

1 HB563
2 168319-1
3 By Representatives Todd and Sanderford
4 RFD: Boards, Agencies and Commissions
5 First Read: 28-APR-15

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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 and would require certain
4 records to be maintained.

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

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT

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

1 spay neuter clinics to the same permits and requirements as
2 other veterinary facilities; to provide certain record-keeping
3 responsibilities; and to specify that licensed veterinarians
4 continue to exercise the standard of care, professional
5 judgment, and humane treatment of animals required under the
6 practice act as amended.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 "§34-29-61.

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

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

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

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

25 "(4) BOARD. Alabama State Board of Veterinary
26 Medical Examiners.

1 "(5) CONSULTING VETERINARIAN. A veterinarian
2 licensed in another state who gives advice or demonstrates
3 techniques to a licensed Alabama veterinarian or group of
4 licensed Alabama veterinarians. A consulting veterinarian
5 shall not utilize this privilege to circumvent the law.

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

12 "(7) EMERGENCY. The animal has been placed in a life
13 threatening condition and immediate treatment is necessary to
14 sustain life.

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

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

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

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

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

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

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

17 "(15) PRACTICE OF VETERINARY MEDICINE:

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

1 sterility or infertility, or to render service or
2 recommendations with regard to any of the above.

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

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

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

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

1 embryo into the food or companion animal of the person,
2 provided ownership of the food or companion animal shall not
3 be transferred or employment of the person shall not be
4 changed for the purpose of circumventing this article.

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

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

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

25 "(17) TEMPORARY LICENSE. Temporary permission to
26 practice veterinary medicine issued by the board pursuant to
27 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. Up-to-date individual veterinary medical
4 records on all veterinary patients pertaining to any and all
5 treatments and procedures rendered shall be properly
6 maintained and remain at the spay-neuter clinic for inspection
7 and audit by the board. Upon the discharge of an animal
8 patient, a spay-neuter clinic shall provide all of the
9 following to the owner:

10 (1) Contact information for the full service
11 veterinary facility with which the spay-neuter clinic has
12 contracted to provide emergency and after hours services.

13 (2) A copy of the patient medical records.

14 (3) Discharge instructions.

15 Section 3. (a) Nothing in Sections 34-29-61,
16 34-29-87, and 34-29-88, Code of Alabama 1975, as amended by
17 this act, shall restrict a licensed veterinarian from doing
18 all of the following:

19 (1) Exercising the same degree of care, skill, and
20 diligence in treating patients as are ordinarily used in the
21 same or similar circumstances by members of the veterinary
22 medical profession in good standing in the locality or
23 community in which he or she practices, or in similar
24 communities.

25 (2) Deciding what employment he or she will accept
26 in his or her professional capacity and what course of

1 treatment will be followed once he or she has accepted
2 employment.

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

6 (b) Nothing in Sections 34-29-61, 34-29-87, and
7 34-29-88, Code of Alabama 1975, as amended by this act, shall
8 be construed to allow a spay neuter clinic to operate a full
9 service veterinary clinic.

10 Section 4. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.