

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

SENATE ENROLLED ACT No. 158

AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 15-5-1.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. As used in this chapter:

"Accredited college of veterinary medicine" means a veterinary college or division of a university or college that:

- (1) offers the degree doctor of veterinary medicine or its equivalent;
- (2) conforms to the standards required for accreditation by the American Veterinary Medical Association; and
- (3) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States ~~Office~~ **Department** of Education or its successor.

"Animal" means any animal other than man and includes birds, fish, mammals, and reptiles, wild or domestic.

"Approved program" means a program in veterinary technology that:

- (1) conforms to the standards required for accreditation by the American Veterinary Medical Association; and
- (2) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States ~~Office~~ **Department** of Education or its successor.

"Board" means the Indiana board of veterinary medical examiners

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created by this chapter.

"Bureau" refers to the health professions bureau established by IC 25-1-5-3.

"ECFVG certificate" means a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.

"Extern" means a senior veterinary student enrolled in an accredited college of veterinary medicine, or a second year student enrolled in an approved program in veterinary technology, employed by or working with a licensed veterinarian and under his direct supervision.

"Licensed veterinarian" means an individual who is licensed pursuant to this chapter to practice veterinary medicine in this state.

"Person" means an individual, an incorporated or unincorporated organization or association or a group of such persons acting in concert.

"Practice of veterinary medicine" means:

- (1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches or using words, letters, or titles in a connection or under circumstances that **may** induce another person to believe that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry;
- (2) accepting remuneration for doing any of the things described in subdivisions (3) through (6);
- (3) diagnosing a specific disease or injury, or identifying and describing a disease process of animals, or performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals;
- (4) prescribing a drug, medicine, appliance or application, or treatment of whatever nature for the prevention, cure, or relief of bodily injury or disease of animals;
- (5) performing a surgical or dental operation upon an animal; or
- (6) administering a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, or bodily injury or disease of animals, except where such drug, medicine, appliance, application, or treatment is administered at the direction and under the direct supervision of a veterinarian licensed under this chapter.

"Registered veterinary technician" means a veterinary technician registered pursuant to this chapter to work under the direct supervision of a licensed veterinarian.

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"Veterinarian" means an individual who was a licensed veterinarian on August 31, 1979, or who has received a professional degree from an accredited college of veterinary medicine.

"Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, acupuncture, and all other branches or specialties of veterinary medicine.

"Veterinary technician" means an individual who has successfully completed a program in veterinary technology of at least two (2) years in a school that conforms to the standards required for accreditation by the American Veterinary Medical Association and that is accredited by the American Veterinary Medical Association.

SECTION 2. IC 15-5-1.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The powers enumerated in this section are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

(b) The board is vested with the sole authority to determine the qualifications of applicants for:

- (1) a license to practice veterinary medicine in this state; and
- (2) registration to practice as a veterinary technician in this state.

(c) The board is vested with the sole authority to issue, renew, deny, suspend, or revoke:

- (1) licenses and special permits to practice veterinary medicine in this state; and
- (2) registrations or special permits to practice as a veterinary technician in this state.

(d) The board is vested with sole authority to discipline licensed veterinarians and registered veterinary technicians consistent with the provisions of this chapter and the rules adopted thereunder.

(e) The board is vested with the sole authority to determine the following:

- (1) **The examinations applicants are required to take.**
- (2) **The subjects to be covered. ~~and~~**
- (3) **The places where and the dates on which examinations will be given.**
- (4) **The deadlines for applying to take the examinations.**

(f) The board may establish by rule minimum standards of continuing education for the renewal of licenses to practice veterinary medicine and for the renewal of registrations as a veterinary technician.

(g) The board shall adopt by rule standards of professional conduct for the competent practice of veterinary medicine and the competent practice of a veterinary technician.

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(h) Subject to IC 25-1-7, the board may conduct investigations for the purpose of discovering violations of this chapter:

- (1) by licensed veterinarians or registered veterinary technicians; or
- (2) by persons practicing veterinary medicine without a license or persons practicing as a registered veterinary technician without being registered.

(i) The board may inspect, without notice and during normal working hours, veterinary hospitals, clinics, or other establishments to determine if such places meet the board's standards of cleanliness and sanitation as defined by the board's rules.

(j) The board may hold hearings on all matters properly brought before it and in connection thereto may administer oaths, receive evidence, make findings, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. The board may designate one (1) or more of its members to serve as its hearing officer.

(k) The board may bring proceedings in the courts for the enforcement of this chapter or any rules made pursuant thereto.

(l) The board shall have fees collected for examining and licensing veterinarians and for examining and registering veterinary technicians.

(m) The board may enter into reciprocal agreements with its counterpart boards in other states and may effect such agreements by rule.

(n) The board may appoint from its own membership one (1) or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

(o) The bureau shall provide the board with full or part-time professional and clerical personnel and supplies including printed matter and equipment necessary to effectuate the provisions of this chapter.

(p) The board may, in the manner prescribed by IC 4-22-2, adopt such reasonable rules as it deems necessary for the performance of its duties, consistent with this chapter and other applicable laws of this state. Any rule adopted under, and applicable to, the prior veterinarian and veterinary technician licensing and registration laws (IC 15-5-1 and IC 15-5-1.5) continues in effect under this chapter until rescinded or amended by the board.

(q) The board may adopt an appropriate seal which may be affixed to all license and registration certificates and other official documents

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of the board.

SECTION 3. IC 15-5-1.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. ~~License and Registration Requirements and Exceptions: No~~ A person may **not** practice veterinary medicine in ~~this state~~ **Indiana** unless ~~he the person~~ is a licensed **as a veterinarian in Indiana** or holds a special permit issued by the board, and ~~no a person may not~~ act as a veterinary technician in ~~this state~~ **Indiana** unless ~~he the person~~ is a registered **as a veterinary technician in Indiana** or holds a special permit issued by the board. ~~except: The following persons are not required to meet the licensing, registration, or special permit requirements under this chapter:~~

- (1) A veterinarian on the faculty of the School of Veterinary Medicine at Purdue University performing ~~his~~ regular duties, or a veterinarian employed by the animal disease diagnostic laboratory performing ~~his~~ regular duties.
- (2) A veterinarian employed by a federal, state, or local government agency performing ~~his~~ official duties.
- (3) An individual who is a regular student in an accredited college of veterinary medicine or veterinary technology performing duties or actions assigned by ~~his~~ instructors or working under the direct supervision of a licensed veterinarian.
- (4) An extern.
- (5) A veterinarian licensed and resident in another state or nation who occasionally consults with a licensed veterinarian.
- (6) The owner of an animal or ~~his a regular employee of the owner~~ caring for and treating that animal, except where the ownership of the animal was transferred for purposes of circumventing this chapter.
- (7) A guest lecturing or giving instructions or demonstrations at the School of Veterinary Medicine at Purdue University, or elsewhere, in connection with a continuing education program.
- (8) An individual while engaged in bona fide scientific research which reasonably requires experimentation involving animals.
- (9) A graduate of a foreign college of veterinary medicine who is in the process of obtaining an ECFVG certificate and who is under the direct supervision of a licensed veterinarian. ~~and~~
- (10) A veterinarian who is enrolled in a postgraduate instructional program in an accredited college of veterinary medicine, performing duties or actions assigned by ~~his~~ instructors or working under the direct supervision of a licensed veterinarian.

SECTION 4. IC 15-5-1.1-11 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. (a) **As used in this subsection, "term" refers to an academic semester, trimester, or quarter.** A person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall state that the applicant is:

- (1) a graduate of an accredited college of veterinary medicine; or
- (2) **enrolled in the last term of the last year of the veterinary medical curriculum of an accredited school of veterinary medicine.**

If the applicant is enrolled as a last term student as described in subdivision (2), a letter from the dean of the student's veterinary school confirming that the applicant is a last term student, attesting to the satisfactory academic standing of the student, and stating the date on which the degree is expected to be conferred upon the student must accompany the application. A license to practice veterinary medicine in Indiana may not be issued until satisfactory proof has been furnished to the board either that the applicant has graduated from an accredited college of veterinary medicine or that **the applicant** is the holder of an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate. The application must show such reasonable information and proof as the board may require by rule. The application must be accompanied by the fee in the amount required under this chapter.

(b) When the board determines that the applicant possesses the proper qualifications, the board may grant the applicant a license. If an applicant is found not to be qualified to take the examination or for a license without examination, the executive secretary of the board shall immediately notify the applicant in writing of such finding and the grounds therefore. Applicants found unqualified may request a hearing on the question of their qualifications.

SECTION 5. IC 15-5-1.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. (a) The board shall hold at least one (1) examination for licensing veterinarians and one (1) examination for registering veterinary technicians each year but it may hold more. The bureau shall give notice of the time and place for each examination at least ninety (90) days in advance of the date set for the examination. A person desiring to take an examination must make application ~~at least forty-five (45) days before the date of the examination:~~ **not later than the time the board may prescribe under section 8(e) of this chapter.**

(b) The preparation, administration, and grading of examinations shall be approved by the board. Examinations shall be designed to test

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the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove to the board that the examinee is competent to practice veterinary medicine or to act as a veterinary technician, as the case may be. The board may adopt and use examinations approved by the National Board Examination Committee.

(c) To qualify for a license as a veterinarian or to be registered as a veterinary technician, the applicant must attain a passing score in the examinations.

(d) After the examinations, the bureau shall notify each examinee of the result of ~~his~~ **the examinee's** examinations and the board shall issue a license or registration certificate, as appropriate, to each individual who successfully completes the examinations and is otherwise qualified. The bureau shall keep a permanent record of the issuance of each license or registration certificate.

(e) An individual who fails to pass the required examinations may apply to take a subsequent examination. However, payment of the examination fee shall not be waived.

(f) A license or registration certificate issued under this article is valid for the remainder of the renewal period in effect on the date of issuance.

SECTION 6. IC 15-5-1.1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 19. (a) An individual who practices veterinary medicine after ~~his~~ **the individual's** license has expired, **been revoked, or been placed on inactive status** or an individual who acts as a registered veterinary technician after ~~his~~ **the individual's** registration has expired, **been revoked, or been placed on inactive status** is in violation of this chapter.

(b) A veterinarian may renew an expired license or a veterinary technician may renew an expired registration certificate within five (5) years of the date of expiration by making written application for renewal and paying the fee ~~prescribed in section 20 or 21~~ **established by rules as provided in section 20.2** of this chapter. After five (5) years have elapsed since the date of the expiration of a license or a registration certificate it may not be renewed, but the person may make application for a new license or registration certificate and take the appropriate examinations.

~~(b)~~ (c) **To have a license or registration placed on inactive status, a licensed veterinarian or registered veterinarian technician must notify the board in writing of the veterinarian's or technician's desire to have the license or registration placed on inactive status.**

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The board ~~may~~ **shall** waive the **continuing education requirements, if any, and** payment of the renewal fee ~~of a licensed veterinarian or registered veterinary technician during the period he is on~~ **during the period the board places the license or registration of a veterinarian or technician on inactive status. A license or registration may be placed on inactive status during the period:**

- (1) **the veterinarian or technician is on** active duty with any branch of the armed services of the United States;
- (2) **the veterinarian or technician is** in the Peace Corps; ~~or~~
- (3) **the veterinarian or technician is in an** ~~doing~~ alternative service ~~However, the board may not waive the fee for a period that exceeds three (3) years or the duration of a national emergency, whichever is longer.~~ **during a time of national emergency;**
- (4) **the veterinarian or technician is suffering from a severe medical condition that would prevent the veterinarian or technician from meeting the requirements of the board; or**
- (5) **after the veterinarian or technician retires.**

A veterinarian or technician who is retired and on inactive status may not maintain an office or otherwise practice veterinary medicine. The board may adopt rules under IC 4-22-2 that establish prerequisites or conditions for the reactivation of an inactive license or registration.

SECTION 7. IC 15-5-1.1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 23. Upon written complaint sworn to by any individual, the board may, by the concurrence of four (4) members, after a hearing and based upon findings of fact, discipline a registered veterinary technician by revoking or suspending ~~his~~ **the technician's** registration for a time certain, placing ~~him~~ **the technician** on probation, or by any other appropriate means for any of the following reasons:

- (1) The use of fraud, misrepresentation, or deception in obtaining ~~his~~ **a** registration.
- (2) Chronic inebriety, or the unlawful use of a controlled substance.
- (3) The use of advertising or solicitation which is false or misleading or is otherwise deemed unprofessional under rules promulgated by the board.
- (4) Conviction of or a plea of guilty to the charge of a felony or misdemeanor involving moral turpitude.
- (5) Incompetence, gross negligence, or malpractice in performing as a registered veterinary technician.

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(6) Cruelty to animals.

(7) Representing **himself the technician** as a veterinarian.

(8) Disciplinary action taken against the technician's registration by the board or by the licensing agency of any other state or jurisdiction by reason of the technician's inability to practice safely as a registered veterinary technician, if the reason is valid in the opinion of the board.

SECTION 8. IC 15-5-1.1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 25. ~~Identification of Registered Veterinary Technicians~~: (a) During working hours or when actively performing **his the technician's** duties, a registered veterinary technician must wear a unique mark of identification on **his the technician's** clothing approved by the board that identifies **him the technician** as a registered veterinary technician.

(b) A registered veterinary technician may use the title "registered veterinary technician" or the abbreviation "R.V.T."

(c) No individual, other than a registered veterinary technician may advertise or offer **his the individual's** services in a manner calculated to lead others to believe that **he the individual** is a trained veterinary technician or a registered veterinary technician.

SECTION 9. IC 15-5-1.1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 26. ~~Restrictions on Registered Veterinary Technicians~~: A registered veterinary technician may not diagnose, prognose, prescribe medical or surgical treatment, or perform as a surgeon. However, **he the technician** may perform routine procedures defined by board rules while under the direct supervision of a licensed veterinarian who shall be responsible for **his the technician's** performance.

SECTION 10. IC 15-5-1.1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 27. ~~Direct Supervision of Veterinary Employees~~: A licensed veterinarian who is required to directly supervise an employee must be present within **his the veterinarian's** usual practice area, able to communicate directly with **his the employee** at all times that the employee is performing animal health care, and prepared to personally assume treatment, if necessary for the welfare of the animal. Direct communication may be verbal, by telephone, or by two-way radio. Such instructions must be recorded by the employee and repeated by **him the employee** to **his the employee's** supervising licensed veterinarian.

SECTION 11. IC 15-5-1.1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 28. ~~Display of Certificates~~: The holder of a license or special permit to practice



veterinary medicine or of a registration or special permit to act as a veterinary technician, must display ~~his the~~ certificate of license, registration, or special permit in such a manner as to be visible and readable by persons in the office of the veterinarian.

SECTION 12. IC 15-5-1.1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 29. ~~Prescriptions~~: A licensed veterinarian may write prescriptions, and ~~his the~~ prescriptions shall be given the same recognition by druggists and pharmacists as they give the prescriptions of persons holding an unlimited license to practice medicine or osteopathic medicine.

SECTION 13. IC 15-5-1.1-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 30. ~~Emergencies~~: Notwithstanding any other provision in this chapter, in an emergency, in the absence of ~~his the~~ licensed veterinarian employer, an employee may perform the duties it is lawful for ~~him the employee~~ to perform under the direct supervision of a licensed veterinarian in accordance with the rules of the board and the written authority of ~~his the~~ licensed veterinary employer.

SECTION 14. IC 15-5-1.1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 31. ~~Good Samaritan Deeds~~: A licensed veterinarian or a registered veterinary technician who on ~~his the veterinarian's or technician's~~ own initiative gives emergency treatment to a sick or injured animal is not liable in damages to the owner of such animal in the absence of gross negligence. If a licensed veterinarian performs euthanasia on the animal, there is a presumption that such was a humane act, necessary to relieve it of pain and suffering.

SECTION 15. IC 15-5-1.1-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 33. ~~Abandoned Animals~~: (a) An animal placed in the custody of a veterinarian shall be considered to be abandoned five (5) days after the veterinarian has given written notice to the individual who delivered the animal to ~~him the veterinarian~~ that the animal should be reclaimed by the individual. Such written notice shall be delivered to the place given by the individual as ~~his the individual's~~ mailing address at the time ~~he the individual~~ delivered the animal to the veterinarian.

(b) Abandonment of an animal under this section constitutes the relinquishment of all rights and claims by the owner of the animal and it may be sold or otherwise disposed of as the veterinarian may see fit and the purchaser or donee of the animal shall receive full and clear title to the animal.

(c) The giving of notice as provided in this section relieves the



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veterinarian and all persons who receive such an animal from the veterinarian of criminal or civil liability.

(d) The individual who delivered an animal abandoned under this section is liable for all reasonable and customary expenses incurred for diagnosis, treatment, hospitalization, surgery, board, euthanasia, and disposal of the abandoned animal.

SECTION 16. IC 15-5-1.1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 34. A person who knowingly:

(1) practices veterinary medicine in this state without a license or special permit to practice veterinary medicine issued by the board; or

(2) supplies false information on ~~his~~ **an** application for a license as a veterinarian;

commits a Class B misdemeanor.

SECTION 17. IC 15-5-1.1-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 35. A person who knowingly:

(1) acts as a registered veterinary technician in this state without being registered as a veterinary technician with the board or having a special permit issued by the board; or

(2) supplies false information on ~~his~~ **an** application for registration as a veterinary technician;

commits a Class B misdemeanor.

SECTION 18. IC 25-1-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for ninety (90) days or less.

(b) Before the board may summarily suspend a license that has been issued under **IC 15-5-1.1**, IC 25-22.5 or IC 25-14, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if

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the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.

(c) After a reasonable attempt is made to notify a practitioner under subsection (b):

(1) a court may not stay or vacate a summary suspension of a practitioner's license for the sole reason that the practitioner was not notified; and

(2) the practitioner may not petition the board for a delay of the summary suspension proceedings.

SECTION 19. [EFFECTIVE JULY 1, 2000] (a) Notwithstanding IC 15-5-1.1-19, as amended by this act, the Indiana board of veterinary medical examiners shall renew and place on inactive status a license or registration that expired in 1999, if the former licensee or registrant requests renewal and inactive status in writing not later than July 1, 2001.

(b) This SECTION expires July 1, 2002.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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