

SENATE SUBSTITUTE TO HB719

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
 2 businesses, so as to substantially revise and restate the law governing the practice of
 3 veterinary medicine and the licensure and regulation of veterinarians, veterinary technicians,
 4 and veterinary facilities; to provide a short title; to define terms; to provide for the scope of
 5 veterinary practice; to provide for the State Board of Veterinary Medicine and its powers and
 6 duties, membership, selection, compensation, and service; to provide for standards and
 7 requirements for licensing of veterinarians; to provide for regulation of veterinary practice;
 8 to provide for expiration and renewal of licenses; to provide for sanctions and penalties and
 9 practice and procedure in connection therewith; to prescribe criminal offenses and
 10 punishment therefor; to provide for civil actions; to provide for the licensing and regulation
 11 of veterinary technicians; to provide for standards, registration, inspection, enforcement, and
 12 practices and procedures with respect to veterinary facilities; to provide for immunity from
 13 civil liability under certain circumstances; to provide for other matters related to the
 14 foregoing; to provide for an effective date and for applicability; to repeal conflicting laws;
 15 and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 19 is amended by striking Chapter 50 and inserting in its place a new chapter to read as follows:

20 "CHAPTER 50

21 ARTICLE 1

22 43-50-1.

23 This chapter shall be known and may be cited as the 'Georgia Veterinary Practice Act.'

1 43-50-2.

2 This chapter is enacted as an exercise of the powers of the state to promote the public
3 health, safety, and welfare by safeguarding the people of this state against incompetent,
4 dishonest, or unprincipled practitioners of veterinary medicine.

5 43-50-3.

6 As used in this chapter, the term:

7 (1) 'Accredited or approved college or school of veterinary medicine' means any
8 veterinary college or school or division of a university or college that offers the degree
9 of Doctor of Veterinary Medicine or its equivalent and that conforms to the standards
10 required for accreditation or approval by the American Veterinary Medical Association
11 Council on Education or its successor organization or is recognized by the board as
12 conforming to the standards of accreditation required of schools or colleges of veterinary
13 medicine in the United States or Canada.

14 ~~(1)~~(2) 'Animal' means any animal other than man and includes fowl, birds, fish, and
15 reptiles, wild or domestic, living or dead.

16 (3) 'AVMA accredited program in veterinary technology' means any postsecondary
17 educational program of two or more academic years that has fulfilled the essential criteria
18 established by the Committee on Veterinary Technician Education and Activities and
19 approved by the American Veterinary Medical Association.

20 ~~(2)~~(4) 'Board' means the State Board of Veterinary Medicine.

21 (5) 'Direct supervision' means that the licensed veterinarian is on the premises and is
22 quickly and easily available and that the animal patient has been examined by a licensed
23 veterinarian at such time as acceptable veterinary medical practice requires, consistent
24 with the particular delegated animal health care task.

25 (6) 'ECFVG certificate' means a certificate issued by the American Veterinary Medical
26 Association Educational Commission for Foreign Veterinary Graduates or its successor
27 organization indicating the holder has demonstrated knowledge and skill equivalent to
28 that possessed by a graduate of an accredited or approved college of veterinary medicine.

29 (7) 'Emergency' means an animal has been placed in a life-threatening condition and
30 immediate treatment is necessary to sustain life.

31 (8) 'Immediate supervision' means the licensed veterinarian is in audible and visual range
32 of the animal patient and the person treating the animal.

33 (9) 'Indirect supervision' means the licensed veterinarian is not on the premises but has
34 given either written or oral instructions for the treatment of the animal patient and the
35 animal has been examined by a licensed veterinarian at such times as acceptable

1 veterinary medical practice requires, consistent with the particular delegated health care
 2 task.

3 ~~(3) 'Licensed veterinarian' means a person who is validly and currently licensed to~~
 4 ~~practice veterinary medicine in this state.~~

5 (10) 'Licensed veterinarian' means a veterinarian, Doctor of Veterinary Medicine,
 6 D.V.M., V.M.D., or equivalently titled person who has received a doctor's degree from
 7 an accredited or approved college of veterinary medicine or holds an ECFVG certificate
 8 or its equivalent issued by the American Veterinary Medical Association, as determined
 9 by board rule, and is validly and currently licensed to practice veterinary medicine in this
 10 state.

11 ~~(4)~~(11) 'Person' means any individual, firm, partnership, limited liability company,
 12 association, joint venture, cooperative, and corporation or any other group or combination
 13 acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or
 14 as any other kind of legal or personal representative, or as the successor in interest,
 15 assignee, agent, factor, servant, employee, member, director, officer, or any other
 16 representative of such person.

17 ~~(5)~~(12) To 'practice veterinary medicine' means:

18 (A) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity,
 19 defect, injury, or other physical or ~~mental conditions~~ behavioral disease, including the
 20 prescription, ~~or administration, or dispensing~~ of any prescription drug, medicine,
 21 biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance
 22 or technique on, for, or to any animal, including but not limited to acupuncture, animal
 23 dentistry, homeopathy, or manual or mechanical adjustment procedures, administration
 24 of rabies vaccine, botanical medicine, physical therapy, surgery, diagnostic veterinary
 25 pathology, implantation of microchips or similar devices, any manual, mechanical,
 26 biological, or chemical procedure used ~~testing~~ for pregnancy testing, or for correcting
 27 sterility or infertility, or to render advice or recommendations with regard to any of the
 28 above;

29 (B)(i) To apply or use any instrument or device on any portion of an animal's tooth,
 30 gum, or any related tissue for the prevention, cure, or relief of any wound, fracture,
 31 injury, disease, or other condition of an animal's tooth, gum, or related tissue.

32 (ii) To engage in preventive dental procedures on animals including, but not limited
 33 to, the removal of calculus, soft deposits, plaque, or stains or the smoothing, filing,
 34 or polishing of tooth surfaces.

1 (iii) Nothing in this subparagraph shall prohibit any person from utilizing cotton
 2 swabs, gauze, dental floss, dentifrice, toothbrushes, or similar items to clean an
 3 animal's teeth;

4 (C) To represent, directly or indirectly, publicly or privately, an ability and willingness
 5 to do any act described in subparagraphs (A) and (B) of this paragraph; ~~and~~

6 (D) To use any title, words, abbreviation, or letters in a manner or under circumstances
 7 which induce the belief that the person using them is legally authorized or qualified to
 8 ~~do any perform an~~ act described in subparagraphs (A) and (B) of included in this
 9 paragraph, ~~except where such person is a veterinarian. Such use shall be prima-facie~~
 10 evidence of the intention to represent oneself as engaged in the practice of veterinary
 11 medicine;

12 (E) To apply principles of environmental sanitation, food inspection, environmental
 13 pollution control, zoonotic disease control, and disaster medicine in the promotion and
 14 protection of public health as it specifically relates to animals;

15 (F) To collect blood or other samples for the purpose of diagnosing diseases or related
 16 conditions. This subparagraph shall not apply to unlicensed professionals employed by
 17 or under contract to the United States Department of Agriculture or the Georgia
 18 Department of Agriculture who are engaged in their official duties; and

19 (G) To administer a rabies vaccination to any animal that the state requires to be
 20 vaccinated.

21 (13) 'Prescription drug' includes any medicine, medication, or pharmaceutical or
 22 biological product whose manufacturer's label must, pursuant to federal or state law, have
 23 the following statement printed on its packaging: 'Federal law restricts this drug to use
 24 by or on the order of a licensed veterinarian'; or any over-the-counter product that is used
 25 in a manner different from the label directions and that by definition requires a valid
 26 veterinarian-client-patient relationship for prescription or dispensing.

27 (14) 'Registered veterinary technician' means a graduate of an AVMA accredited
 28 program in veterinary technology or a person so recognized by the board in rules and
 29 regulations promulgated to regulate veterinary technicians that is validly and currently
 30 registered to practice veterinary technology in this state.

31 ~~(6) 'School of veterinary medicine' means any veterinary college or division of a~~
 32 ~~university or college that offers the degree of Doctor of Veterinary Medicine or its~~
 33 ~~equivalent and that conforms to the standards required for accreditation by the American~~
 34 ~~Veterinary Medical Association.~~

35 ~~(7)~~(15) 'Veterinarian' means a person who has received a doctor's degree in veterinary
 36 medicine from a college or school of veterinary medicine.

1 (16) 'Veterinarian-client-patient relationship' means that:

2 (A) The licensed veterinarian or his or her licensed designee has assumed the
 3 responsibility for making medical judgments regarding the health of the animal and the
 4 need for medical treatment, and the client (owner or caretaker) has agreed to follow the
 5 instruction of the licensed veterinarian;

6 (B) There is sufficient knowledge of the animal by the licensed veterinarian to initiate
 7 at least a general or preliminary diagnosis of the medical condition of the animal. This
 8 means that the licensed veterinarian has recently seen and is personally acquainted with
 9 the keeping and care of the animal by the virtue of this examination of the animal or by
 10 medically appropriate and timely visits to the premises where the animal is kept; and

11 (C) A licensed veterinarian is readily available for follow up in the case of adverse
 12 reactions or failure of the regimen of therapy.

13 (17) 'Veterinary facility' means any premises where the practice of veterinary medicine
 14 occurs including, but not limited to, veterinary hospitals, clinics, mobile clinics, or any
 15 other premises where a licensed veterinarian practices veterinary medicine. This
 16 provision does not include the clients private property where the licensed veterinarian
 17 treats the clients' animals.

18 ~~(8)~~(18) 'Veterinary medicine' includes veterinary surgery, obstetrics, dentistry, and all
 19 other branches or specialties of veterinary medicine.

20 (19) 'Veterinary technology' means the science and art of providing all aspects of
 21 professional medical care and treatment for animals with the exception of making a
 22 diagnosis or prognosis, performing surgery, and the administration of rabies vaccine to
 23 animals legally required to be vaccinated by the state, and the prescription of
 24 medications.

25 ARTICLE 2

26 43-50-20.

27 (a) The State Board of Veterinary Medicine is created, the members of which shall be
 28 appointed by the Governor with the approval of the Secretary of State and confirmed by
 29 the Senate. The board shall consist of ~~six~~ seven members, each appointed for a term of five
 30 years or until his successor is appointed. Five members of the board shall be duly licensed
 31 veterinarians actually engaged in active practice for at least five years prior to appointment.
 32 The sixth member shall be appointed from the public at large and shall in no way be
 33 connected with the practice of veterinary medicine. The initial appointment for the sixth

1 member shall expire June 30, 1985; thereafter, successors shall be appointed for a term of
 2 five years. The seventh member shall be a duly registered veterinary technician who has
 3 been registered and actively engaged in the practice of veterinary technology for at least
 4 five years prior to appointment. The initial appointment of the veterinary technician shall
 5 expire on June 30, 2007; thereafter, successors shall be appointed for a term of five years.
 6 Those members of the Georgia State Board of Veterinary Examiners serving on July 1,
 7 ~~1965~~ 2002, shall continue to serve as members of the board until the expiration of the term
 8 for which they were appointed. Thereafter, successors to such board members shall be
 9 appointed in accordance with this Code section.

10 (b) Vacancies due to death, resignation, removal, or otherwise shall be filled for the
 11 remainder of the unexpired term in the same manner as regular appointments. No person
 12 shall serve two consecutive five-year terms, but a person appointed for a term of less than
 13 five years may succeed himself.

14 (c) No person may serve on the board who is, or was during the two years preceding his
 15 appointment, a member of the faculty, trustees, or advisory board of a veterinary school.

16 (d) Each member of the board shall be reimbursed as provided for in subsection (f) of Code
 17 Section 43-1-2.

18 (e) Any member of the board may be removed by the Governor after a hearing by the board
 19 determines cause for removal.

20 (f) The board shall meet at least once each year at the time fixed by the board. Other
 21 necessary meetings may be called by the president of the board by giving such notice as
 22 shall be established by the board. Meetings shall be open and public except that the board
 23 may meet in closed session to prepare, approve, administer, or grade examinations or to
 24 deliberate the qualifications of an applicant for license or the disposition of a proceeding
 25 to discipline a licensed veterinarian.

26 (g) At its annual meeting, the board shall organize by electing a president and such other
 27 officers as may be required by the board. Officers of the board serve for terms of one year
 28 and until a successor is elected, without limitation on the number of terms an officer may
 29 serve. The president shall serve as ~~chairman~~ chairperson of board meetings.

30 43-50-21.

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

32 (1) Examine and determine the qualifications and fitness of applicants for a license to
 33 practice veterinary medicine and veterinary technology in this state;

34 (2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice veterinary
 35 medicine and veterinary technology in this state or otherwise discipline licensed

1 veterinarians and registered veterinary technicians; and to issue, renew, deny, suspend,
 2 or revoke veterinary faculty licenses, consistent with this article and the rules and
 3 regulations adopted under this article;

4 (3) Conduct investigations for the purpose of discovering violations of this article or
 5 grounds for disciplining licensed veterinarians;

6 (4) Hold hearings on all matters properly brought before the board; and, in connection
 7 therewith, to administer oaths, receive evidence, make the necessary determinations, and
 8 enter orders consistent with the findings. The board may designate one or more of its
 9 members to serve as its hearing officer;

10 (5) Appoint from its own membership one member to act as a representative of the board
 11 at any meeting within or outside the state where such representative is deemed desirable;

12 (6) Bring proceedings in the courts for the enforcement of this article or any regulations
 13 made pursuant to this article; and

14 (7) Adopt, amend, or repeal all rules necessary for its government and all regulations
 15 necessary to carry this article into effect, including the establishment and publication of
 16 standards of professional conduct for the practice of veterinary medicine.

17 (b) The powers enumerated in subsection (a) of this Code section are granted for the
 18 purpose of enabling the board to supervise effectively the practice of veterinary medicine
 19 and are to be construed liberally to accomplish this objective.

20 43-50-22.

21 (a) No person may practice veterinary medicine in this state who is not a licensed
 22 veterinarian or the holder of a valid temporary license issued by the division director
 23 pursuant to this article.

24 (b) A licensed veterinarian may practice veterinary medicine as an employee of a
 25 corporation, partnership, or other business organization only so long as the articles of
 26 incorporation, partnership, or business organization documents clearly state that the
 27 licensed veterinarian is not subject to the direction of anyone not licensed to practice
 28 veterinary medicine in Georgia in making veterinary medical decisions or judgments.

29 43-50-23.

30 (a) Any person desiring a license to practice veterinary medicine in this state shall make
 31 written application to the board. The application shall include evidence, satisfactory to the
 32 board, that:

33 (1) The applicant has attained the age of 18;

34 (2) The applicant is of good moral character;

1 (3) The applicant is a graduate of a ~~veterinary school~~ an accredited or approved college
 2 or school of veterinary medicine or possesses a foreign equivalency, as determined by
 3 board rule; provided, however, that a senior veterinary student may, in the discretion of
 4 the board, be allowed to sit for the examination during his senior year if he meets the
 5 other qualifications but shall not be issued a license unless and until he graduates; and
 6 (4) Has never had his or her United States Drug Enforcement Administration privileges
 7 restricted or revoked; and

8 ~~(4)~~ (5) The applicant meets such other qualifications or provides such other information
 9 as the board may require by rule.

10 (b) The application shall be accompanied by a fee in the amount established by the board.

11 (c) If the board determines that an applicant possesses the proper qualifications, it shall
 12 admit the applicant to the next examination.

13 43-50-24.

14 (a) The board shall hold at least one examination during each year and may hold such
 15 additional examinations as are necessary.

16 (b) After each examination, the division director shall notify each examinee of the result
 17 of his examination, and the board shall issue licenses to the persons successfully
 18 completing the examination. The division director shall record the new licenses and issue
 19 a certificate of registration to the new licensees. ~~Any person failing an examination shall~~
 20 ~~be admitted to any subsequent examination on payment of the application fee. If an~~
 21 applicant fails an examination, the applicant may take a subsequent examination upon
 22 payment of the registration and examination fees. No person may take the examination
 23 more than three times without review and approval by the board. Approval may be
 24 provided under such circumstances as the board deems appropriate.

25 43-50-25.

26 Any person holding a valid license to practice veterinary medicine in this state on July 1,
 27 1965, shall be recognized as a licensed veterinarian and shall be entitled to retain this status
 28 so long as he complies with this article, including biennial renewal of the license.

29 43-50-26.

30 (a) All licenses shall be renewable biennially.

31 (b) Any person who shall practice veterinary medicine after the expiration of his license
 32 and willfully or by neglect fail to renew such license shall be practicing in violation of this
 33 article, provided that any person may renew an expired license within one year of the date

1 of its expiration by making written application for renewal and paying the current renewal
 2 fee plus all delinquent renewal fees. After one year has elapsed from the date of the
 3 expiration, such license may be reinstated in accordance with the rules of the board.

4 (c) The board may by rule waive the payment of the registration renewal fee of a licensed
 5 veterinarian during the period when he or she is on active duty with any branch of the
 6 armed forces of the United States, not to exceed the longer of three years or the duration
 7 of a national emergency.

8 (d)(1) The board shall establish a program of continuing professional veterinary medical
 9 education for the renewal of veterinarian licenses. Notwithstanding any other provision
 10 of this article, beginning with the licenses which are to be renewed in 1990, no license
 11 to practice veterinary medicine shall be renewed by the board or the division director
 12 until the veterinarian submits to the board satisfactory proof of his or her participation,
 13 during the biennium preceding his or her application for renewal, in approved programs
 14 of continuing professional veterinary medical education, as defined in this Code section.
 15 Veterinarians who have been licensed in this state for 40 years or more on December 31,
 16 1988, shall not be required to participate in continuing education as a condition of license
 17 renewal. The amount of continuing education required by the board under this paragraph
 18 shall not ~~exceed~~ be less than 30 hours and shall be established by board rule.

19 (2) Continuing professional veterinary medical education shall consist of educational
 20 programs providing training pertinent to the practice of veterinary medicine and approved
 21 by the board under this Code section. The board ~~shall~~ may approve educational programs
 22 for persons practicing veterinary medicine in this state on a reasonable nondiscriminatory
 23 fee basis and may contract with institutions of higher learning, professional organizations,
 24 or qualified individuals for the provision of approved programs. In addition to such
 25 programs, the board ~~shall~~ may allow the continuing professional veterinary medical
 26 education requirement to be fulfilled by the completion of approved ~~correspondence~~
 27 distance learning courses ~~which provide the required hours of approved programs of~~
 28 ~~continuing professional veterinary medical education or to be fulfilled by a combination~~
 29 ~~of approved correspondence courses and other educational programs~~ with the number of
 30 hours being established by board rule.

31 (3) The board may, consistent with the requirements of this Code section, promulgate
 32 rules and regulations to implement and administer this Code section, including the
 33 establishment of a committee to prescribe standards, approve and contract for educational
 34 programs, and set the required minimum number of hours per year.

35 (e) The board shall provide by regulation for an inactive status license for those individuals
 36 who elect to apply for such status. Persons who are granted inactive status shall not engage

1 in the practice of veterinary medicine and shall be exempt from the requirements of
2 continuing veterinary medical education.

3 43-50-27.

4 (a) The board is authorized to refuse to grant a license to an applicant, or to revoke the
5 license of a veterinarian licensed by the board, or to discipline a veterinarian licensed under
6 this chapter or any antecedent law, or to discipline a veterinary technician licensed under
7 this chapter or any antecedent law, upon a finding by a majority of the entire board that the
8 licensee, registrant, or applicant has:

9 (1) Failed to demonstrate the qualifications or standards for a license contained in this
10 chapter or in the rules and regulations issued by the board, pursuant to specific statutory
11 authority. It shall be incumbent upon the applicant to demonstrate to the satisfaction of
12 the board that he or she meets all the requirements for the issuance of a license, and, if
13 the board is not satisfied as to the applicant's qualifications, it may deny a license without
14 a prior hearing; provided, however, that the applicant shall be allowed to appear before
15 the board if he or she so desires;

16 (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the
17 practice of veterinary medicine or on any document connected therewith; or practiced
18 fraud or deceit or intentionally made any false statement in obtaining a license to practice
19 veterinary medicine or veterinary technology; or made a false statement or deceptive
20 biennial registration with the board;

21 (3) Been convicted of any felony or of any crime involving moral turpitude in the courts
22 of this state or any other state, territory, or country or in the courts of the United States.
23 As used in this paragraph, the term 'felony' shall include any offense which, if committed
24 in this state, would be deemed a felony without regard to its designation elsewhere. As
25 used in this paragraph, the term 'conviction' shall include a finding or verdict of guilty or
26 a plea of guilty, regardless of whether an appeal of the conviction has been sought;

27 (4) Been arrested, charged, and sentenced for the commission of any felony, or any crime
28 involving moral turpitude, where:

29 (A) A plea of nolo contendere was entered to the charge;

30 (B) First offender treatment without adjudication of guilt pursuant to the charge was
31 granted; or

32 (C) An adjudication or sentence was otherwise withheld or not entered on the charge.

33 The plea of nolo contendere or the order entered pursuant to the provisions of Article 3
34 of Chapter 8 of Title 42 or other first offender treatment shall be conclusive evidence of
35 arrest and sentencing for such crime;

1 (5) Had his or her license to practice veterinary medicine or veterinary technology
2 revoked, suspended, or annulled by any lawful licensing veterinary medical authority
3 other than the board; or had other disciplinary action taken against him by any lawful
4 licensing veterinary medical authority other than the board; or was denied a license by
5 any lawful licensing veterinary medical authority other than the board, pursuant to
6 disciplinary proceedings; or was refused the renewal of a license by any lawful licensing
7 veterinary medical authority other than the board, pursuant to disciplinary proceedings;

8 (6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct
9 or practice harmful to the public, which conduct or practice materially affects the fitness
10 of the licensee, registrant, or applicant to practice veterinary medicine or veterinary
11 technology, or of a nature likely to jeopardize the interest of the public, which conduct
12 or practice need not have resulted in actual injury or be directly related to the practice of
13 veterinary medicine or veterinary technology but shows that the licensee, registrant, or
14 applicant has committed any act or omission which is indicative of bad moral character
15 or untrustworthiness. Unprofessional conduct shall also include any departure from, or
16 the failure to conform to, the minimal standards of acceptable and prevailing veterinary
17 medical practice. Unprofessional conduct shall also include, but not be limited to, the
18 following: failure to keep veterinary premises and equipment in a clean and sanitary
19 condition; dishonesty or gross negligence in the inspection of foodstuffs or the issuance
20 of health or inspection certificates; or cruelty to animals;

21 (7) Knowingly performed any act which in any way aids, assists, procures, advises, or
22 encourages any unlicensed person or any licensee or registrant whose license has been
23 suspended or revoked by the board to practice veterinary medicine or to practice outside
24 the scope of any disciplinary limitation placed upon the licensee or registrant by the
25 board;

26 (8) Violated a statute, law, or any rule or regulation of this state, any other state, the
27 board, the United States, or any other lawful authority (without regard to whether the
28 violation is criminally punishable), which statute, law, rule, or regulation relates to or in
29 part regulates the practice of veterinary medicine or veterinary technology, when the
30 licensee, registrant, or applicant knows or should know that such action violates such
31 statute, law, rule, or regulation; or violated the lawful order of the board previously
32 entered by the board in a disciplinary hearing, consent decree, or license reinstatement;

33 (9) Been adjudged mentally incompetent by a court of competent jurisdiction within or
34 without this state. Any such adjudication shall automatically suspend the license of any
35 such person and shall prevent the reissuance or renewal of any license so suspended for
36 as long as the adjudication of incompetence is in effect;

1 (10) Displayed an inability to practice veterinary medicine or veterinary technology with
2 reasonable skill and safety to patients or has become unable to practice veterinary
3 medicine or veterinary technology with reasonable skill and safety to patients by reason
4 of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as
5 a result of any mental or physical condition, or by reason of displaying habitual
6 intoxication, addiction to, or recurrent personal misuse of alcohol, drugs, narcotics,
7 chemicals, or any other type of similar substances. In enforcing this paragraph, the board
8 may, upon reasonable grounds, require a licensee, registrant, or applicant to submit to a
9 mental or physical examination by physicians designated by the board. The results of
10 such examination shall be admissible in any hearing before the board, notwithstanding
11 any claim of privilege under a contrary rule of law or statute. Every person who shall
12 accept the privilege of practicing veterinary medicine or veterinary technology in this
13 state or who shall file an application for a license or registration to practice veterinary
14 medicine or veterinary technology in this state shall be deemed to have given that
15 person's consent to submit to such mental or physical examination and to have waived
16 all objections to the admissibility of the results in any hearing before the board upon the
17 grounds that the same constitutes a privileged communication. If a licensee, registrant,
18 or applicant fails to submit to such an examination when properly directed to do so by the
19 board, unless such failure is due to circumstances beyond his control, the board may enter
20 a final order upon proper notice, hearing, and proof of such refusal. Any licensee,
21 registrant, or applicant who is prohibited from practicing veterinary medicine or
22 veterinary technology under this paragraph shall at reasonable intervals be afforded an
23 opportunity to demonstrate to the board that such person can resume or begin the practice
24 of veterinary medicine or veterinary technology with reasonable skill and safety to
25 patients;

26 (11) Failed to register with the division director as required by law. It shall be the duty
27 of every licensee or registrant to notify the board of any change in his or her address of
28 record with the board; provided, however, that, for a period established by the division
29 director after failure to register, a license or registration may be reinstated by payment of
30 a registration fee to be determined by the board by rule and by filing of a special
31 application therefor. After this period has elapsed, a license or registration may be
32 revoked for failure to register and for failure to pay the fee as provided by law. Any
33 license or registration revoked under the terms of this Code section may be reinstated
34 ~~only upon an applicant's taking the examination required by Code Section 43-50-23 and~~
35 ~~paying the fees prescribed by law therefor~~ at the discretion of the board;

1 (12) Engaged in the excessive prescribing or administering of drugs or treatment or the
 2 use of diagnostic procedures which are detrimental to the patient as determined by the
 3 customary practice and standards of the local community of licensees; or knowingly
 4 prescribed controlled drug substances or any other medication without a legitimate
 5 veterinary medical purpose; or knowingly over prescribed controlled drug substances or
 6 other medication, in light of the condition of the patient at the time of prescription; ~~or~~

7 (13) Knowingly made any fraudulent, misleading, or deceptive statement in any form of
 8 advertising or made any statement in any advertisement concerning the quality of the
 9 veterinary services rendered by that licensed veterinarian or any licensed veterinarian
 10 associated with him or her. For purposes of this paragraph, 'advertising' shall include any
 11 information communicated in a manner designated to attract public attention to the
 12 practice of the licensee; or

13 (14) Used, prescribed, or sold any veterinary prescription drug or prescribed an
 14 extralable use of any over-the-counter drug in the absence of a valid
 15 veterinarian-client-patient relationship.

16 (b) The provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
 17 with respect to emergency action by the board and summary suspension of a license or
 18 registration are adopted and incorporated by reference into this chapter.

19 (c) For purposes of this Code section, the board may obtain, and is authorized to subpoena,
 20 upon reasonable grounds, any and all records relating to the mental or physical condition
 21 of a licensee, registrant, or applicant, and such records shall be admissible in any hearing
 22 before the board.

23 (d) When the board finds that any person is unqualified to be granted a license or
 24 registration or finds that any person should be disciplined pursuant to subsection (a) of this
 25 Code section, the board may take any one or more of the following actions:

26 (1) Refuse to grant or renew a license or registration to an applicant;

27 (2) Administer a public or private reprimand, but a private reprimand shall not be
 28 disclosed to any person except the licensee;

29 (3) Suspend any license or registration for a definite period or for an indefinite period in
 30 connection with any condition which may be attached to the restoration of said license
 31 or registration;

32 (4) Limit or restrict any license or registration as the board deems necessary for the
 33 protection of the public;

34 (5) Revoke any license or registration; or

1 (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's,
2 registrant's, or licensee's submission to such care, counseling, or treatment as the board
3 may direct.

4 (e) In addition to and in conjunction with the actions described in subsection (d) of this
5 Code section, the board may make a finding adverse to the licensee, registrant, or applicant
6 but withhold imposition of judgment and penalty; or it may impose the judgment and
7 penalty but suspend enforcement thereof and place the licensee or registrant on probation,
8 which probation may be vacated upon noncompliance with such reasonable terms as the
9 board may impose.

10 (f) Initial judicial review of a final decision of the board shall be had solely in the superior
11 court of the county of domicile of the board.

12 (g) In its discretion, the board may reinstate a license or registration which has been
13 revoked or issue a license or registration which has been denied or refused, following such
14 procedures as the board may prescribe by rule; and, as a condition thereof, it may impose
15 any disciplinary or corrective method provided in this chapter.

16 (h)(1) The division director is authorized to make, or cause to be made through
17 employees or agents of the board, such investigations as he or she or the board may deem
18 necessary or proper for the enforcement of the provisions of this chapter. Any person
19 properly conducting an investigation on behalf of the board shall have access to and may
20 examine any writing, document, or other material relating to the fitness of any licensee,
21 registrant, or applicant. The division director or his appointed representative may issue
22 subpoenas to compel such access upon a determination that reasonable grounds exist for
23 the belief that a violation of this chapter or any other law relating to the practice of
24 veterinary medicine or veterinary technology may have taken place.

25 (2) The results of all investigations initiated by the board shall be reported solely to the
26 board, and the records of such investigations shall be kept for the board by the division
27 director, with the board retaining the right to have access at any time to such records. No
28 part of any such records shall be released, except to the board, for any purpose other than
29 a hearing before the board, nor shall such records be subject to subpoena; provided,
30 however, that the board shall be authorized to release such records to another
31 enforcement agency or lawful licensing authority.

32 (3) The board shall have the authority to exclude all persons during its deliberations on
33 disciplinary proceedings and to discuss any disciplinary matter in private with a licensee
34 or applicant and the legal counsel of that licensee or applicant.

35 (i) A person, firm, corporation, association, authority, or other entity shall be immune from
36 civil and criminal liability for reporting or investigating the acts or omissions of a licensee

1 or applicant which violate the provisions of subsection (a) of this Code section or any other
2 provision of law relating to a licensee's, registrant's, or applicant's fitness to practice as a
3 veterinarian or for initiating or conducting proceedings against such licensee, registrant,
4 or applicant, if such report is made or action is taken in good faith, without fraud or malice.
5 Any person who testifies or who makes a recommendation to the board in the nature of
6 peer review, in good faith, without fraud or malice, before the board in any proceeding
7 involving the provisions of subsection (a) of this Code section or any other law relating to
8 a licensee's, registrant's, or applicant's fitness to practice as a licensed veterinarian shall
9 be immune from civil and criminal liability for so testifying.

10 (j) Neither a denial of a license or registration on grounds other than those enumerated in
11 subsection (a) of this Code section nor the issuance of a private reprimand nor the denial
12 of a license or registration by reciprocity endorsement nor the denial of a request for
13 reinstatement of a revoked license nor the refusal to issue a previously denied license or
14 registration shall be considered to be a contested case within the meaning of Chapter 13 of
15 Title 50, the 'Georgia Administrative Procedure Act.' Notice and hearing within the
16 meaning of Chapter 13 of Title 50 shall not be required, but the applicant, registrant, or
17 licensee shall be allowed to appear before the board if he so requests.

18 (k) If any licensee, registrant, or applicant fails to appear at any hearing after reasonable
19 notice, the board may proceed to hear the evidence against such licensee, registrant, or
20 applicant and take action as if such licensee, registrant, or applicant had been present. A
21 notice of hearing, initial or recommended decision, or final decision of the board in a
22 disciplinary proceeding shall be served upon the licensee, registrant, or applicant by
23 certified mail or statutory overnight delivery, return receipt requested, to the last known
24 address of record with the board. If such material is returned marked 'unclaimed' or
25 'refused' or is otherwise undeliverable and if the licensee, registrant, or applicant cannot,
26 after diligent effort, be located, the division director shall be deemed to be the agent for
27 service for such licensee, registrant, or applicant for purposes of this Code section, and
28 service upon the division director shall be deemed to be service upon the licensee,
29 registrant, or applicant.

30 (l) The voluntary surrender of a license or registration shall have the same effect as a
31 revocation of the license or registration, subject to reinstatement in the discretion of the
32 board.

33 (m) This Code section shall apply equally to all licensees, registrants, or applicants whether
34 individuals, partners, or members of any other incorporated or unincorporated associations,
35 corporations, or other associations of any kind whatsoever.

1 (n) All subpoenas issued pursuant to the authority granted in this chapter shall be subject
 2 to the general rules of law with respect to distance, tender of fees and expenses, and
 3 protective orders; and any motion made with respect thereto shall be made to and passed
 4 on by a judge of the superior court of the county of residence of the person to whom the
 5 subpoena is directed.

6 (o) Any proceeding or administrative action instituted under this Code section shall be
 7 governed by the provisions of this Code section as they existed in full force and effect on
 8 the date of the commission of the act or acts constituting a violation of this Code section,
 9 except as otherwise specifically declared by the General Assembly.

10 43-50-28.

11 Reserved.

12 43-50-29.

13 (a) The board may issue a temporary license to the following applicants who are qualified
 14 to take the veterinary license examination:

15 (1) An applicant licensed in another state. Such license shall have the same force and
 16 effect as a permanent license until the time of its expiration; and

17 (2) An applicant who is not the holder of any veterinary license. Such license shall
 18 authorize the applicant to work under the supervision of a licensed veterinarian as
 19 provided by the board.

20 (b) The temporary license shall expire on the date that permanent licenses are issued to
 21 persons who have passed the examination provided for in Code Section 43-50-24, which
 22 examination occurred immediately following the issuance of the temporary license.

23 (c) A temporary license issued pursuant to this Code section may, in the discretion of the
 24 board, be renewed for one six-month period only; provided, however, that no temporary
 25 license shall be issued, renewed, or reissued to a person who fails to pass the examination
 26 established by the board.

27 (d) A temporary license may be summarily revoked by a majority vote of the board
 28 without a hearing.

29 43-50-30.

30 The board may, in its discretion, issue a veterinary faculty license or veterinary technology
 31 faculty registration to any qualified applicant associated with one of this state's institutions
 32 of higher learning and involved in the instructional program of either undergraduate or
 33 graduate veterinary medical students, subject to the following conditions:

1 (1) That the holder of the veterinary faculty license or veterinary technology faculty
 2 registration shall be remunerated for the practice aspects of his or her services solely from
 3 state, federal, or institutional funds and not from the patient-owner beneficiary of his or
 4 her practice efforts;

5 (2) That the applicant will furnish the board with such proof as the board may deem
 6 necessary to demonstrate that the applicant is a graduate of a reputable school or college
 7 of veterinary medicine or veterinary technology; that the applicant has or will have a
 8 faculty position at an institution which meets the requirements of paragraph (1) of this
 9 Code section, as certified by an authorized administrative official at such institution; and
 10 that the applicant understands and agrees that the faculty license or veterinary technology
 11 faculty registration is valid only for the practice of veterinary medicine or veterinary
 12 technology as a faculty member of the institution;

13 (3) That the license or registration issued under this Code section may be revoked or
 14 suspended or the licensee or registrant may be otherwise disciplined in accordance with
 15 Code Section 43-50-27; and

16 (4) That the license or registration issued under this Code section may be canceled by the
 17 board upon receipt of information that the holder of the veterinary faculty license has left
 18 or has otherwise been discontinued from faculty employment at an institution of higher
 19 learning of this state.

20 43-50-31.

21 Reserved.

22 43-50-32.

23 This article shall not be construed to prohibit:

24 (1) An employee of the federal, state, or local government or any contractual partner
 25 thereof performing his or her duties, or any employee of a public or private college or
 26 university or of a zoological park that is accredited by a nationally recognized accrediting
 27 agency as determined by the board from performing his or her duties;

28 (2) A person who is a regular student in a veterinary school or school of veterinary
 29 technology performing duties or actions assigned by his or her instructors or working
 30 under the direct supervision of a licensed veterinarian;

31 ~~(3) A person advising with respect to, or performing acts which the board by rule has~~
 32 ~~prescribed as, accepted livestock management practices~~ A person, compensated or
 33 otherwise, from performing acceptable livestock management practices. Acceptable
 34 livestock management practices shall include, but not be limited to, castration of food

1 animals, dehorning without the use of prescription drugs or surgical closure of wounds,
 2 hoof trimming or shoeing, docking, ear notching, removing needle teeth, testing for
 3 pregnancy, implantation of over-the-counter growth implants, implantation of
 4 over-the-counter identification devices, artificial insemination, the use of federally
 5 approved over-the-counter products, branding, collecting of fluids for genetic
 6 identification and classification, semen collection and storage, and the use of ultrasound
 7 for collection of production data and similar nondiagnostic purposes;

8 (4) A person assisting with an uncomplicated fetal delivery in a food animal provided
 9 that no fee is charged;

10 ~~(4)(5) A veterinarian regularly licensed in another state consulting with a licensed~~
 11 ~~veterinarian in this state~~ The actions of a veterinarian currently licensed in another state,
 12 province of Canada, or a United States territory in consulting with a licensee of this state
 13 but who:

14 (A) Does not open an office or appoint a place to do business within this state;

15 (B) Does not print or use letterhead or business cards reflecting in-state addresses;

16 (C) Does not establish answering services or advertise the existence of a practice
 17 address within this state;

18 (D) Does not practice veterinary medicine as a consultant rendering services directly
 19 to the public without the direction of a licensed veterinarian of this state more than two
 20 days per calendar year; and

21 (E) Is providing services for an organization conducting a public event lasting less than
 22 ten days that utilizes animals in need of veterinary examinations, treatments, or
 23 oversight to promote the safety and health of the public, the event, and the animal
 24 participants; provided, however, that a veterinarian licensed in another state who
 25 practices veterinary medicine on animals belonging to residents of this state by
 26 communicating directly with such owners and independent of the attending veterinary
 27 licensee is not exempt from this state's licensing requirements;

28 ~~(5)(6)~~ Any merchant or manufacturer selling, at his or her regular place of business,
 29 medicines, feed, appliances, or other products used in the prevention or treatment of
 30 animal diseases. This shall not be construed to authorize the sale of medicines which
 31 must be obtained by a prescription from a pharmacist but shall only include the right to
 32 sell those medicines which are classified as proprietary and which are commonly known
 33 as over-the-counter medicines;

34 ~~(6)(7)~~ The owner of an animal, and the owner's full-time regular employee, or the
 35 owner's friend or relative, provided no fee is charged, caring for and treating the animal

1 belonging to such owner, except where the ownership of the animal was transferred for
2 purposes of circumventing this article;

3 ~~(7)~~(8) ~~The holder of a veterinary faculty license issued by the board performing regular~~
4 ~~teaching duties or a person lecturing or giving instructions or demonstrations at a~~
5 ~~veterinary school or in connection with a continuing education course or seminar~~ A
6 member of the faculty, a resident, an intern, or a graduate student of an accredited college
7 of veterinary medicine performing his or her regular nonclinical functions or a person
8 lecturing or giving instructions or demonstrations at an accredited college or school of
9 veterinary medicine or school of veterinary technology in connection with a continuing
10 education course or seminar;

11 ~~(8)~~(9) Any person selling or applying any pesticide, insecticide, or herbicide;

12 ~~(9)~~(10) Any person engaging in bona fide scientific research which reasonably requires
13 experimentation involving animals;

14 ~~(10)~~(11) Any person performing artificial insemination; ~~or nonsurgical transfer of~~
15 ~~embryos; or~~

16 ~~(11)~~(12) An employee of a licensed veterinarian administering prescribed care to an
17 animal under the ~~direct~~ appropriate supervision of the veterinarian;

18 (13) A graduate of a foreign college of veterinary medicine who is in the process of
19 obtaining the ECFVG certificate or its equivalent as determined by board rule performing
20 duties or actions under the direct supervision of a licensed veterinarian;

21 (14) A person or his or her full-time employee, or a member of a nationally recognized
22 organization approved by the board that certifies individuals in embryo transfer, to
23 remove an embryo from an animal for the purpose of transplanting such embryo into
24 another female animal or for the purpose of cryopreserving such embryo, or to implant
25 such embryo in an animal so long as the use of prescription medications in these animals
26 is maintained under the direction of a licensed veterinarian with a valid
27 veterinarian-client-patient relationship;

28 (15) Any other licensed health care provider utilizing his or her special skills so long as
29 the treatment of the animal is under the direction of a licensed veterinarian with a valid
30 veterinary-client-patient relationship; or

31 (16) A person performing animal massage, provided such person holds a current license
32 to perform massage from a state, territory, or other jurisdiction of the United States or
33 holds a certificate from the National Certification Board for Therapeutic Massage and
34 Bodywork or such other national certifying body which may be approved by the board;
35 provided, further, that, if such animal massage is medically therapeutic, it shall be
36 performed as part of a valid veterinary-client-patient-relationship.

1 43-50-33.

2 (a) ~~Any person who practices veterinary medicine without a valid license shall be guilty~~
 3 ~~of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50.00 nor~~
 4 ~~more than \$500.00 or imprisoned for no more than 90 days, or both, provided that each act~~
 5 ~~of such unlawful practice shall constitute a distinct and separate offense. Any person, firm,~~
 6 ~~partnership, corporation, or other entity that practices veterinary medicine in this state~~
 7 ~~without obtaining a license to practice from the board shall be guilty of a misdemeanor~~
 8 ~~upon conviction for the first such offense, a high and aggravated misdemeanor upon~~
 9 ~~conviction for the second such offense, and a felony upon conviction for the third or~~
 10 ~~subsequent such offense. Any person convicted of a felony under this subsection shall be~~
 11 ~~punished by a fine of not less than \$500.00 nor more than \$1,000.00 or by imprisonment~~
 12 ~~for not less than one year nor more than five years, or both.~~

13 (b) No person who shall practice veterinary medicine without a valid license may receive
 14 any compensation for services so rendered.

15 (c) The board or any citizen of this state may bring an action to enjoin any person from
 16 practicing veterinary medicine without a valid license. If the court finds that the person is
 17 violating, or is threatening to violate, this article, it shall enter an injunction restraining him
 18 from such unlawful acts.

19 (d) The successful maintenance of an action based on any one of the remedies set forth in
 20 this Code section shall in no way prejudice the prosecution of an action based on any other
 21 of the remedies.

22 ARTICLE 3

23 43-50-50.

24 It is the purpose of this article to encourage more effective utilization of the skills of
 25 veterinarians by enabling them to delegate certain veterinary health care tasks to registered
 26 veterinary technicians where such delegation is consistent with the animal patient's health
 27 and welfare.

28 43-50-51.

29 ~~As used in this article, the term:~~

30 (1) ~~'Direct supervision' means instruction and directions requiring the physical presence~~
 31 ~~of a licensed veterinarian on the premises.~~

1 ~~(2) 'Registered animal technician' means any person approved to work as a registered~~
 2 ~~animal technician by the State Board of Veterinary Medicine under the former laws~~
 3 ~~regulating animal health technicians in the State of Georgia.~~

4 ~~(3) 'Veterinary technician' means an individual who has received a degree in animal~~
 5 ~~technology or a comparable subject from an approved school of veterinary medicine or~~
 6 ~~veterinary technology and who is employed by and under the direct supervision of a~~
 7 ~~licensed veterinarian to perform the following duties:~~

8 ~~(A) Obtain and record information about animal patients;~~

9 ~~(B) Prepare animal patients, instruments, equipment, and medication for surgery;~~

10 ~~(C) Collect specimens and perform laboratory procedures;~~

11 ~~(D) Apply wound dressings; or~~

12 ~~(E) Assist a licensed veterinarian in diagnostic, medical, and surgical procedures.~~

13 Reserved.

14 43-50-52.

15 ~~(a)(1) Any person desiring to work as a veterinary technician in this state shall apply to~~
 16 ~~the board for a certificate of registration as a veterinary technician and shall pass such~~
 17 ~~examinations as the board requires. All such applications shall be made on forms~~
 18 ~~provided by the board and shall be accompanied by a fee to be provided for by the board.~~

19 ~~(2) The application shall include evidence, satisfactory to the board, that:~~

20 ~~(A) The applicant has attained the age of 18;~~

21 ~~(B) The applicant is of good moral character;~~

22 ~~(C) The applicant is a graduate of an animal technology program approved by the~~
 23 ~~board; and~~

24 ~~(D) The applicant meets such other qualifications or provides such other information~~
 25 ~~as the board may require by rule.~~

26 ~~(3) If the board finds that the applicant possesses the proper qualifications, it shall admit~~
 27 ~~the applicant to the examination.~~

28 ~~(4) If the applicant is found not qualified to take the examination, the board shall notify~~
 29 ~~the applicant in writing of such finding and return his examination fee.~~

30 (a) The Georgia Board of Veterinary Medicine shall be responsible for registering any
 31 person who wishes to practice as a registered veterinary technician in this state and shall
 32 limit, restrict, supervise, and define such practice by board rule as the board deems
 33 appropriate and necessary for the protection of the public health, safety, and general
 34 welfare.

1 ~~(b) Until January 1, 1984, any person who has been at any time certified as a registered~~
 2 ~~animal technician and has had three years' experience of employment as a registered animal~~
 3 ~~technician shall upon application be registered as a veterinary technician without~~
 4 ~~examination and without meeting the requirements of paragraphs (1) and (2) of subsection~~
 5 ~~(a) of this Code section. An applicant to be registered as a veterinary technician under this~~
 6 ~~article shall be at least 18 years of age, of good moral character, and:~~

7 ~~(1) Have completed a college or technical school level course of study in veterinary~~
 8 ~~technology in a school having a curriculum approved by the board; or~~

9 ~~(2) Have successfully completed a college level course in the care and treatment of~~
 10 ~~animals from an institution accredited by the American Veterinary Medical Association;~~
 11 ~~and~~

12 ~~(3) Have successfully passed an examination required by the board.~~

13 ~~The board may require additional information and proof of a person's fitness and~~
 14 ~~qualifications by board rule.~~

15 ~~(c) Any person who immediately prior to July 1, 1983, was currently certified as a~~
 16 ~~registered animal technician shall be entitled to be registered as a veterinary technician and~~
 17 ~~to have such certification renewed without examination and without meeting any~~
 18 ~~requirements of paragraphs (1) and (2) of subsection (a) of this Code section. The board~~
 19 ~~may issue a certificate of registration to an applicant if the applicant is currently registered~~
 20 ~~in another state having standards for admission substantially the same as this state and the~~
 21 ~~standards were in effect at the time the applicant was first admitted to practice in the other~~
 22 ~~state.~~

23 ~~(d) Any person who prior to July 1, 2002, was at any time certified as a registered~~
 24 ~~veterinary technician by this state shall for a period of one year be entitled to be registered~~
 25 ~~as a veterinary technician and to have such registration renewed without examination and~~
 26 ~~without meeting any requirements of paragraphs (1), (2), and (3) of subsection (b) of this~~
 27 ~~Code section.~~

28 ~~(e) Any person who prior to July 1, 2002, had five years' experience assisting a~~
 29 ~~veterinarian may, with a signed affidavit from his or her supervising veterinarian attesting~~
 30 ~~to his or her level of in-house training, be allowed to take the examination approved by the~~
 31 ~~board. Upon receiving a passing grade on the examination, the board may issue a~~
 32 ~~certificate of registration.~~

33 43-50-53.

34 ~~(a) The board shall hold at least one examination during each year and may hold such~~
 35 ~~additional examinations as are necessary The board shall hold at least one examination for~~

1 applicants annually or allow applicants to take automated tests at such locations and at such
 2 times as determined by board rule. The board need not be present during the examination.

3 ~~(b) After each examination, the division director shall notify each examinee of the results~~
 4 ~~of his examination, and the board shall issue certificates of registration to the successful~~
 5 ~~applicants. Any person failing an examination shall be admitted to any subsequent~~
 6 ~~examination on payment of the examination fee~~ The board shall establish rules governing

7 the preparation, administration, and grading of the examination. The board may adopt the
 8 National Veterinary Technicians Examination prepared by the Professional Examination
 9 Service or any other such examination prepared to the board's standards and satisfaction.

10 (c) The board shall establish by rule the score needed to pass all examinations.

11 (d) If an applicant fails an examination, the applicant may take a subsequent examination
 12 upon payment of the registration and examination fees. No person may take the
 13 examination more than three times without review and approval by the board under such
 14 circumstances as the board deems appropriate.

15 (e) Any registered veterinary technician in the State of Georgia whose certificate of
 16 registration has been on inactive status for at least five consecutive years will be required
 17 to take continuing education as required by the board, pay all fees, and meet all other
 18 requirements and board rules for registration as a veterinary technician. It shall be the duty
 19 of the board to approve study materials that may be used to assist such persons in preparing
 20 for such examination.

21 (f) The certificates issued to registered veterinary technicians pursuant to this chapter shall
 22 expire biannually on December 31 of even-numbered years and may by board rule be
 23 renewed upon application to the board for renewal and payment of renewal fees.

24 (g) The board shall not renew any certificate unless the holder provides satisfactory
 25 evidence that he or she has complied with the board's minimum requirements for
 26 continuing education.

27 43-50-54.

28 ~~(a) A registered veterinary technician shall be allowed to perform his duties only under the~~
 29 ~~direct supervision of a licensed veterinarian~~ Any person registered as a veterinary
 30 technician and while practicing as a registered veterinary technician in this state must at all
 31 times be under the supervision of a licensed veterinarian. The level of supervision shall be
 32 consistent with the delegated animal health care task. The board may establish by rule, in
 33 general or specific terms as it deems necessary, the animal health care tasks that veterinary
 34 technicians may provide and the level of supervision, whether direct supervision,

1 immediate supervision, or indirect supervision, that is required by the licensed veterinarian
 2 for any delegated animal health care task.

3 ~~(b) Veterinary technicians registered under this article shall at all times notify the division~~
 4 ~~director of the name and location of the veterinarian under whose supervision such~~
 5 ~~veterinary technician is working~~ The provisions and causes of action as set forth under this
 6 chapter pertaining to licensed veterinarians are applicable to registered veterinary
 7 technicians in all respects. The board may also take disciplinary action against a registered
 8 veterinary technician if the technician:

9 (1) Solicits patients from a licensed veterinarian;

10 (2) Solicits or receives any form of compensation from any person for veterinary services
 11 rendered other than from the licensed veterinarian or corporation under whom the
 12 technician is employed;

13 (3) Wilfully or negligently divulges a professional confidence or discusses a licensed
 14 veterinarian's diagnosis or treatment without the express permission of the licensed
 15 veterinarian; or

16 (4) Demonstrates a manifest incapability or incompetence to perform as a registered
 17 veterinary technician.

18 ~~(c) A veterinary technician may not be utilized in any manner which would be in violation~~
 19 ~~of Article 2 of this chapter~~ A registered veterinary technician may not be utilized in any
 20 manner which would be in violation of Article 2 of this chapter.

21 ~~(d) A veterinary technician shall not be utilized to perform the duties of a pharmacist~~
 22 ~~licensed under Chapter 4 of Title 26~~ A registered veterinary technician shall not be utilized
 23 to perform the duties of a pharmacist licensed under Chapter 4 of Title 26.

24 43-50-55.

25 (a) Any licensed veterinarian, animal clinic, or animal hospital using registered veterinary
 26 technicians shall post a notice to that effect in a prominent place.

27 (b) A registered veterinary technician must clearly identify himself or herself as such in
 28 order to ensure that he or she is not mistaken by the public as a licensed veterinarian. This
 29 may be accomplished, for example, by the wearing of an appropriate name tag. Any time
 30 the registered veterinary technician's name appears in a professional setting, his or her
 31 status must be shown as 'registered veterinary technician.'

32 ~~(c) No veterinarian shall have more than two veterinary technicians in his employment at~~
 33 ~~any one time~~ No veterinary facility shall be allowed to operate with more than two
 34 registered veterinary technicians per full-time licensed veterinarian or combination of

1 part-time licensed veterinarians equaling a full-time position actively practicing at that
2 location.

3 43-50-56.

4 A veterinarian who applies for or utilizes a registered veterinary technician shall be
5 responsible for any violation of any limitations which are placed on the duties of a
6 registered veterinary technician.

7 43-50-57.

8 The approval of a licensed veterinarian's utilization of a registered veterinary technician
9 may be terminated or suspended, and the registration certificate revoked, suspended, or
10 otherwise sanctioned in accordance with the provisions of Code Section 43-50-27.

11 43-50-58.

12 This article shall not be construed to prohibit an employee of the federal, state, or local
13 government or any contractual partner thereof, or of a public or private college or
14 university, or of a zoological park that is accredited by a nationally recognized accrediting
15 agency as determined by the board from performing his or her duties.

16 ARTICLE 4

17 43-50-70.

18 (a) Any veterinary facility shall be required to register with the board. Any person who
19 owns or operates any veterinary facility shall apply for and secure a facility permit from
20 the board prior to the commencement of any services that would subject the provider of
21 those services to licensing under this chapter.

22 (b) Each application for a facility permit shall set forth the name and address of the
23 licensed veterinarian in charge of the facility, who shall be responsible for the provision
24 of veterinary medical services at the facility, and the name and address of the owner of the
25 facility. No facility shall be permitted to operate unless it has a licensed veterinarian in
26 charge of the facility. The owner or licensed veterinarian in charge of a facility shall notify
27 the board in writing of any change of ownership or legal responsibility for the facility.

28 (c) Prior to the issuance of a facility permit, the board shall require the applicant facility
29 to submit a self-inspection form approved by the board. The board shall promulgate rules
30 and regulations which establish minimum standards for veterinary facilities including
31 sanitary conditions, record-keeping practices and procedures, equipment, radiation

1 monitoring, and physical plant. In lieu of a self-inspection form, the board may issue a
 2 facility permit upon receipt of proof that the facility has been inspected and accredited by
 3 an organization recognized by the board, the standards of which are found by the board to
 4 meet or exceed the minimum standards established by the board.

5 (d) Upon complaint or on a periodic basis the board shall be authorized to make, or cause
 6 to be made through licensed veterinarians that are employees or agents of the board, such
 7 inspections of veterinary facilities as the board deems necessary to ensure compliance with
 8 the minimum standards established by the board.

9 (e) All facility permits shall be renewed biennially. Any facility permit that is not renewed
 10 within 90 days of the expiration of the permit shall be revoked by operation of law. A
 11 revoked facility permit may be reinstated at the discretion of the board.

12 (f) The board shall have the authority to sanction a facility permit based on any ground or
 13 violation enumerated in Code Section 43-50-27 or as a result of violations of rules and
 14 regulations adopted by the board under subsection (c) of this Code section. The board shall
 15 have the authority to establish a fine schedule for violations of minimum standards of
 16 veterinary facilities. Such fines shall be listed in a schedule contained in the rules and
 17 regulations of the board. A fine should not be deemed a contested case under Chapter 13
 18 of Title 50, the 'Georgia Administrative Procedure Act'; however, the owner or licensed
 19 veterinarian in charge of the facility shall be entitled to a personal appearance before the
 20 board.

21 43-50-71.

22 This article shall not apply to any facility owned by the federal, state, or local government,
 23 a public or private college or university, or a zoological park that is accredited by a
 24 nationally recognized accrediting agency as determined by the board.

25 ARTICLE 5

26 43-50-90.

27 Any licensed veterinarian or registered veterinary technician duly registered with the state
 28 who gratuitously and in good faith gives emergency treatment to a sick or injured animal
 29 at the scene of an accident or emergency shall not be in violation of this chapter and shall
 30 not be liable to the owner of such animal in any civil action for damages. This Code section
 31 is not intended to provide immunity for acts of gross negligence."

32 **SECTION 2.**

1 This Act shall become effective on July 1, 2002, except the provisions of Code Sections
2 43-50-70 and 43-50-71, which shall become effective only upon the express and specific
3 appropriation of funds by the General Assembly to carry out the purposes of such Code
4 sections. This Act does not affect rights and duties that matured, penalties that were
5 incurred, and proceedings that were begun before its effective date.

6 **SECTION 3.**

7 All laws and parts of laws in conflict with this Act are repealed.