

## **IC 25-38.1-4**

### Chapter 4. Practice; Discipline; Prohibitions

#### **IC 25-38.1-4-1**

##### **Veterinary technician identification; use of title or abbreviation; advertising**

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

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.37.*

#### **IC 25-38.1-4-2**

##### **Restrictions on veterinary technicians and veterinary assistants**

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.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.38.*

#### **IC 25-38.1-4-3**

##### **Supervision of veterinary employees; compensation; duties**

Sec. 3. (a) A supervising 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:
  - (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.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.39.*

#### **IC 25-38.1-4-4**

##### **Repealed**

*(Repealed by P.L.58-2008, SEC.51.)*

#### **IC 25-38.1-4-5**

##### **Prescriptions**

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.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.40.*

#### **IC 25-38.1-4-5.5**

##### **Maintenance of veterinary medical records; copies; confidentiality**

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 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 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.

*As added by P.L.58-2008, SEC.41.*

#### **IC 25-38.1-4-6**

##### **Emergencies**

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 the licensed veterinarian according to the rules of the board and the written authority of the licensed veterinary employer.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.42.*

#### **IC 25-38.1-4-7**

##### **Immunity in emergencies; euthanasia**

Sec. 7. A licensed veterinarian or a registered veterinary technician who, on 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 the animal in the absence of gross negligence. If a licensed veterinarian performs euthanasia on the animal, there is a presumption that performing euthanasia was a humane act, necessary to relieve the animal of pain and suffering.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-4-8**

##### **Abandoned animals**

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. An abandoned animal may be sold or otherwise disposed of as the veterinarian may see fit. The purchaser or recipient of 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.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.43.*

#### **IC 25-38.1-4-8.5**

##### **Immunity for reporting suspected animal cruelty**

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 to a law enforcement officer is immune from liability in any civil or criminal action

brought for reporting the incident.

*As added by P.L.58-2008, SEC.44. Amended by P.L.111-2009, SEC.5.*

#### **IC 25-38.1-4-9**

##### **Discipline of registered veterinary technicians**

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) 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.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.45.*

#### **IC 25-38.1-4-10**

##### **Offenses; practice without a license; false information**

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 A misdemeanor.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.46.*

#### **IC 25-38.1-4-11**

##### **Offenses; veterinary technicians**

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 A misdemeanor.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.47.*

**IC 25-38.1-4-11.5**

**Offenses; general**

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.

*As added by P.L.58-2008, SEC.48.*

**IC 25-38.1-4-12**

**Injunction for practice without a license or certificate**

Sec. 12. (a) If a person engages in the practice of veterinary medicine without a license or certificate issued under this article:

- (1) the attorney general;
- (2) a prosecuting attorney;
- (3) the board; or
- (4) a citizen;

may maintain an action in the name of the state to enjoin the person from engaging in the practice of veterinary medicine.

(b) In charging a person under subsection (a) in an affidavit, information, or indictment with a violation of this article, it is sufficient to charge that the person did, on a certain date and in a certain county, engage in the practice of veterinary medicine without a license or permit issued under this article.

*As added by P.L.2-2008, SEC.12.*