising  
22 veterinarian has examined the animal and has given written or  
23 oral instructions for the treatment of the animal while the  
24 supervising veterinarian is away from the premises.

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

1           "(12) LICENSED VETERINARIAN. A person who is validly  
2 and currently licensed to practice veterinary medicine in  
3 Alabama.

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

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

15           "(15) PRACTICE OF VETERINARY MEDICINE:

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

1            "b. To represent directly or indirectly, publicly or  
2 privately, an ability and willingness to do any act described  
3 in paragraph a.

4            "c. To use any title, words, abbreviations, or  
5 letters in a manner or under circumstances which induce the  
6 belief that the person using them is qualified to do any act  
7 described in paragraph a. Such use shall be prima facie  
8 evidence of the intention to represent oneself as engaged in  
9 the practice of veterinary medicine.

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

17           "e. To remove any embryo from a food animal or  
18 companion animal for the purpose of transplanting the embryo  
19 into another female animal or for the purpose of  
20 cryopreserving the embryo, or to implant the embryo into a  
21 food or companion animal. It shall not be considered the  
22 practice of veterinary medicine for a person or his or her  
23 full-time employees to remove an embryo from the food or  
24 companion animal of the person for the purpose of  
25 transplanting or cryopreserving the embryo, or to implant an  
26 embryo into the food or companion animal of the person,  
27 provided ownership of the food or companion animal shall not

1 be transferred or employment of the person shall not be  
2 changed for the purpose of circumventing this article.

3 "f. To provide veterinary medical services to a  
4 client or patient in this state, through telephonic,  
5 electronic, or other means, regardless of the location of the  
6 veterinarian, shall constitute the practice of veterinary  
7 medicine in this state and shall require licensure within this  
8 state and a veterinarian-client-patient relationship must be  
9 established.

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

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

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



1           "(18) UNLICENSED ASSISTANT. Any individual who is  
2 not a licensed veterinary technician or veterinarian and is  
3 employed by a licensed veterinarian.

4           "(19) VETERINARIAN-CLIENT-PATIENT RELATIONSHIP  
5 (VCPR). A relationship when the veterinarian has assumed  
6 responsibility for making medical judgments regarding the  
7 health of the animal or animals and the need for medical  
8 treatment and is created by actual examination by the  
9 veterinarian of the animal or a representative segment of a  
10 consignment or herd.

11           "(20) VETERINARIAN, DOCTOR OF VETERINARY MEDICINE,  
12 DVM, VMD, or EQUIVALENT TITLE. A person who has received a  
13 doctor's degree in veterinary medicine from an accredited  
14 school of veterinary medicine or holds an Educational  
15 Commission for Foreign Veterinary Graduates (ECFVG)  
16 certificate issued by the American Veterinary Medical  
17 Association (AVMA).

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

21           "a. Veterinary or Animal Hospital or Clinic. Meets  
22 or exceeds all mandatory requirements as listed in the  
23 administrative code of the board for veterinary facilities. In  
24 doing so, it provides quality examination, diagnostic, and  
25 health maintenance services for medical and surgical treatment  
26 of animals and is equipped to provide housing and nursing care  
27 for the animals during illness or convalescence.

1            "b. Specialty Practice or Clinic. Provides complete  
2 specialty service by a veterinarian who has advanced training  
3 in that specialty and is a diplomat of an approved specialty  
4 college. It meets all minimum standards that are applicable to  
5 that specialty.

6            "c. Central Hospital. Shall meet all requirements of  
7 paragraph a., as well as provide specialized care including  
8 24-hour nursing care and specialty consultation on a permanent  
9 or on-call basis. It is mainly utilized on referral from area  
10 veterinary hospitals or clinics.

11           "d. Satellite, Outpatient, or Mobile Small Animal  
12 Clinics. A supportive facility owned by or associated with, or  
13 both, and has ready access to, within a reasonable distance, a  
14 full-service veterinary hospital or clinic or a central  
15 hospital providing all mandatory services and meeting all  
16 minimum standards. The public shall be informed of the  
17 limitation of services by way of a posted notice in plain view  
18 and easily readable or by notice provided to the client by  
19 flyer or card which clearly specifies those mandatory  
20 veterinary medical services which are not provided. In  
21 addition, the main location and telephone number of the  
22 veterinary hospital or clinic providing the required service,  
23 as well as the signed agreement with the veterinary hospital  
24 or clinic shall also be posted in plain view and be easily  
25 readable. A veterinarian associated with this veterinary  
26 hospital or clinic shall be on call during and after operation  
27 of the satellite, outpatient, or mobile clinic to render aid

1 if necessary. The personnel of satellite, outpatient, or  
2 mobile clinics shall consist of one or more veterinarians and  
3 auxiliary personnel necessary to provide adequate outpatient  
4 service. Operation of any satellite, outpatient, or mobile  
5 clinic shall be under the direct supervision of a licensed  
6 veterinarian who remains on the premises during the entire  
7 time of operation.

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

20 "f. Emergency Clinic. A facility established to  
21 receive patients and to treat illnesses and injuries of an  
22 emergency nature requiring treatment. The clinic shall provide  
23 professional diagnostic and emergency treatment during hours  
24 when local veterinary hospitals are normally closed. Emergency  
25 clinics shall meet all mandatory requirements of a veterinary  
26 hospital or clinic.

1           "g. Spay Neuter Clinic. A limited service veterinary  
2           clinic providing spay and neuter services, where no patient  
3           shall be allowed on the premises for more than 36 hours.  
4           Services provided by a spay neuter clinic shall be limited to  
5           spay and neuters. One-year rabies vaccinations and treatment  
6           of intestinal and external parasites may be administered only  
7           at the time of the surgery. A spay neuter clinic shall meet or  
8           exceed all physical requirements and minimum standards  
9           established by this article, and the rules of the board, for  
10          veterinary facilities providing limited services on an  
11          outpatient basis. Service contracts with a full-service  
12          veterinary facility that provides emergency and after-hour  
13          care shall be required for after-hour emergencies.

14               (22) VETERINARY INTERN. A person who is working  
15               towards completion of an ECFVG certificate and who is working  
16               under the direct or indirect supervision of a board approved  
17               licensed veterinarian in any state to complete the practical  
18               experience internship required for licensing in Alabama.

19               (23) VETERINARY MEDICINE. Includes veterinary  
20               surgery, theriogenology, dentistry, acupuncture, animal  
21               psychology, chiropractic, and all other branches or  
22               specialties of veterinary practice.

23               (24) VETERINARY STUDENT PRECEPTEE. A person who is  
24               pursuing a veterinary degree in an accredited school of  
25               veterinary medicine which has a preceptor or extern program  
26               and who has completed the academic requirements of the  
27               program.

1           "(25) VETERINARY TECHNICIAN STUDENT. Any person  
2 enrolled in an AVMA accredited veterinary technology program;  
3 gaining clinical experience under the supervision of a  
4 licensed veterinarian or licensed veterinary technician in a  
5 clinical setting.

6           "(26) VETERINARY TECHNOLOGY. The skills and  
7 knowledge accrued in a post-high school course of study,  
8 accredited by the AVMA Committee on Education (COE) or the  
9 board, in the area of care and treatment of animals. It  
10 embodies limited skills, responsibility, and minimal exercise  
11 of independent judgment in the treatment of patients of  
12 veterinarians while under direct, indirect, or immediate  
13 supervision of a veterinarian.

14           "(27) WHOLESALE VETERINARY DRUG DISTRIBUTOR. A  
15 person engaged in the business of distributing veterinary  
16 drugs and medicines for resale to veterinary practitioners and  
17 other veterinary wholesalers and possesses a current permit  
18 issued by the Alabama Board of Pharmacy to engage in the  
19 selling of veterinary drugs or medicines in the State of  
20 Alabama.

21           "§34-29-87.

22           "(a) Whenever the practice of veterinary medicine is  
23 carried on by a partnership, all partners shall be either  
24 licensed or holders of temporary licenses to practice  
25 veterinary medicine in the State of Alabama.

26           "(b) It shall be unlawful for any licensed  
27 veterinarian to practice veterinary medicine as an employee of

1 any person or other entity not engaged primarily in the  
2 practice of veterinary medicine or for any person that is the  
3 owner or owners of an active veterinary practice to be other  
4 than a veterinarian or veterinarians duly licensed in the  
5 State of Alabama.

6 "(c) The following shall be exempt from this  
7 section:

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

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

12 "(3) A veterinarian employed by any licensed  
13 research facility.

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

17 "(5) A licensed veterinarian employed by a spay  
18 neuter clinic owned and operated by a nonprofit, tax exempt  
19 entity, as defined under Section 501(c)(3) of the Internal  
20 Revenue Code. Each licensed veterinarian employed by a  
21 501(c)(3) spay neuter clinic shall be subject to the standards  
22 of care for veterinary medicine as established in this  
23 article, rules promulgated by the board pursuant to this  
24 article, and the standards of care for veterinary medicine and  
25 surgery as established in this article and by rule of the  
26 board.

27 "§34-29-88.

1           "(a) Any facility, including mobile clinics, spay  
2           neuter clinics, or any other premises where a licensed  
3           veterinarian practices shall have a premise permit issued by  
4           the board. Upon application and payment of a premise permit  
5           fee and an inspection fee, if necessary to cover the cost of  
6           inspection, the board shall cause a facility to be inspected.  
7           A premise permit shall be issued if the facility meets minimum  
8           standards to be adopted by the administrative code of the  
9           board as to sanitary conditions and physical plant. In lieu of  
10          the above procedure, the board may issue a premise permit to  
11          any premise which is accredited by a recognized organization  
12          whose standards meet or exceed minimum board standards as  
13          established by the administrative code of the board.

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

17          "(c) The premise permit may be revoked, suspended,  
18          or denied when inspection reveals that the premises do not  
19          meet the standards set by the administrative code of the board  
20          or when the license of the responsible veterinarian or  
21          veterinarians has been suspended or revoked.

22          "(d) The board may cause the closure of a facility  
23          and impose a penalty against any owner, operator, or  
24          responsible veterinarian of any premises operating without a  
25          premise permit in violation of this section or in violation of  
26          the administrative code of the board. No penalties so imposed  
27          shall exceed one thousand dollars (\$1,000) for each count or

1 separate offense. In order that the board and the executive  
2 director may determine whether or not a danger to the public  
3 or to animals exists, the executive director or investigators  
4 employed by the board may conduct inspections or  
5 investigations of premises suspected of being in violation of  
6 any rule of the board. If a violation is found in conducting  
7 an inspection which is determined to be a hazard and a danger  
8 to the public or to animals, the executive director may  
9 suspend that premise permit until further notice.

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

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

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



1 new agreement for back-up service shall be provided before the  
2 issuance of a new premise permit."

3 Section 2. Nothing in Sections 34-29-61, 34-29-87,  
4 and 34-29-88, Code of Alabama 1975, as amended by this act,  
5 shall restrict a licensed veterinarian from doing all of the  
6 following:

7 (1) Exercising the same degree of care, skill, and  
8 diligence in treating patients as are ordinarily used in the  
9 same or similar circumstances by members of the veterinary  
10 medical profession in good standing in the locality or  
11 community in which he or she practices, or in similar  
12 communities.

13 (2) Deciding what employment he or she will accept  
14 in his or her professional capacity and what course of  
15 treatment will be followed once he or she has accepted  
16 employment.

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

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