

Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 316

AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

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

SECTION 1. IC 25-38.1-1-1, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This article is an exercise of the police powers of the state to promote the public health, safety, and welfare of the people of Indiana to safeguard against the incompetent, dishonest, or unprincipled ~~practitioner practice~~ **practice** of veterinary medicine. The practice of veterinary medicine is a privilege conferred by the general assembly to individuals qualified under this ~~chapter~~ **article**.

SECTION 2. IC 25-38.1-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.5. This article does not apply to the manufacture, distribution, storage, transportation, sale, or use of a veterinary drug, including antibiotics and immunization products, if federal or state law does not restrict the drug to:**

- (1) use by; or
- (2) use on the order of;

a licensed veterinarian.

SECTION 3. IC 25-38.1-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 3.5. "Accredited veterinary technology program" means a program in veterinary technology**

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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 Department of Education or its successor.

SECTION 4. IC 25-38.1-1-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7.3. "Client" means the owner, the owner's agent, or other person who is responsible for an animal that is examined or treated by a veterinarian.**

SECTION 5. IC 25-38.1-1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7.5. "Consultation" means a licensed veterinarian receiving advice by any means from:**

- (1) a veterinarian licensed in Indiana or another jurisdiction;
- or
- (2) a person whose expertise, in the opinion of the licensed veterinarian, would benefit an animal.

SECTION 6. IC 25-38.1-1-7.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7.6. "Contract operator" means an individual who contracts with the owner of an animal to provide complete care for the animal twenty-four (24) hours a day, seven (7) days a week.**

SECTION 7. IC 25-38.1-1-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7.7. "Direct supervision" means a supervisor is readily available on the premises where the animal is being treated.**

SECTION 8. IC 25-38.1-1-9, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 9. "Extern" means a:**

- (1) senior veterinary student enrolled in an accredited college of veterinary medicine; or
- (2) second year student enrolled in an **approved program in accredited** veterinary technology **program;**

employed by or working with a licensed veterinarian and under the licensed veterinarian's direct supervision.

SECTION 9. IC 25-38.1-1-9.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2008]: **Sec. 9.3. "Impaired veterinary health care provider" means a veterinarian or registered veterinary technician who has been affected by the use or abuse of alcohol or other drugs.**

SECTION 10. IC 25-38.1-1-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2008]: **Sec. 9.5. "Indirect supervision" means a supervising veterinarian is not on the premises but:**

- (1) is present within the veterinarian's usual practice area;**
- (2) has given written protocols or oral instructions for the treatment of an animal for which a veterinarian-client-patient relationship exists; and**
- (3) is readily available by telephone or other means of immediate communication.**

SECTION 11. IC 25-38.1-1-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2008]: **Sec. 10.5. "Patient" means an animal that is examined or treated by a veterinarian.**

SECTION 12. IC 25-38.1-1-12, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 12. "Practice of veterinary medicine" means:**

- (1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in or any of its their branches or specialties;**
- (2) 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;**
- (3) accepting remuneration compensation for doing any of the things described in subdivisions (4) through (7); (8);**
- (4) diagnosing a specific providing the diagnosis, treatment, correction, or prevention of any disease, or defect, injury, deformity, pain, or identifying and describing a disease process of animals; or performing any procedure for the diagnosis of pregnancy; sterility; or infertility upon condition of animals;**
- (5) prescribing, dispensing, or ordering the administration of a drug, a medicine, a biologic, a medical appliance, or an application, or treatment of whatever nature for the prevention, cure, or relief of bodily any disease, ailment, defect, injury, or disease deformity, pain, or other condition of animals;**
- (6) performing a:**
 - (A) surgical or dental operation; or**

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(B) complimentary or alternative therapy;

upon an animal; or

(7) certifying the health, fitness, or soundness of an animal; or

(8) performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals.

However, the term does not include 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 that is administered at the direction and under the direct supervision of a veterinarian licensed under this article.

SECTION 13. IC 25-38.1-1-13, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. "Registered veterinary technician" means a veterinary technician registered under this article to work under the direct or indirect supervision of a licensed veterinarian.

SECTION 14. IC 25-38.1-1-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14.5. "Veterinarian-client-patient relationship" means a relationship between a veterinarian and client that meets the following conditions:

(1) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions.

(2) The veterinarian has sufficient knowledge of the animal to initiate a diagnosis of the medical condition of the animal. The veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by either of the following:

(A) An examination of the animal.

(B) By recently seeing and being personally acquainted with the keeping and care of representative animals and associated husbandry practices by making medically appropriate and timely visits to the premises where the animal is kept.

(3) The veterinarian is readily available or has arranged for emergency coverage for follow-up evaluation if there is an adverse reaction or failure of the treatment regimen.

(4) When appropriate, the veterinarian has arranged for continuing care with another licensed veterinarian who has access to the animal's medical record.

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SECTION 15. IC 25-38.1-1-14.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 14.7. "Veterinary assistant" means an individual who is not a licensed veterinarian or registered veterinary technician who performs tasks related to animal health care under the direct supervision of a licensed veterinarian or registered veterinary technician.**

SECTION 16. IC 25-38.1-2-1, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) The Indiana board of veterinary medical examiners is established.

(b) The board consists of ~~six (6)~~ **seven (7)** members appointed by the governor from the districts described in section 3 of this chapter. Not more than one (1) veterinarian member may be domiciled in the same district.

(c) One (1) of the board members must be a registered veterinary technician.

~~(c)~~ **(d)** One (1) of the board members must be appointed to represent the general public.

~~(d)~~ **(e)** Not more than four (4) board members may be affiliated with the same political party.

~~(e)~~ **(f)** If there is a vacancy on the board, the governor shall appoint a successor to complete the unexpired term.

SECTION 17. IC 25-38.1-2-2, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The term of each member of the board is four (4) years beginning on September 1 of the appropriate year. Each member shall serve until the member's successor is appointed and qualified. Members of the board may be appointed for more than one (1) term, but an individual may not be a member of the board for more than eight (8) years out of any twelve (12) year period.

- (b) The terms of the board members expire as follows:
 - (1) The term of the member from the first district expires on August 31, 2008, and every four (4) years thereafter.
 - (2) The term of the member from the second district expires on August 31, 2009, and every four (4) years thereafter.
 - (3) The term of the member from the third district expires on August 31, 2010, and every four (4) years thereafter.
 - (4) The term of the member from the fourth district expires on August 31, 2011, and every four (4) years thereafter.
 - (5) The term of the member from the fifth district expires on August 31, 2008, and every four (4) years thereafter.

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(6) The term of the member appointed to represent the general public expires on August 31, 2009, and every four (4) years thereafter.

(7) The term of the registered technician member expires on August 31, 2012, and every four (4) years thereafter.

SECTION 18. IC 25-38.1-2-4, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) Each member of the board must have been a resident of Indiana for at least five (5) years continuously before appointment and must have been a:

(1) licensed veterinarian in the private practice of veterinary medicine; or

(2) registered veterinary technician;

in the state **Indiana** for at least three (3) of those years.

(b) Each member of the board must be a graduate of a school or college of veterinary medicine **or an accredited veterinary technology program** generally recognized as approved, according to the prevailing standard for recognition as a school or college of veterinary medicine at the time of the member's graduation.

(c) Each member of the board must be a person of good reputation within the profession and within the community in which the member resides.

(d) A member of the board may not be an officer, a director, or an employee in any manufacturing, wholesaling, or retail enterprise dealing in drugs, supplies, instruments, or equipment used or useful in the practice of veterinary medicine, which might constitute or tend to create a conflict of interest between the member's business association and membership on the board.

(e) A member of the board may not be a member of the faculty, board of trustees, or advisory board of a school of veterinary medicine or school of veterinary technology.

(f) Notwithstanding the other provisions of this section, one (1) member of the board, appointed to represent the general public, must be an Indiana resident who has never been associated with veterinary medicine in any way other than as a consumer.

SECTION 19. IC 25-38.1-2-7, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) At its annual meeting, the board shall elect a chairperson and vice chairperson and other necessary officers determined by the board. Officers shall serve for a term of one (1) year or until a successor is elected. There is no limitation on the number of terms an officer may serve.

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(b) The state veterinarian shall be the technical adviser of the board.

(c) The duties of the agency include:

- (1) corresponding for the board;
- (2) keeping accounts and records of all receipts and disbursements by the board;
- (3) keeping records of all applications for license or registration;
- (4) keeping a register of all persons currently licensed or registered by the board; ~~and~~
- (5) keeping permanent records of all board proceedings; **and**
- (6) **administering the veterinary investigative fund established by section 25 of this chapter.**

SECTION 20. IC 25-38.1-2-9, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. The board is vested with the sole authority to determine the qualifications of applicants for:

- (1) a license to practice veterinary medicine; and
- (2) registration to practice as a **registered** veterinary technician; in Indiana.

SECTION 21. IC 25-38.1-2-10, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. The board is vested with the sole authority to issue, renew, deny, suspend, or revoke:

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

SECTION 22. IC 25-38.1-2-12, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. 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 **on the examinations.**
- (3) The places where and the dates on which examinations will be given.
- (4) The deadlines for applying to take the examinations.

SECTION 23. IC 25-38.1-2-13, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. 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 **registered** veterinary technician. The rules adopted under this section

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must comply with IC 25-1-4-3.

SECTION 24. IC 25-38.1-2-14, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. The board shall adopt by rule standards of professional conduct for the competent practice of veterinary medicine and the competent practice of a **registered** veterinary technician.

SECTION 25. IC 25-38.1-2-19, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) The board shall establish by rule under IC 25-1-8 fees sufficient to implement this article, including fees for examining and licensing veterinarians and for examining and registering veterinary technicians.

(b) In addition to the fee to issue or renew a license, registration, or permit, the board may establish a fee of not more than ten dollars (\$10) per year for a person who holds a license or special permit as a veterinarian or a registration or special permit as a veterinary technician to provide funds for administering and enforcing the provisions of this article, including investigating and taking action against persons who violate this article. All funds collected under this subsection shall be deposited in the veterinary investigative fund established by section 25 of this chapter.

~~(b)~~ (c) The fees established under this section shall be charged and collected by the agency.

SECTION 26. IC 25-38.1-2-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 25. (a) **The veterinary investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the agency.**

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from the fee imposed under section 19(b) of this chapter.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the total amount in the fund exceeds seven hundred fifty thousand dollars (\$750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars (\$750,000) reverts to the state general fund.

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(e) Money in the fund is continually appropriated to the agency for its use in administering and enforcing this article, conducting investigations, and taking enforcement action against persons violating this article.

(f) The attorney general and the agency may enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of this article.

(g) The attorney general and the agency shall present the memorandum of understanding annually to the board for review.

SECTION 27. IC 25-38.1-3-1, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) A person may not practice veterinary medicine in Indiana unless the person:

- (1) is licensed as a veterinarian in Indiana; or
- (2) holds a special permit issued by the board.

(b) A person may not act as a veterinary technician in Indiana unless the person:

- (1) is registered as a veterinary technician in Indiana; or
- (2) holds a special permit issued by the board.

(c) (b) The following persons are exempt from the licensing registration, or special permit requirements of this chapter:

- (1) A veterinarian on the faculty of the School of Veterinary Medicine at Purdue University performing regular duties, or a veterinarian employed by the animal disease diagnostic laboratory established by IC 21-46-3-1 performing regular duties.
- (2) A **veterinary medical officer serving in the United States armed forces or** veterinarian employed by a federal, state, or local government agency performing **veterinary medical services that are within the scope of official duties and are performed during the period of the person's service.**
- (3) An individual who is a regular student in an accredited college of veterinary medicine or ~~veterinary technology~~ performing duties or actions assigned by ~~instructors~~ **the faculty of the School of Veterinary Medicine at Purdue University** or working under the direct supervision of a licensed veterinarian.
- (4) An extern.
- (5) A veterinarian **who is licensed and is a resident in another state or nation who occasionally country and consults with a licensed veterinarian in Indiana. licensed under this article.**
- (6) ~~The~~ **An owner or a contract operator** of an animal or a regular employee of the owner **or a contract operator** caring for

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and treating an 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 that:

(A) reasonably requires experimentation involving animals;
and

(B) is conducted in a facility or with a company that complies with federal regulations regarding animal welfare.

(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~~ **the faculty of the School of Veterinary Medicine at Purdue University.**

(10) A veterinarian who is enrolled in a postgraduate instructional program in an accredited college of veterinary medicine performing duties or actions assigned by ~~instructors or working under the direct supervision of a licensed veterinarian~~ **the faculty of the School of Veterinary Medicine at Purdue University.**

(11) A member in good standing of another licensed or regulated profession within Indiana who:

(A) provides assistance requested by a veterinarian licensed under this article;

(B) acts with the consent of the client;

(C) acts within a veterinarian-client-patient relationship; and

(D) acts under the direct or indirect supervision of the licensed veterinarian.

SECTION 28. IC 25-38.1-3-2, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. To become a licensed veterinarian, a person must:

(1) not have a conviction for a crime that has a direct bearing on the person's ability to practice **ethically and** competently;

(2) not have committed an act that would have been a violation of IC 25-1-9-4 or IC 25-1-9-6;

~~(2)~~ **(3) pay the fees required under this article;**

~~(3)~~ **(4) have successfully completed a program in veterinary medicine from an accredited college of veterinary medicine; and**

~~(4)~~ **(5) have successfully completed the examinations provided**

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~~under described in~~ section 4 of this chapter or qualify for a license without examination under section 5 of this chapter. However, a person who was licensed as a veterinarian in Indiana on August 31, 1979, is not required to meet the requirements of subdivision ~~(3) (4) or (4): (5)~~.

SECTION 29. IC 25-38.1-3-4, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The board shall hold at least one (1) examination for licensing veterinarians and one (1) examination for registering veterinary technicians each year. However, the board may hold additional examinations. The agency shall give notice of the date, time, and place for each examination at least ninety (90) days before the date set for the examination. A person desiring to take an examination must make application not later than the time the board may prescribe prescribes under IC 25-38.1-2-12.

(b) The board must approve the preparation, administration, and grading of examinations **that comply with the following requirements:**

(1) Examinations for licensure to practice as a veterinarian must be designed to test 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 of Veterinary Medical Examiners for licensure to practice veterinary medicine.

(2) Examinations for registration as a registered veterinary technician must be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in schools for veterinary technicians. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove to the board that the examinee is competent to act as a registered veterinary technician. The board may adopt and use examinations approved by the American Association of Veterinary State Boards for registration as a veterinary technician.

(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 agency shall notify each examinee

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of the result of the examinee's examinations. The board shall issue a license or registration certificate, as appropriate, to each individual who successfully completes the examinations and is otherwise qualified. The agency 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. Payment of the examination fee may not be waived.

(f) If an applicant fails to pass the required examination within three (3) attempts in Indiana or any other state, the applicant may not retake the required examination. The applicant may take subsequent examinations upon approval by the board and completion of remedial education as required by the board.

SECTION 30. IC 25-38.1-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5.5. (a) An individual may not act as a registered veterinary technician unless the person is registered as a veterinary technician in Indiana or has been issued a special permit by the board.**

(b) An individual is not required to meet the registration requirements for a registered veterinary technician under this article while the individual is:

- (1) a full-time student in an accredited veterinary technology program performing duties or actions assigned by faculty or staff of the accredited program; or**
- (2) working under the direct supervision of a licensed veterinarian to perform tasks that are an educational requirement of the accredited program.**

SECTION 31. IC 25-38.1-3-6, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 6.** To become a registered veterinary technician, a person must:

- (1) not have a conviction for a crime that has a direct bearing on the person's ability to practice competently;
- (2) pay the required fees;
- (3) be at least eighteen (18) years of age;
- (4) have successfully completed four (4) years of high school education or an acceptable equivalent;
- (5) have either successfully completed an **approved program of accredited** veterinary technology **program** or have been a registered veterinary technician on August 31, 1981; and
- (6) show that the person has the necessary knowledge and skills

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to be a registered veterinary technician, demonstrated by successfully passing the required examinations.

SECTION 32. IC 25-38.1-3-7, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The board may refuse to issue a registration or may issue a probationary registration to an applicant for registration as a **registered** veterinary technician under this chapter if:

- (1) the applicant has been disciplined by a licensing entity of another state or jurisdiction; and
- (2) the violation for which the applicant was disciplined has a direct bearing on the applicant's ability to competently practice as a veterinary technician in Indiana.

(b) Whenever issuing a probationary registration under this section, the board may impose any or a combination of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.

(c) The board shall remove any limitations placed on a probationary registration issued under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

(d) This section does not apply to an individual who currently holds a registration certificate under this chapter.

SECTION 33. IC 25-38.1-3-8, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. The board may issue a registration without an examination to a qualified applicant who:

- (1) furnishes satisfactory proof that the applicant has successfully completed an **approved program of accredited** veterinary technology **program**;
- (2) for the five (5) years immediately preceding filing an application has been acting as a registered veterinary technician in a state, territory, or district of the United States that has registration requirements substantially equivalent to the requirements of this chapter; and
- (3) otherwise meets the requirements of this chapter.

SECTION 34. IC 25-38.1-3-11, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) A license issued under this chapter is valid

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until the next renewal date described under subsection (b).

(b) All licenses expire on ~~October 15~~ **a date set by the agency** in each odd-numbered year but may be renewed by application to the board and payment of the proper renewal fee. In accordance with IC 25-1-5-4(c), the agency shall mail a **notice** sixty (60) ~~day~~ **notice of days before the** expiration to each licensed veterinarian. ~~and provide the veterinarian with a form for renewal.~~ The agency shall issue a license renewal to each individual licensed under this chapter if the proper fee has been received and all other requirements for renewal of the license have been satisfied. Failure to renew a license on or before the expiration date automatically renders the license invalid without any action by the board.

SECTION 35. IC 25-38.1-3-12, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) A registration certificate issued under this chapter is valid until the next renewal date described under subsection (b).

(b) All registration certificates expire on ~~January 1~~ **a date set by the agency** of each even-numbered year but may be renewed by application to the board and payment of the proper renewal fee. In accordance with IC 25-1-5-4(c), the agency shall mail a **notice** sixty (60) ~~day~~ **notice of days before the** expiration to each registered veterinary technician. ~~and provide the veterinary technician with a form for renewal.~~ The agency shall issue a registration certificate renewal to each individual registered under this chapter if the proper fee has been received and all other requirements for renewal of the registration certificate have been satisfied. Failure to renew a registration certificate on or before the expiration date automatically renders the license invalid without any action by the board.

SECTION 36. IC 25-38.1-3-13, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) An individual who:

- (1) practices veterinary medicine after the individual's license has expired, been revoked, or been placed on inactive status; or
- (2) acts as a registered veterinary technician after the individual's registration has expired, been revoked, or been placed on inactive status;

violates this article.

(b) A veterinarian may renew an expired license or a **registered** veterinary technician may renew an expired registration certificate not later than five (5) years after the date of expiration by making written application for renewal and paying the required fee. **However, the**

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board may require continuing education as a condition of renewal of an expired license.

(c) A veterinarian may not renew an expired license, and a registered veterinary technician may not renew an expired registration certificate, after five (5) years have elapsed after the date of the expiration of a license or a registration certificate ~~the license or registration certificate may not be renewed~~; but the person may make application for a new license or registration certificate and take the appropriate examinations.

~~(c)~~ **(d)** 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. The board shall waive the continuing education requirements, if any, and payment of the renewal fee during the period the license or registration of a veterinarian or technician is 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;
- (3) the veterinarian or technician is in an alternative service during a time of national emergency;
- (4) the veterinarian or technician is suffering from a severe medical condition that prevents 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 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 37. IC 25-38.1-4-1, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) During working hours or when actively performing the **registered veterinary** technician's duties, a registered veterinary technician must wear a unique mark of identification on the technician's clothing that is approved by the board and that identifies the technician as a registered veterinary technician.

(b) **An individual who is not** a registered veterinary technician may **not** use the title "registered veterinary technician", "**veterinary technician**", or the abbreviation "R.V.T.".

(c) An individual who is not a registered veterinary technician may not advertise or offer the individual's services in a manner calculated

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to lead others to believe that the individual is a ~~trained veterinary technician or a~~ registered veterinary technician.

SECTION 38. IC 25-38.1-4-2, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. A:

- (1) registered veterinary technician; **or**
- (2) **veterinary assistant;**

may not diagnose, make a prognosis, prescribe medical or surgical treatment, or perform as a surgeon. However, the **registered veterinary technician** may perform routine procedures defined by board rules while under the direct **or indirect** supervision of a licensed veterinarian responsible for the technician's performance.

SECTION 39. IC 25-38.1-4-3, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A licensed **supervising** veterinarian ~~who is~~ required to directly supervise an employee must be:

- (1) present within the veterinarian's usual practice area;
- (2) able to communicate directly with the employee at all times that the employee is performing animal health care; and
- (3) 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. Instructions must be recorded by the employee and repeated by the employee to the employee's supervising licensed veterinarian: **shall determine and is responsible for determining the appropriate level of supervision, except where prohibited by law, if the tasks being delegated are commensurate with employee's training, experience, and skills.**

(b) Registered veterinary technicians may, under direct or indirect supervision, perform routine food animal management practices if a valid veterinarian-client-patient relationship exists.

(c) A registered veterinary technician or veterinary assistant may not receive a fee or compensation for veterinary services other than salary or compensation paid by the establishment where the individual is employed.

(d) In the performance of delegated veterinary tasks, a registered veterinary technician and veterinary assistant shall do the following:

- (1) Accept only those delegated veterinary tasks for which there are mutually approved protocols, written standing orders, or verbal directions.
- (2) Accept only those delegated veterinary tasks that:

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(A) the registered veterinary technician or veterinary assistant is competent to perform based on education, training, or experience; and

(B) are not prohibited by law.

(3) Consult with the supervising veterinarian in cases where the registered veterinary technician or veterinary assistant knows or should have known that a delegated veterinary task may harm an animal.

SECTION 40. IC 25-38.1-4-5, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. **(a)** A licensed veterinarian may write prescriptions. Pharmacists shall give the prescriptions written by a licensed veterinarian the same recognition given the prescriptions of persons holding an unlimited license to practice medicine or osteopathic medicine.

(b) A valid veterinarian-client-patient relationship must exist before a licensed veterinarian dispenses or prescribes a prescription product.

(c) Veterinary prescription products, including drugs and immunizing products restricted by state and federal law for use by licensed veterinarians, may not be diverted or transferred to an individual for use on an animal if there is not a current veterinarian-client-patient relationship with the original prescribing veterinarian.

(d) If a veterinarian prescribes a drug for the client's animal, upon request, the veterinarian shall provide the prescription to the client, unless prohibited by state or federal law or to prevent inappropriate use.

SECTION 41. IC 25-38.1-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.5. **(a) Each person who provides veterinary medical services shall maintain medical records, as defined by rules adopted by the board.**

(b) Veterinary medical records include the following:

- (1) Written records and notes, radiographs, sonographic images, video recordings, photographs or other images, and laboratory reports.**
- (2) Other information received as the result of consultation.**
- (3) Identification of any designated agent of the owner for the purpose of authorizing veterinary medical or animal health care decisions.**
- (4) Any authorizations, releases, waivers, or other related**

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documents.

(c) The client is entitled to a copy or summary of the veterinary medical records. A veterinarian may charge a reasonable fee for copying or summarizing the requested veterinary medical record. The veterinarian may require that the request be in writing.

(d) Except as provided in subsection (e) or upon written authorization of the client, an animal's veterinary medical record and medical condition is confidential and may not be:

- (1) furnished to; or**
- (2) discussed with;**

any person other than the client or other veterinarians involved in the care or treatment of the animal.

(e) An animal's veterinary medical records and medical condition may be furnished without written client authorization under the following circumstances:

- (1) Access to the records is specifically required by a state or federal statute.**
- (2) An order by a court with jurisdiction in a civil or criminal action upon the court's issuance of a subpoena and notice to the client or the client's legal representative.**
- (3) For statistical and scientific research, if the information is abstracted in a way as to protect the identity of the animal and the client.**
- (4) As part of an inspection or investigation conducted by the board or an agent of the board.**
- (5) As part of a request from a regulatory or health authority, physician, or veterinarian:
 - (A) to verify a rabies vaccination of an animal; or**
 - (B) to investigate a threat to human or animal health, or for the protection of animal or public health and welfare.****
- (6) As a part of an animal cruelty report and associated applicable records that are part of an abuse investigation by law enforcement or a governmental agency.**
- (7) To a law enforcement agency as part of a criminal investigation.**
- (8) To the School of Veterinary Medicine at Purdue University, the animal disease diagnostic laboratory, or a state agency or commission. However, an animal's veterinary medical records remain confidential unless the information is disclosed in a manner allowed under this section.**
- (9) Veterinary medical records that are released by the board of animal health when in the judgment of the state**

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veterinarian the disclosure is necessary or helpful in advancing animal health or protecting public health.

(f) An animal's veterinary medical records must be kept and maintained by the veterinarian for at least three (3) years after the veterinarian's last encounter with the animal.

SECTION 42. IC 25-38.1-4-6, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. Notwithstanding this chapter, in an emergency, in the absence of the licensed veterinarian employer, an employee of **a licensed veterinarian** may perform the duties it is lawful for the employee to perform under the direct supervision of ~~a~~ **the** licensed veterinarian according to the rules of the board and the written authority of the licensed veterinary employer.

SECTION 43. IC 25-38.1-4-8, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) An animal placed in the custody of a veterinarian is considered to be abandoned five (5) days after the veterinarian has given written notice to the individual who delivered the animal to the veterinarian that the animal should be reclaimed by the individual. Written notice must be delivered **by certified mail** to the place given by the individual as the individual's mailing address at the time 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. ~~The~~ **An** abandoned animal may be sold or otherwise disposed of as the veterinarian may see fit. The purchaser or recipient of ~~the~~ **an** abandoned animal shall receive full and clear title to the animal.

(c) The giving of notice as provided in this section relieves the veterinarian and all persons who receive an abandoned 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 44. IC 25-38.1-4-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 8.5. A veterinarian or registered veterinary technician who reports in good faith and in the normal course of business a suspected incident of animal cruelty under IC 35-46-3-12 to a law enforcement officer is immune from liability in any civil or criminal action brought for reporting the incident.**

SECTION 45. IC 25-38.1-4-9, AS ADDED BY SEA 190-2008,

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SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. 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 the technician's registration for a time certain, by placing 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 a registration.
- (2) ~~Chronic~~ Intoxication or the unlawful use of a controlled substance.
- (3) The use of advertising or solicitation that is false or misleading or is considered unprofessional under rules adopted 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.
- (6) Cruelty to animals.
- (7) Representing 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 46. IC 25-38.1-4-10, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. A person who knowingly:

- (1) practices veterinary medicine without a license or special permit to practice veterinary medicine issued by the board; or
- (2) supplies false information on an application for a license as a veterinarian;

commits a ~~Class B~~ **Class A** misdemeanor.

SECTION 47. IC 25-38.1-4-11, AS ADDED BY SEA 190-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. A person who knowingly:

- (1) acts as a registered veterinary technician 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 an application for registration as a veterinary technician;

commits a ~~Class B~~ **Class A** misdemeanor.

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SECTION 48. IC 25-38.1-4-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 11.5. Except as provided in sections 10 and 11 of this chapter, a person who violates this chapter commits a Class A infraction.**

SECTION 49. IC 25-38.1-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 5. Impaired Veterinary Health Care Providers

Sec. 1. (a) The board shall assist in the rehabilitation of an impaired veterinary health care provider.

(b) The board may do the following:

- (1) Enter into agreements, provide grants, and make other arrangements with statewide nonprofit professional associations, foundations, or other entities specifically devoted to the rehabilitation of impaired health care professionals to identify and assist impaired veterinary health care providers.**
- (2) Accept and designate grants and public and private financial assistance to fund programs under subdivision (1) to assist impaired veterinary health care providers.**

Sec. 2. (a) Except as provided in section 3 of this chapter, all:

- (1) information furnished to a nonprofit professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals, including interviews, reports, statements, and memoranda; and**
- (2) findings, conclusions, or recommendations that result from a proceeding of the professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals;**

are privileged and confidential.

(b) The records of a proceeding under subsection (a)(2) may be used only in the exercise of proper functions of the board, and may not become public records or subject to a subpoena or discovery proceeding.

Sec. 3. Information received by the board from the board designated rehabilitation program for noncompliance by the impaired veterinary health care provider may be used by the board in a disciplinary or criminal proceeding instituted against the impaired veterinary health care provider.

Sec. 4. The board designated rehabilitation program shall:

- (1) immediately report to the board the name and results of**

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any contact or investigation concerning an impaired veterinary health care provider whom the program believes constitutes a certain, immediate, and impending danger to either the public or the impaired veterinary health care provider; and

(2) in a timely fashion report to the board an impaired veterinary health care provider:

(A) who refuses to cooperate with the program;

(B) who refuses to submit to treatment; or

(C) whose impairment is not substantially or significantly alleviated through treatment, as determined by accepted medical standards.

Sec. 5. (a) The impaired veterinary health care provider fund is established to provide money for rehabilitation of impaired veterinary health care providers under this chapter. The agency shall administer the fund.

(b) Expenses of administering the fund shall be paid from money in the fund. The fund consists of any grants or public and private financial assistance designated for the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund is appropriated to the board for the purpose stated in subsection (a).

SECTION 50. IC 34-30-2-62.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 62.2. IC 25-38.1-4-8.5 (Concerning veterinarians and registered veterinary technicians who report suspected incidents of animal cruelty).**

SECTION 51. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 25-38.1-1-6; IC 25-38.1-1-16; IC 25-38.1-4-4.

SECTION 52. [EFFECTIVE JULY 1, 2008] **(a) Before July 1, 2009, the Indiana board of veterinary medical examiners shall do the following:**

(1) Amend the definition of "fixed practice facility" under 888 IAC 1.1-4-1 to include standards that require that if radiological services are provided within a fixed practice facility, the facility must contain the following:

(A) An x-ray machine.

(B) The ability to develop radiographic images.

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However, if radiological services are not provided within the facility, appropriate arrangements must be made to provide the services outside the facility.

(2) Amend 888 IAC 1.1-5-1 to remove the definition of "veterinarian-client-patient relationship".

(b) This SECTION expires July 1, 2009.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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