

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1418 Session of
1999

INTRODUCED BY HERSHEY, COY, S. MILLER, E. Z. TAYLOR, TRELLO,
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YOUNGBLOOD AND PHILLIPS, MAY 4, 1999

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 4, 1999

AN ACT

1 Amending the act of December 27, 1974 (P.L.995, No.326),
2 entitled "An act regulating the practice of veterinary
3 medicine and imposing penalties," further providing for
4 definitions, for board duties, rights, privileges and powers,
5 for temporary permits, for biennial educational requirements,
6 for grounds for disciplinary proceedings, for procedure in
7 disciplinary actions and for exemptions and exceptions; and
8 providing for records and inspection of records, for
9 nonliability for emergency treatment and for reporting
10 inhumane treatment of animals.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Sections 3, 5, and 10 of the act of December 27,
14 1974 (P.L.995, No.326), known as the Veterinary Medicine
15 Practice Act, amended May 9, 1986 (P.L.166, No.54), are amended
16 to read:

17 Section 3. Definitions.--As used in this act:

18 (1) "Board" means the [Pennsylvania] State Board of
19 Veterinary Medicine.

20 (2) "Hearing" means any proceeding initiated before the

1 board or a hearing examiner designated by the board in which the
2 legal rights, duties, privileges or immunities of a specific
3 party or parties are determined.

4 (3) "Complainant" means the board or any other person who
5 initiates a proceeding.

6 (4) "Respondent" means any person against whom a proceeding
7 is initiated.

8 (5) "Current licensee or certificate holder" means the
9 holder of a current license to practice veterinary medicine or
10 the holder of a certificate of [animal health technician]
11 veterinary nursing, which license or certificate was issued
12 under this act and which has not been suspended or revoked and
13 has not expired.

14 (6) "Temporary permit" means temporary permission to
15 practice veterinary medicine issued pursuant to section 10.

16 (7) "Veterinary college" means any veterinary school,
17 legally organized, whose course of study in the art and science
18 of veterinary medicine shall have been [approved] in a school of
19 veterinary medicine recognized by the board [and placed on its
20 published list of approved schools].

21 (8) "Licensed doctor of veterinary medicine" means a person
22 qualified by educational training and experience in the science
23 and techniques of veterinary medicine and who is currently
24 licensed by the board to practice veterinary medicine.

25 [(9) "Veterinary medicine" means that branch of medicine
26 which deals with the diagnosis, prognosis, treatment,
27 administration, prescription, operation or manipulation or
28 application of any apparatus or appliance for any disease, pain,
29 deformity, defect, injury, wound or physical condition of any
30 animal or for the prevention of or the testing for the presence

1 of any disease.]

2 (10) "Practice of veterinary medicine" [includes, but is not
3 limited to, the practice by any person who (i) diagnoses,
4 prescribes, or administers a drug, medicine, biological product,
5 appliance, application, or treatment of whatever nature, for the
6 prevention, cure or relief of a wound, fracture or bodily injury
7 or disease of animals, (ii) performs a surgical operation,
8 including cosmetic surgery, upon any animal, (iii) performs any
9 manual procedure upon an animal for the diagnosis or treatment
10 of sterility or infertility of animals, (iv) represents himself
11 as engaged in the practice of veterinary medicine, (v) offers,
12 undertakes, or holds himself out as being able to diagnose,
13 treat, operate, vaccinate, or prescribe for any animal disease,
14 pain, injury, deformity, or physical condition or (vi) uses any
15 words, letters, or titles in such connection or under such
16 circumstances as to induce the belief that the person using them
17 is engaged in the practice of veterinary medicine and such use
18 shall be prima facie evidence of the intention to represent
19 himself as engaged in the practice of veterinary medicine.] by
20 any person or entity means:

21 (i) The diagnosis, treatment, correction, change, relief or
22 prevention of animal disease, deformity, defect, injury or other
23 physical or mental condition, including the prescription or
24 administration of a drug, medicine, biologic, medical device,
25 application, anesthetic or other imaging, therapeutic or
26 diagnostic technique or nutritional substance or technique on,
27 for, or to any animal including, but not limited to, acupuncture
28 and acupressure, dentistry, diagnostic veterinary pathology,
29 homeopathic, chiropractic, and all other alternative medicine
30 treatments and procedures, physical or massage therapy, surgery

1 including cosmetic surgery, implanting of microchips or similar
2 devices or any manual and mechanical, biological or chemical
3 procedures used for pregnancy testing or correcting sterility or
4 infertility.

5 (ii) The removal of any embryo from an animal for the
6 purpose of transferring such embryo into another female animal
7 or for the purpose of cryopreserving such embryo, or to implant
8 such embryo into an animal, except that it shall not be
9 considered the practice of veterinary medicine for a person or
10 his full-time employees to remove or transfer an embryo from the
11 person's own animals for the purpose of transferring or
12 cryopreserving the embryo, if ownership of the animal is not
13 transferred or employment of the person is not changed for the
14 purpose of circumventing this law.

15 (iii) The representation directly or indirectly of an
16 ability and willingness to perform an act included in
17 subparagraph (i).

18 (iv) The use of any titles, words, abbreviations or letters
19 in a manner or under circumstances which induce the belief that
20 the person using them is legally authorized and qualified to
21 perform an act included in subparagraph (i). Such use shall be
22 prima facie evidence of the intention to represent oneself as
23 engaged in the practice of veterinary medicine.

24 [(11) "Animal health technician" means any person who is a
25 graduate of a board-approved program of animal health technology
26 and is employed within the field of veterinary medicine within
27 the meaning of this act who, for compensation or personal
28 profit, is employed by, or under the supervision of, a
29 veterinarian to perform such duties as are required in the
30 physical care of animals and in carrying out of assignments

1 directed by a licensed veterinarian and requiring an
2 understanding of animal science but not requiring the
3 professional skill and judgment of a licensed veterinarian.]

4 (11.1) "Veterinary nursing" means the science and art of
5 providing all aspects of professional medical care and treatment
6 for animals under appropriate supervision of a licensed
7 veterinarian as determined by board rule, with the exception of
8 diagnosis, prognosis, surgery, and prescription of medications.
9 This includes surgical nursing, induction and maintenance of
10 anesthesia, preparation and dispensing of pharmaceuticals,
11 biologicals and ectoparasiticides, administration of medication
12 by all routes, dental prophylaxes, performance of diagnostic
13 imaging, physical examinations, emergency and critical care
14 nursing including catheterization by all routes, collection and
15 administration of blood products, external cardiopulmonary
16 resuscitation, and performing laboratory procedures in
17 hematology, clinical chemistry, parasitology and microbiology.
18 Veterinary nursing also may be known in the profession as
19 veterinary technology or animal health technology.

20 (12) "Registered veterinary nurse" means a person who
21 practices veterinary nursing, has successfully completed a post
22 high school course of study in veterinary nursing or technology
23 approved by the board, or the equivalent thereof as determined
24 by the board by regulation, has successfully completed the
25 Veterinary Technician National Examination and has been licensed
26 by the board. Unless authorized to practice veterinary nursing
27 under this act, a person may not use the words or terms
28 "registered veterinary nurse," the abbreviation "R.V.N.", the
29 term "veterinary nurse" or any other title, symbol,
30 abbreviation, sign, card, device or other representation with

the intent to represent that the person practices veterinary nursing. Registered veterinary nurses may also be known in the profession in this Commonwealth as certified veterinary technicians (VCTs) and/or animal health technicians (AHTs). The use of the word registered veterinary nurse in this act hereinafter shall include the titles certified veterinary technicians (CVTs) and/or animal health technicians (AHTs).

(13) "Registered veterinary nurse specialist" means a registered veterinary nurse or technician who has completed additional requirements as approved by the board. Persons with these credentials shall use the initials "RVNS" after their names to distinguish them as registered veterinary nurse specialists. RVNS's also are known in the profession and other states as veterinary technician specialist (VTSS).

(14) "Veterinary medical specialist" means a person who has completed advanced training in a specialty area and is a diplomat of that specialty in an organization approved by the board.

(15) "Animal" means any mammalian animal, other than human, and any avian, amphibian, fish or reptile, wild or domestic, living or dead.

(16) "Emergency" means a sudden, generally unexpected occurrence or set of circumstances affecting the health of an animal and requiring urgent medical action.

(17) "Preceptor" means a licensed veterinarian who agrees to supervise a holder of a temporary permit.

(18) "Temporary permit" means a document issued to a person who has qualified to take the state board examination, is enrolled to take the next scheduled examination and has been accepted for or is employed to practice veterinary medicine

1 under the supervision of a preceptor.

2 (19) "General supervision" means supervision by a
3 veterinarian who is readily available to communicate with the
4 person being supervised.

5 (20) "Clinical" means allocating a majority of one's
6 vocational time to the practice of veterinary medicine on and
7 for living animals.

8 (21) "Veterinarian-client-patient relationship" means a
9 relationship satisfying the following conditions:

10 (a) The veterinarian has assumed the responsibility for
11 making veterinary medical judgments regarding the health of the
12 animals and the need for veterinary medical treatment, and the
13 client, owner or caretaker, has agreed to follow the
14 instructions of the veterinarian.

15 (b) The veterinarian has sufficient knowledge of the animals
16 to initiate at least a general, preliminary or tentative
17 diagnosis of the medical condition of the animals.

18 (c) The veterinarian shall be acquainted with the keeping
19 and care of the animals by virtue of an examination of the
20 animals or medically appropriate and timely visits to the
21 premises where the animals are kept.

22 (d) The veterinarian is available for consultation in cases
23 of adverse reactions to or failure of the regimen of therapy.

24 (e) The veterinarian maintains records on animals examined
25 in accordance with regulations established by the board.

26 (22) "Mobile clinic" means a veterinary medicine practice
27 that can be transported from one location to another which
28 provides for the practice of veterinary medicine.

29 Section 5. Board Duties, Rights, Privileges and Powers.--

30 [The board may:

1 (1) Adopt reasonable rules and regulations governing the
2 practice of veterinary medicine as are necessary to enable it to
3 carry out and make effective the purpose and intent of this
4 statutory law.

5 (2) Adopt rules and regulations of professional conduct
6 appropriate to establish and maintain a high standard of
7 integrity, skills and practice in the profession of veterinary
8 medicine.

9 (3) Have its rules printed, which shall be distributed to
10 all licensed doctors of veterinary medicine.

11 (4) Administer and enforce the law and rules and regulations
12 regulating the practice of veterinary medicine.

13 (5) Hold at least two regular meetings each year at a place
14 and on such dates as the board may select for the purpose of
15 conducting examinations of applicants for license to practice
16 veterinary medicine.

17 (6) Approve the qualifications of applicants for a license
18 to practice veterinary medicine.

19 (7) Prescribe the subject, character, manner, time and place
20 of holding examinations and the filing of applications for
21 examinations and to conduct examinations.

22 (8) Issue temporary permits to duly qualified applicants
23 which shall be signed by the chairman and attested by the
24 secretary under its adopted seal.

25 (9) Provide for, regulate and require all persons licensed
26 in accordance with the provisions of this act to register their
27 license biennially, to require as a condition precedent to such
28 biennial registration the payment of the biennial registration
29 fee as provided herein, to issue biennial registration
30 certificates to such persons and to suspend or revoke the

1 registration of such persons who fail, refuse or neglect to
2 register same or pay such fees.

3 (10) Conduct investigations and hearings upon complaints
4 calling for discipline of a licensee.

5 (11) Have issued summons and subpoenas for any witnesses or
6 subpoenas duces tecum in connection with any matter within the
7 jurisdiction of the board.

8 (12) Adopt such forms as it may deem necessary.

9 (13) Submit annually to the House and Senate Appropriations
10 Committees, fifteen days after the Governor has submitted his
11 budget to the General Assembly, a copy of the budget request for
12 the upcoming fiscal year which the board previously submitted to
13 the Department of State.

14 (14) Submit annually a report, to the Professional Licensure
15 Committee of the House of Representatives and to the Consumer
16 Protection and Professional Licensure Committee of the Senate,
17 containing a description of the types of complaints received,
18 status of cases, board action which has been taken and the
19 length of time from the initial complaint to final board
20 resolution.]

21 (a) The board shall have the power to:

22 (1) Examine, determine and approve the qualifications and
23 fitness of applicants for a license to practice veterinary
24 medicine in this Commonwealth.

25 (2) Issue, renew, deny, suspend or revoke licenses and
26 limited veterinary licenses, and temporary and limited temporary
27 permits to practice veterinary medicine in this Commonwealth or
28 otherwise discipline licensed veterinarians and persons engaged
29 in the unlawful practice of veterinary medicine consistent with
30 the provisions of this act and the rules and regulations adopted

1 thereunder.

2 (3) Prescribe the subject, character, manner, time and place
3 of examinations and the filing of applications for examinations
4 of applicants for licenses to practice veterinary medicine or
5 certifications as registered veterinary nurses or registered
6 nurse specialists.

7 (4) Hold at least two regular meetings each year at a place
8 and on such dates as the board may select.

9 (5) Provide for, regulate and require all persons licensed
10 in accordance with the provisions of this act to register their
11 licenses biennially, to require as a condition precedent to such
12 biennial registration the payment of the biennial registration
13 fee as determined by the board by regulation, to issue biennial
14 registration certificates to such persons and to suspend,
15 revoke, fine or discipline the registration of such persons who
16 fail, refuse or neglect to register or pay the fees.

17 (6) Make or order inspections of all veterinary
18 establishments in accordance with standards established by board
19 regulation for the purpose of improving the quality of
20 veterinary facilities in this Commonwealth and to enable the
21 board to take appropriate disciplinary actions.

22 (7) Register and inspect any veterinary establishment by the
23 board's authorized representatives, who shall be licensed
24 veterinarians, registered veterinary nurses or registered
25 veterinary nurse specialists. Such inspections shall be reported
26 to the board in a format prescribed by the board and shall be
27 made for the purpose of improving the quality of veterinary
28 services rendered by licensees and to allow for disciplinary
29 actions in all cases of violations by a licensed veterinarian or
30 a facility registration holder where compliance with the

1 provisions of this act is not obtained within the time allotted
2 by the board.

3 (8) Investigate complaints through the Law Enforcement
4 Division of the Bureau of Professional and Occupational Affairs
5 for the purpose of ascertaining violations of the board or
6 regulations of the board and appoint individuals and committees
7 to assist in the investigations.

8 (9) Issue or renew facility registrations for those
9 facilities that possess or are seeking facility registrations
10 under this act or revoke facility registrations that fail to
11 meet the standards established by board regulation.

12 (10) Have the authority to issue subpoenas, upon application
13 of an attorney responsible for representing the Commonwealth in
14 disciplinary matters before the board, for the purpose of
15 investigating alleged violations of the disciplinary provisions
16 administered by the board. The board also shall have the power
17 to subpoena witnesses, administer oaths, to examine witnesses,
18 and to take such testimony and/or compel the production of such
19 books, records, papers and documents as it may deem necessary or
20 proper in and pertinent to, any proceeding, investigation or
21 hearing held or had by it. Patient records may not be subpoenaed
22 without consent of the client or without order of a court of
23 competent jurisdiction on a showing that the records are
24 reasonably necessary for the conduct of the investigation. The
25 court may impose such limitations on the scope of the subpoenas
26 as are necessary to prevent unnecessary intrusion into the
27 veterinarian-client-patient confidential information. The board
28 is authorized to apply to the Commonwealth Court to enforce its
29 subpoenas.

30 (11) Adopt, amend or repeal rules and/or regulations which

1 establish minimum standards of practice for veterinarians
2 licensed and practicing in this Commonwealth and minimum
3 standards for veterinary establishments and publish and
4 distribute to all licensees and certificate holders, copies of
5 all rules and regulations promulgated and adopted or amended by
6 the board.

7 (12) Establish by regulation a schedule of fees for
8 licensing veterinarians, registering veterinary facilities,
9 certification of registered veterinary nurses or registered
10 veterinary nurse specialists and other services.

11 (13) Adopt such forms as it may deem necessary.

12 (14) Appoint from its own membership one or more members to
13 act as representatives of the board at any national, state or
14 regional meeting pertaining to the practice of veterinary
15 medicine where representation is deemed desirable by the board,
16 and receive reimbursement for expenses as approved by the board.
17 Members shall be reimbursed for their registration, travel,
18 lodging and other necessary expenses to attend such meetings as
19 allowed by the Commonwealth.

20 (15) Adopt, amend or repeal rules and regulations for the
21 training, certification and limits of activity of registered
22 veterinary nurses, and registered veterinary nurse specialists
23 who are employed under the direction of and direct or indirect
24 supervision of a licensed veterinarian.

25 (16) Adopt or amend such rules and regulations, not
26 inconsistent with law, defining and governing the practice of
27 veterinary medicine as are necessary to carry out the purposes
28 and intent of this act and enforce the provisions thereof.

29 (17) Repeal such rules and regulations as is necessary to
30 carry out the purposes of this act.

1 (18) Establish, by rules and regulations, any committee
2 necessary to implement any provision of this act, including a
3 continuing education or complaint review committee. Such
4 committees may be formed in conjunction with professional
5 veterinary associations in this Commonwealth. Members of
6 committees appointed by the board shall receive the same
7 privileges and immunities and be charged with the same
8 responsibilities of activity as established for board members.

9 (19) Authorize and direct its agents to refer complaints
10 over which the board lacks jurisdiction to a duly formed peer
11 review committee of a duly appointed professional association.

12 (20) Contract only with licensed veterinarians or registered
13 veterinary nurses or registered veterinary nurse specialists to
14 perform inspections or re-inspections of facilities or accept
15 inspection systems provided by other organizations as required
16 under this act.

17 (21) Submit annually to the Appropriations Committee of the
18 Senate and the Appropriations Committee of the House of
19 Representatives, fifteen days after the Governor has submitted
20 his budget to the General Assembly, a copy of the budget request
21 for the upcoming fiscal year which the board previously
22 submitted to the Department of State.

23 (22) Submit annually a report to the Consumer Protection and
24 Professional Licensure Committee of the Senate and the
25 Professional Licensure Committee of the House of
26 Representatives, containing a description of the types of
27 complaints received, status of cases, board action which has
28 been taken, and the length of time from initial complaint to
29 final board resolution.

30 (23) The powers of the board are granted to enable the board

1 to effectively supervise the practice of veterinary medicine and
2 are to be construed liberally in order to accomplish such
3 objectives.

4 Section 10. [Applicants for Temporary Permits; Condition;
5 Fee.--The board may issue, without examination, a temporary
6 permit to practice veterinary medicine to an applicant for
7 admission to the examination provided such applicant meets all
8 conditions and requirements relating to the qualification of
9 applicants for a license to practice veterinary medicine and
10 provided further any person applying for a temporary permit
11 shall associate himself or herself with a licensed doctor of
12 veterinary medicine and his or her work shall be limited to the
13 practice of the licensed doctor of veterinary medicine and he or
14 she shall not participate in any practice or operation of a
15 branch office, clinic, or allied establishment. The permit, when
16 granted, shall bear the name and address of a licensed doctor of
17 veterinary medicine. The applicant must present himself or
18 herself for examination at the next scheduled examination of the
19 board. There shall be a fee as established by regulation of the
20 board. A portion of the fee shall be applied towards the
21 examination fee, but shall be forfeited if the applicant fails
22 to present himself or herself at the next scheduled examination,
23 and the permit shall terminate and the applicant is disqualified
24 to practice veterinary medicine. No more than one temporary
25 permit may be issued to any one applicant. Such temporary permit
26 shall expire on the day following the announcement of the grades
27 of the first examination given after such temporary permit is
28 issued. No temporary permit shall be issued to any applicant if
29 he or she has previously failed the examination.] Temporary
30 Permits.--(a) The board may issue, without examination,

temporary permits to practice veterinary medicine to applicants
for initial licensure who:

(1) qualify for licensure under section 9 and the
regulations of the board;

(2) are enrolled to take the next scheduled examination of
the board;

(3) provide written confirmation of being accepted for
employment and proper supervision by licensed veterinary
preceptors;

(4) complete application forms and pay required fees as
established by the board by regulation; and

(5) if licensed in other states, provide proof of licenses
in good standing with those respective states.

(b) Applicants who have twice failed the National Board
Examination, the Clinical Competency Test, the Pennsylvania
Veterinary Legal Practice Examination or any other examination
the board requires shall not be eligible for temporary permits
and shall on the day following the announcement of the grades of
such exam(s) immediately return their temporary permits and
cease practicing veterinary medicine.

(c) Preceptors shall be responsible for all veterinary
activities of the temporary permit holders and shall be readily
accessible to the temporary permit holder as determined by board
rule. Preceptors shall delegate only those tasks to temporary
permit holders that are commensurate with the permit holder's
demonstrated abilities.

(d) Applicants who desire temporary permits and who seek
employment concurrently at more than one practice shall satisfy
the preceptor requirements for each practice and pay a separate
fee per establishment as established by the board. Any change in

employment which results in a change in preceptor shall be reported to the board by the filing of a new application and submission of a new fee.

Section 2. The act is amended by adding a section to read:

Section 16.1. Alternative Methods of Licensure.--(a) The board may grant a license to an individual who:

(1) holds a current license in good standing in another state, United States territory or province of Canada or who is a graduate of a veterinary school outside the United States and Canada and who possesses a certificate of board certification in a clinical specialty from an organization approved by the American Board of Veterinary Specialists;

(2) has passed the National Board Examination (NBE) and the Clinical Competency Test (CCT) as prepared under the authority of the National Board Examination Committee for Veterinary Medicine (NBEC) (or its predecessor organization the National Board of Veterinary Medical Examiners), or any subsequent national licensing examination prepared under the authority of the NBEC or the American Association of Veterinary State Boards (AAVSB), or an equivalent examination(s) as established by the board, unless at the time the applicant became licensed in the state, province, or United States territory from which he or she is applying, the NBE and/or CCT or subsequent examinations prepared under the authority of the NBEC was/were not required by this State (in which case the applicant need only have passed whatever national licensing examinations were required of entry level licensees in this State at that time); and

(3) has actively practiced clinical veterinary medicine for three thousand hours during the three years preceding application.

The board may grant a license to an individual as a veterinarian upon the satisfactory completion and acceptance of an application and payment of appropriate licensure fees, provided, however, that prior to issuing such license, the board shall require satisfactory completion of the Pennsylvania Veterinary Legal Practice Examination.

(b) Applicants under this section who are not graduates of schools of veterinary medicine accredited by the American Veterinary Medical Association (AVMA), other than those described in subsection (a), must possess a certificate issued by the Educational Commission for Foreign Veterinary Graduates (ECFVG) or a Certificate of Qualification issued by the Canadian Veterinary Medical Association unless at the time such applicants became licensed in the state, province or United States territory from which they are applying, neither an ECFVG certificate nor a Canadian Certificate of Qualification were required by this State at that time.

(c) An applicant who does not meet the "Good Standing" definition as adopted by board regulations may apply for licensure under this section but must prove to the satisfaction of the board that he is qualified for licensure in this State. In approving licensure applications under this section, the board shall have the options of granting limited licenses, placing limits on applicants' licenses, and/or establishing conditions of probation prior to the issuance of a license.

(d) When a veterinarian seeks to obtain licensure by other methods under this act allowing submission of test scores only, without fulfilling the requirement established in subsection (a)(3), the NBE, CCT or equivalent examinations of such applicants established in subsection (a) will be accepted for a

1 maximum of three years after the applicant has recorded and
2 submitted satisfactory scores.

3 (e) In approving license applications under this section,
4 the board shall have the options of placing limits on
5 applicant's licenses and/or establishing conditions of probation
6 prior to the issuance of a license.

7 Section 3. Sections 18, 21 and 25 of the act, amended May 9,
8 1986 (P.L.166, No.54), are amended to read:

9 Section 18. Biennial Educational Requirements.--Each license
10 holder under this act shall be required to attend [eight clock
11 hours] or complete the minimum number of hours of educational
12 programs established by board regulation in the twenty-four
13 months preceding each renewal date. Certification of such
14 attendance shall be in accordance with regulations of the board.
15 All such educational programs shall [be first approved by the
16 board and shall meet] satisfy the standards [to be promulgated
17 by the board] approved by the board to ensure that the programs
18 [meet] fulfill the educational and professional requirements of
19 the [profession and are designed to keep the members of the
20 profession abreast with current learning and scholarship.] board
21 as determined by regulation. Courses in veterinary law, ethics,
22 practice management, animal abuse and/or welfare or active
23 service on a veterinary association peer review committee shall
24 be acceptable forms of continuing education but shall not
25 comprise greater than one fourth of the profession's mandated
26 continuing education. No credit shall be given for any course in
27 office management or practice building.

28 Section 21. Grounds for Disciplinary Proceedings.--The board
29 shall suspend or revoke any license or otherwise discipline an
30 applicant or licensee who is found guilty by the board or by a

1 court of one or more of the following:

2 (1) Wilful or repeated violations of any provisions of this
3 act or any of the rules and regulations of the board.

4 (2) Fraud or deceit in [the] procuring or attempting to
5 procure a license to practice veterinary medicine or presenting
6 to the board dishonest or fraudulent evidence of qualifications.
7 Fraud or deception in the process of examination for the purpose
8 of securing a license.

9 (3) The wilful failure to display a license, temporary
10 permit or facility registration.

11 (4) Fraud, deception, misrepresentation, dishonest or
12 illegal practices in or connected with the practice of
13 veterinary medicine.

14 (5) Wilfully making any misrepresentation in the inspection
15 of food for human consumption.

16 (6) Fraudulently issuing or using any health certificate,
17 inspection certificate, vaccination certificate, test chart or
18 other blank forms used in the practice of veterinary medicine to
19 prevent the dissemination of animal disease. Transportation of
20 diseased animals or the sale of inedible products of animal
21 origin for human consumption.

22 (7) Fraud or dishonesty in applying, treating or reporting
23 on any diagnostic or other biological test.

24 (8) Failure to keep the equipment and premises of the
25 business establishment in a clean and sanitary condition.

26 (9) Refusing to permit the board, or duly authorized
27 representatives of the board, to inspect the business premises
28 of the licensee during regular business hours.

29 (10) Circulating untrue, fraudulent, misleading or deceptive
30 advertising.

(11) [Incompetence, gross negligence or other malpractice, or the departure from, or failure to conform to, the standards of acceptable and prevailing veterinary medical practice, in which case actual] Engaging in practices or conduct which constitute professional incompetence, malpractice or negligence by failing to practice veterinary medicine with the level of care, skill, diligence and treatment which is recognized as the standard of acceptable and prevailing veterinary medical practice. Actual injury need not be established.

(12) Engaging in practices in connection with the practice of veterinary medicine which are in violation of the standards of professional conduct as defined herein or prescribed by the rules of the board.

(13) Revocation or suspension by another state of a license to practice veterinary medicine in that state on grounds similar to those which in this State allow disciplinary proceedings, in which case the record of such revocation or suspension shall be conclusive evidence.

(14) Conviction of a violation of "The Controlled Substance, Drug, Device and Cosmetic Act" in which case a record of conviction shall be conclusive evidence.

(15) Conviction of a felony in the courts of this State or any other state, territory or country which, if committed in this State, would be deemed a felony and suspension or revocation of the license is in the best interest of the public health and the general safety and welfare of the public.

A record of conviction in a court of competent jurisdiction shall be sufficient evidence for disciplinary action to be taken as may be deemed proper by the board.

(16) Permitting or allowing another to use his or her

1 license for the purpose of treating or offering to treat sick,
2 injured or afflicted animals.

3 (17) Engaging in the practice of veterinary medicine under a
4 false or assumed name or the impersonation of another
5 practitioner of a like, similar or different name.

6 (18) Maintaining a professional or business connection with
7 any other person who continues to violate any of the provisions
8 of this act or rules of the board after ten days' notice in
9 writing by the board.

10 (19) Addiction to the habitual use of intoxicating liquors,
11 narcotics or [stimulants] other chemical substances to such an
12 extent as to incapacitate him or her from the performance of his
13 or her professional obligations and duties.

14 [(20) Professional incompetence.]

15 (21) The wilful making of any false statement as to material
16 matter in any oath or affidavit which is required by this act.

17 (22) Knowingly maintaining a professional connection or
18 association with any person who is in violation of this act or
19 regulation of the board or knowingly aiding, assisting,
20 securing, advising, or having in the licensee's employment any
21 unlicensed person to practice veterinary medicine contrary to
22 this act or regulations of the board.

23 (23) A conviction of cruelty to animals.

24 (24) Prescribing for, administering to or dispensing any
25 drug or substance to any animal for the purpose of unlawfully
26 influencing the outcome of a competitive event.

27 (25) Failing to furnish a copy or summary of a patient's
28 medical records or failing to provide a patient's radiographs to
29 another treating veterinarian, hospital or clinic upon the
30 written request of an owner or owner's agent, or failing to

1 provide the owner or owner's agent with a summary of the medical
2 records within a reasonable period of time and upon proper
3 request or waiver by the owner or owner's agent, or failing to
4 comply with any other law or regulation relating to medical
5 records.

6 (26) Failing to maintain required veterinary medical,
7 surgical and/or diagnostic procedure logs and/or records.

8 Section 25. Procedure in Disciplinary Actions.--(a)
9 Disciplinary actions of the board shall be taken subject to the
10 right of notice, hearing and adjudication and the right of
11 appeal therefrom in accordance with Title 2 of the Pennsylvania
12 Consolidated Statutes (relating to administrative law and
13 procedure).

14 (b) [The board] A license or facility registration shall be
15 temporarily [suspend a license] suspended under circumstances as
16 determined by a hearing examiner appointed by the board to be an
17 immediate and clear danger to the public health or safety. The
18 board shall issue an order to that effect without a hearing, but
19 upon due notice to the responsible licensee [concerned] or
20 facility registration holder at his or her last known address,
21 which shall include a written statement of all allegations
22 against the licensee or facility registration holder. The
23 provisions of subsection (a) shall not apply to temporary
24 suspension. The board shall thereupon commence formal action to
25 suspend, revoke or restrict the license or facility registration
26 of the person concerned as otherwise provided for in this act.
27 All actions shall be taken promptly and without delay. Within
28 thirty days following the issuance of an order temporarily
29 suspending a license or facility registration, the board shall
30 conduct, or cause to be conducted, a preliminary hearing to

1 determine that there is a prima facie case supporting the
2 suspension. The licensee or facility registration whose license
3 or facility registration has been temporarily suspended may be
4 present at the preliminary hearing and may be represented by
5 counsel, cross-examine witnesses, inspect physical evidence,
6 call witnesses, offer evidence and testimony and make a record
7 of the proceedings. If it is determined that there is not a
8 prima facie case, the suspended license or facility registration
9 shall be immediately restored. The temporary suspension shall
10 remain in effect until vacated by the board, but in no event
11 longer than one hundred eighty days.

12 (c) A license issued under this act shall automatically be
13 suspended upon the legal commitment of a licensee to an
14 institution because of mental incompetency from any cause upon
15 filing with the board a certified copy of such commitment;
16 conviction of a felony under the act of April 14, 1972 (P.L.233,
17 No.64), known as "The Controlled Substance, Drug, Device and
18 Cosmetic Act"; or conviction of an offense under the laws of
19 another jurisdiction, which, if committed in Pennsylvania, would
20 be a felony under "The Controlled Substance, Drug, Device and
21 Cosmetic Act." As used in this subsection the term "conviction"
22 shall include a judgment, an admission of guilt or a plea of
23 nolo contendere. Automatic suspension under this section shall
24 not be stayed pending any appeal of a conviction. Restoration of
25 such license shall be made as provided in this act for
26 revocation or suspension of such license.

27 (d) The board shall require a person whose license or
28 facility registration has been suspended or revoked to return
29 the license or facility registration in such manner as the board
30 directs. Failure to do so shall be a misdemeanor of the third

1 degree.

2 Section 4. The act is amended by adding sections to read:

3 Section 27.1. Records; Inspection of Records.--(a) A
4 veterinarian subject to the provisions of this section shall, as
5 required by regulation of the board, keep or cause to be kept a
6 written record of all animals or groups of animals, as the case
7 may be, receiving veterinary services, and provide a summary or
8 copy of that record to the owner of the animals when requested.
9 The minimum amount of information which shall be included in
10 written or electronically maintained records and summaries and
11 the minimum duration of time for which a registered facility
12 shall retain the records or a complete copy of the records shall
13 be established by the board.

14 (b) (1) Copies of all records required to be kept by a
15 veterinarian under this section, including, but not limited to,
16 records pertaining to diagnosis and treatment of animals and
17 records pertaining to drugs or devices for use on animals, shall
18 be provided to the board immediately upon request. The records
19 also shall be open to inspection by the board or its authorized
20 representatives during an inspection as part of a regular
21 inspection program by the board or during an investigation
22 initiated in response to a complaint that a licensee has
23 violated any law or regulation that constitutes grounds for
24 disciplinary action by the board.

25 (2) Equipment and drugs on the premises or any other place
26 where veterinary medicine, dentistry or surgery is being
27 practiced, or otherwise in the possession of a veterinarian for
28 purposes of the practice, shall be open to inspection by the
29 board or its authorized representatives during an inspection as
30 part of a regular facility inspection program by the board or

1 during an investigation initiated in response to a complaint
2 that a licensee has violated any law or regulation which
3 constitutes grounds for disciplinary action by the board.

4 Section 27.2. Registration and Inspection of Facilities or
5 Establishments.--(a) Any fixed or mobile veterinary facility,
6 clinic or establishment from which veterinary medicine is
7 practiced shall be registered with the board. Upon application
8 and payment of the registration fee as established by the board,
9 the board may cause such facility to be inspected by an
10 authorized agent of the board in accordance with subsection (c).
11 The registration shall be issued if the facility meets minimum
12 standards established by the board.

13 (b) The board may, after notice and hearing as provided
14 under section 25, revoke or suspend a facility registration, or
15 take appropriate disciplinary action.

16 (c) Facility inspections shall be performed by a licensed
17 veterinarian, registered veterinary nurse or registered
18 veterinary nurse specialist appointed and approved by the board.

19 Section 5. Section 32 of the act, amended May 9, 1986
20 (P.L.166, No.54), is amended to read:

21 Section 32. Exemptions and Exceptions.--[This act shall not
22 apply to] Veterinary licenses shall not be required in the
23 following situations:

24 (1) [Students] For students who have completed at least two
25 years of education in schools or colleges of veterinary medicine
26 [and programs of animal health technology approved by the board
27 pursuant to section 8] accredited by the American Veterinary
28 Medical Association, who are participating in diagnosis,
29 treatment and surgery as part of their educational experience
30 while at the institution or who, in the performance of duties or

1 actions [assigned by their instructors or when] are working
2 under the immediate supervision of a licensee.

3 (2) [Any lawfully qualified doctor of veterinary medicine
4 residing in some other state or country when meeting in
5 consultation with a licensed doctor of veterinary medicine of
6 this State.] For licensed veterinarians in good standing with
7 their respective states who are called from other states,
8 provinces of Canada or United States territories to consult with
9 licensees of this State but who:

10 (i) do not open an office or appoint a place to do business
11 within this State;

12 (ii) do not print or use letterhead or business cards
13 reflecting in-State addresses;

14 (iii) do not establish answering services or advertise the
15 existence of practice's address within this State;

16 (iv) do not practice veterinary medicine as consultants
17 rendering services directly to the public without the direction
18 of licensees of this Commonwealth more than two days per
19 calendar year; and/or

20 (v) are providing services for organizations conducting
21 public events lasting less than ten days that utilize animals in
22 need of veterinary examinations, treatments and/or oversight to
23 promote the safety and health of the public, the event and/or
24 the animal participants.

25 Except as set forth in this section, licensed veterinarians from
26 other states who practice veterinary medicine on animals
27 belonging to residents of this Commonwealth by communicating
28 directly with such owners, i.e., independent of the attending
29 veterinary licensee, are not exempted from this Commonwealth's
30 licensing requirements.

(3) Any doctor of veterinary medicine in the employ of the United States Government, the Commonwealth of Pennsylvania or an American Veterinary Medical Association accredited School of Veterinary Medicine while actually engaged in the performance of his or her official duties in connection with that institution: Provided, however, That this exemption shall not apply to such person when he or she is not engaged in carrying out his or her official duties or is not working at the installations for which his or her services were engaged.

(4) Any person or his or her regular employe while practicing veterinary medicine on his or her own animals. This exemption shall not apply in the case of a temporary transfer of ownership of an animal to a person not licensed in accordance with this act if the purpose of the transfer is the rendering of veterinary treatment or care by such unlicensed person.

(5) Accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine or persons under the direct supervision thereof, while engaged in pursuit of an advanced degree, internship, residency or board certification, which or who conduct experiments, and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment or techniques for the diagnosis or treatment of human ailments or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems and practice of veterinary medicine.

(6) [Any nurse, laboratory technician or other employe of a licensed doctor of veterinary medicine when administering medication or rendering auxiliary or supporting assistance under

1 the responsible supervision of such licensed practitioner,
2 provided that this exemption shall not apply to the performance
3 of duties by any employe other than a nurse or laboratory
4 technician if those duties require an understanding of animal
5 science and provided further that this exemption shall not apply
6 to any graduate of a board-approved school or college of
7 veterinary medicine or to any graduate of a board-approved
8 program of animal health technology.] Any registered veterinary
9 nurse, registered veterinary nurse specialist, or health care
10 practitioner as defined in section 3 of the act of July 10, 1990
11 (P.L.352, No.81), known as the "Health Care Practitioners
12 Medicare Fee Control Act," who administers or dispenses any
13 drug, medicine, appliance, application or treatment, or renders
14 assistance under the direction and appropriate level of
15 supervision of a licensed veterinarian as determined by the
16 board.

17 (7) Any person performing normal husbandry practices on
18 bovine, porcine, caprine, ovine or equine animals or avis. A
19 farrier or a person actively engaged in the art or profession of
20 horseshoeing as long as his actions are limited to the art of
21 horseshoeing only.

22 (8) The care, repair and rehabilitation of wildlife species
23 by wildlife rehabilitators under the general supervision of a
24 licensed veterinarian.

25 Section 6. The act is amended by adding a section to read:

26 Section 34. Privileged Communication.--Veterinarians shall
27 not disclose any information concerning the veterinarian's care
28 of an animal except:

29 (1) on written authorization or other waiver by the animal's
30 owner or the veterinarian's client;

1 (2) when the owner is unavailable, the information is
2 essential to the health of the animal or other animals exposed
3 or likely to be exposed to the animal, and the information is
4 being supplied to a veterinary colleague rendering medical care
5 to the animal;

6 (3) upon demand by the board or on appropriate court order
7 or subpoena. Veterinarians releasing information under written
8 authorization, or other waiver by the client, or court order of
9 subpoena are not liable to the client or any other person. The
10 privilege provided under this section is waived to the extent
11 that the veterinarian's client or the owner of the animal places
12 the care and treatment or the nature and extent of injuries to
13 the animal at issue in any civil or criminal proceeding. When
14 cruelty to animals or communicable disease laws or laws
15 providing for public health and safety are involved, the
16 privilege provided by this section also is waived;

17 (4) for medical communications attendant to referrals of
18 patients between veterinarians; or

19 (5) for the documentation and reporting of events associated
20 with the use of medications in animals.

21 Section 7. This act shall take effect immediately.