

House Bill 719

By: Representatives James of the 140<sup>th</sup>, McCall of the 90<sup>th</sup>, Crawford of the 129<sup>th</sup>, Hudson of the 156<sup>th</sup> and Sims of the 167<sup>th</sup>

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.

12 ~~(1)~~(2) 'Animal' means any animal other than man and includes fowl, birds, fish, and  
13 reptiles, wild or domestic, living or dead.

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

18 ~~(2)~~(4) 'Board' means the State Board of Veterinary Medicine.

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

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

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

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

31 (9) 'Indirect supervision' means the veterinarian is not on the premises but has given  
32 either written or oral instructions for the treatment of the animal patient and the animal  
33 has been examined by a veterinarian at such times as acceptable veterinary medical  
34 practice requires, consistent with the particular delegated health care task.

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

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

6 ~~(4)~~(11) 'Person' means any individual, firm, partnership, limited liability company,  
 7 association, joint venture, cooperative, and corporation or any other group or combination  
 8 acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or  
 9 as any other kind of legal or personal representative, or as the successor in interest,  
 10 assignee, agent, factor, servant, employee, member, director, officer, or any other  
 11 representative of such person.

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

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

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

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

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

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

34 (D) To use any title, words, abbreviation, or letters in a manner or under circumstances  
 35 which induce the belief that the person using them is legally authorized and qualified  
 36 ~~to do any perform an act described in subparagraphs (A) and (B) of included in this~~  
 37 ~~paragraph, except where such person is a veterinarian.~~ Such use shall be prima-facie

1 evidence of the intention to represent oneself as engaged in the practice of veterinary  
 2 medicine;

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

6 (F) To collect blood or other samples for the purpose of diagnosing diseases or related  
 7 conditions. This subparagraph shall not apply to unlicensed professionals employed by  
 8 the United States Department of Agriculture or the Georgia Department of Agriculture  
 9 who are engaged in their official duties.

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

16 ~~(6)~~(14) 'School of veterinary medicine' means any veterinary college or division of a  
 17 university or college that offers the degree of Doctor of Veterinary Medicine or its  
 18 equivalent and that conforms to the standards required for accreditation by the American  
 19 Veterinary Medical Association.

20 ~~(7)~~(15) 'Veterinarian' means a person who has received a doctor's degree in veterinary  
 21 medicine from a school of veterinary medicine.

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

23 (A) The licensed veterinarian has assumed the responsibility for making medical  
 24 judgments regarding the health of the animal and the need for medical treatment, and  
 25 the client (owner or caretaker) has agreed to follow the instruction of the licensed  
 26 veterinarian;

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

32 (C) The licensed veterinarian is readily available for follow-up in the case of adverse  
 33 reactions or failure of the regimen of therapy.

34 (17) 'Veterinary facility' means any premises where the practice of veterinary medicine  
 35 occurs including, but not limited to, veterinary hospitals, clinics, mobile clinics, or any  
 36 other premises where a licensed veterinarian practices veterinary medicine.

1 ~~(8)~~(18) 'Veterinary medicine' includes veterinary surgery, obstetrics, dentistry, and all  
2 other branches or specialties of veterinary medicine.

3 (19) 'Veterinary technician' means either a graduate of a two-year or three-year AVMA  
4 accredited program in veterinary technology or a person so recognized by the board in  
5 the rules and regulations promulgated to regulate veterinary technicians.

6 (20) 'Veterinary technology' means the science and art of providing all aspects of  
7 professional medical care and treatment for animals with the exception of diagnosis,  
8 prognosis, surgery, and prescription of medications.

9 43-50-4.

10 Repealed.

## 11 ARTICLE 2

12 43-50-20.

13 (a) The State Board of Veterinary Medicine is created, the members of which shall be  
14 appointed by the Governor with the approval of the Secretary of State and confirmed by  
15 the Senate. The board shall consist of ~~six~~ seven members, each appointed for a term of five  
16 years or until his or her successor is appointed. Five members of the board shall be duly  
17 licensed veterinarians actually engaged in active practice for at least five years prior to  
18 appointment. The sixth member shall be appointed from the public at large and shall in no  
19 way be connected with the practice of veterinary medicine. The initial appointment for the  
20 sixth member shall expire June 30, 1985; thereafter, successors shall be appointed for a  
21 term of five years. The seventh member shall be a duly registered veterinary technician  
22 who has been registered and actively engaged in the practice of veterinary technology for  
23 at least five years prior to appointment. The initial appointment of the veterinary  
24 technician shall expire on June 30, 2006; thereafter, successors shall be appointed for a  
25 term of five years. The public member and the veterinary technician shall vote on all  
26 matters brought before the board except those pertaining to the appropriateness of medical  
27 care. Those members of the Georgia State Board of Veterinary Examiners serving on July  
28 1, ~~1965~~ 2001, shall continue to serve as members of the board until the expiration of the  
29 term for which they were appointed. Thereafter, successors to such board members shall  
30 be appointed in accordance with this Code section.

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

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

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

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

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

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

18 43-50-21.

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

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

22 (2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice veterinary  
 23 medicine and veterinary technology in this state or otherwise discipline licensed  
 24 veterinarians and registered veterinary technicians; and to issue, renew, deny, suspend,  
 25 or revoke veterinary faculty licenses, consistent with this article and the rules and  
 26 regulations adopted under this article;

27 (3) Conduct investigations for the purpose of discovering violations of this article or  
 28 grounds for disciplining licensed veterinarians and registered veterinary technicians;

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

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

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

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

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

7 43-50-22.

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

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

16 43-50-23.

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

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

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

22 (3) The applicant is a graduate of ~~a veterinary school~~ an accredited or approved college  
 23 or school of veterinary medicine or possesses a foreign equivalency, as determined by  
 24 board rule; provided, however, that a senior veterinary student may, in the discretion of  
 25 the board, be allowed to sit for the examination during his or her senior year if he or she  
 26 meets the other qualifications but shall not be issued a license unless and until he or she  
 27 graduates; and

28 (4) Has never had his or her United States Drug Enforcement Administration privileges  
 29 restricted or revoked; and

30 ~~(4)~~(5) The applicant meets such other qualifications or provides such other information  
 31 as the board may require by rule.

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

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

1 43-50-24.

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

4 (b) After each examination, the division director shall notify each examinee of the result  
5 of ~~his~~ the examination, and the board shall issue licenses to the persons successfully  
6 completing the examination. The division director shall record the new licenses and issue  
7 a certificate of registration to the new licensees. ~~Any person failing an examination shall~~  
8 ~~be admitted to any subsequent examination on payment of the application fee. If an~~  
9 ~~applicant fails an examination, the applicant may take a subsequent examination upon~~  
10 ~~payment of the registration and examination fees. No person may take the examination~~  
11 ~~more than three times without review by the board.~~

12 43-50-25.

13 Any person holding a valid license to practice veterinary medicine in this state on July 1,  
14 1965, shall be recognized as a licensed veterinarian and shall be entitled to retain this status  
15 so long as he or she complies with this article, including biennial renewal of the license.

16 43-50-26.

17 (a) All licenses shall be renewable biennially.

18 (b) Any person who shall practice veterinary medicine after the expiration of his or her  
19 license and willfully or by neglect fail to renew such license shall be practicing in violation  
20 of this article, provided that any person may renew an expired license within one year of  
21 the date of its expiration by making written application for renewal and paying the current  
22 renewal fee plus all delinquent renewal fees. After one year has elapsed from the date of  
23 the expiration, such license may be reinstated in accordance with the rules of the board.

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

28 (d)(1) The board shall establish a program of continuing professional veterinary medical  
29 education for the renewal of veterinarian licenses. Notwithstanding any other provision  
30 of this article, beginning with the licenses which are to be renewed in 1990, no license  
31 to practice veterinary medicine shall be renewed by the board or the division director  
32 until the veterinarian submits to the board satisfactory proof of his or her participation,  
33 during the biennium preceding his or her application for renewal, in approved programs  
34 of continuing professional veterinary medical education, as defined in this Code section.  
35 Veterinarians who have been licensed in this state for 40 years or more on December 31,

1 1988, shall not be required to participate in continuing education as a condition of license  
2 renewal. The amount of continuing education required by the board under this paragraph  
3 shall not exceed 30 hours.

4 (2) Continuing professional veterinary medical education shall consist of educational  
5 programs providing training pertinent to the practice of veterinary medicine and approved  
6 by the board under this Code section. The board shall approve educational programs for  
7 persons practicing veterinary medicine in this state on a reasonable nondiscriminatory fee  
8 basis and may contract with institutions of higher learning, professional organizations,  
9 or qualified individuals for the provision of approved programs. In addition to such  
10 programs, the board shall allow the continuing professional veterinary medical education  
11 requirement to be fulfilled by the completion of approved correspondence courses which  
12 provide the required hours of approved programs of continuing professional veterinary  
13 medical education or to be fulfilled by a combination of approved correspondence  
14 courses and other educational programs.

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

19 (e) The board shall provide by regulation for an inactive status license for those individuals  
20 who elect to apply for such status. Persons who are granted inactive status shall not engage  
21 in the practice of veterinary medicine and shall be exempt from the requirements of  
22 continuing veterinary medical education.

23 43-50-27.

24 (a) The board is authorized to refuse to grant a license to an applicant, or to revoke the  
25 license of a veterinarian licensed by the board, or to discipline a veterinarian licensed under  
26 this chapter or any antecedent law, or to discipline a veterinary technician licensed under  
27 this chapter or any antecedent law, upon a finding by a majority of the entire board that the  
28 licensee, registrant, or applicant has:

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

1 (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the  
2 practice of veterinary medicine or on any document connected therewith; or practiced  
3 fraud or deceit or intentionally made any false statement in obtaining a license to practice  
4 veterinary medicine; or made a false statement or deceptive biennial registration with the  
5 board;

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

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

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

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

17 (C) An adjudication or sentence was otherwise withheld or not entered on the charge.  
18 The plea of nolo contendere or the order entered pursuant to the provisions of Article 3  
19 of Chapter 8 of Title 42 or other first offender treatment shall be conclusive evidence of  
20 arrest and sentencing for such crime;

21 (5) Had his or her license to practice veterinary medicine revoked, suspended, or  
22 annulled by any lawful licensing veterinary medical authority other than the board; or had  
23 other disciplinary action taken against him or her by any lawful licensing veterinary  
24 medical authority other than the board; or was denied a license by any lawful licensing  
25 veterinary medical authority other than the board, pursuant to disciplinary proceedings;  
26 or was refused the renewal of a license by any lawful licensing veterinary medical  
27 authority other than the board, pursuant to disciplinary proceedings;

28 (6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct  
29 or practice harmful to the public, which conduct or practice materially affects the fitness  
30 of the licensee or applicant to practice veterinary medicine, or of a nature likely to  
31 jeopardize the interest of the public, which conduct or practice need not have resulted in  
32 actual injury or be directly related to the practice of veterinary medicine but shows that  
33 the licensee or applicant has committed any act or omission which is indicative of bad  
34 moral character or untrustworthiness. Unprofessional conduct shall also include any  
35 departure from, or the failure to conform to, the minimal standards of acceptable and  
36 prevailing veterinary medical practice. Unprofessional conduct shall also include, but not  
37 be limited to, the following: failure to keep veterinary premises and equipment in a clean

1 and sanitary condition; dishonesty or gross negligence in the inspection of foodstuffs or  
2 the issuance of health or inspection certificates; or cruelty to animals;

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

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

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

19 (10) Displayed an inability to practice veterinary medicine with reasonable skill and  
20 safety to patients or has become unable to practice veterinary medicine with reasonable  
21 skill and safety to patients by reason of illness, use of alcohol, drugs, narcotics,  
22 chemicals, or any other type of material, or as a result of any mental or physical  
23 condition, or by reason of displaying habitual intoxication, addiction to, or recurrent  
24 personal misuse of alcohol, drugs, narcotics, chemicals, or any other type of similar  
25 substances. In enforcing this paragraph, the board may, upon reasonable grounds, require  
26 a licensee or applicant to submit to a mental or physical examination by physicians  
27 designated by the board. The results of such examination shall be admissible in any  
28 hearing before the board, notwithstanding any claim of privilege under a contrary rule of  
29 law or statute. Every person who shall accept the privilege of practicing veterinary  
30 medicine in this state or who shall file an application for a license to practice veterinary  
31 medicine in this state shall be deemed to have given that person's consent to submit to  
32 such mental or physical examination and to have waived all objections to the  
33 admissibility of the results in any hearing before the board upon the grounds that the  
34 same constitutes a privileged communication. If a licensee or applicant fails to submit to  
35 such an examination when properly directed to do so by the board, unless such failure is  
36 due to circumstances beyond his or her control, the board may enter a final order upon  
37 proper notice, hearing, and proof of such refusal. Any licensee or applicant who is

1 prohibited from practicing veterinary medicine under this paragraph shall at reasonable  
 2 intervals be afforded an opportunity to demonstrate to the board that such person can  
 3 resume or begin the practice of veterinary medicine with reasonable skill and safety to  
 4 patients;

5 (11) Failed to register with the division director as required by law. It shall be the duty  
 6 of every licensee to notify the board of any change in his or her address of record with  
 7 the board; provided, however, that, for a period established by the division director after  
 8 failure to register, a license may be reinstated by payment of a registration fee to be  
 9 determined by the board by rule and by filing of a special application therefor. After this  
 10 period has elapsed, a license may be revoked for failure to register and for failure to pay  
 11 the fee as provided by law. Any license revoked under the terms of this Code section  
 12 may be reinstated only upon an applicant's taking the examination required by Code  
 13 Section 43-50-23 and paying the fees prescribed by law therefor;

14 (12) Engaged in the excessive prescribing or administering of drugs or treatment or the  
 15 use of diagnostic procedures which are detrimental to the patient as determined by the  
 16 customary practice and standards of the local community of licensees; or knowingly  
 17 prescribed controlled drug substances or any other medication without a legitimate  
 18 veterinary medical purpose; or knowingly overprescribed controlled drug substances or  
 19 other medication, in light of the condition of the patient at the time of prescription; ~~or~~

20 (13) Knowingly made any fraudulent, misleading, or deceptive statement in any form of  
 21 advertising or made any statement in any advertisement concerning the quality of the  
 22 veterinary services rendered by that veterinarian or any veterinarian associated with him  
 23 or her. For purposes of this paragraph, 'advertising' shall include any information  
 24 communicated in a manner designated to attract public attention to the practice of the  
 25 licensee; or

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

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

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

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

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

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

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

9 (4) Limit or restrict any license as the board deems necessary for the protection of the  
10 public;

11 (5) Revoke any license; or

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

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

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

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

25 (h)(1) The division director is authorized to make, or cause to be made through  
26 employees or agents of the board, such investigations as he or she or the board may deem  
27 necessary or proper for the enforcement of the provisions of this chapter. Any person  
28 properly conducting an investigation on behalf of the board shall have access to and may  
29 examine any writing, document, or other material relating to the fitness of any licensee  
30 or applicant. The division director or his or her appointed representative may issue  
31 subpoenas to compel such access upon a determination that reasonable grounds exist for  
32 the belief that a violation of this chapter or any other law relating to the practice of  
33 veterinary medicine may have taken place.

34 (2) The results of all investigations initiated by the board shall be reported solely to the  
35 board, and the records of such investigations shall be kept for the board by the division  
36 director, with the board retaining the right to have access at any time to such records. No  
37 part of any such records shall be released, except to the board, for any purpose other than

1 a hearing before the board, nor shall such records be subject to subpoena; provided,  
2 however, that the board shall be authorized to release such records to another  
3 enforcement agency or lawful licensing authority.

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

7 (i) A person, firm, corporation, association, authority, or other entity shall be immune from  
8 civil and criminal liability for reporting or investigating the acts or omissions of a licensee  
9 or applicant which violate the provisions of subsection (a) of this Code section or any other  
10 provision of law relating to a licensee's or applicant's fitness to practice as a veterinarian  
11 or for initiating or conducting proceedings against such licensee or applicant, if such report  
12 is made or action is taken in good faith, without fraud or malice. Any person who testifies  
13 or who makes a recommendation to the board in the nature of peer review, in good faith,  
14 without fraud or malice, before the board in any proceeding involving the provisions of  
15 subsection (a) of this Code section or any other law relating to a licensee's or applicant's  
16 fitness to practice as a veterinarian shall be immune from civil and criminal liability for so  
17 testifying.

18 (j) Neither a denial of a license on grounds other than those enumerated in subsection (a)  
19 of this Code section nor the issuance of a private reprimand nor the denial of a license by  
20 reciprocity nor the denial of a request for reinstatement of a revoked license nor the refusal  
21 to issue a previously denied license shall be considered to be a contested case within the  
22 meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Notice and  
23 hearing within the meaning of Chapter 13 of Title 50 shall not be required, but the  
24 applicant or licensee shall be allowed to appear before the board if he or she so requests.

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

36 (l) The voluntary surrender of a license shall have the same effect as a revocation of the  
37 license, subject to reinstatement in the discretion of the board.

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

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

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

13 43-50-28.

14 Reserved.

15 43-50-29.

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

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

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

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

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

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

32 43-50-30.

33 The board may, in its discretion, issue a veterinary faculty license to any qualified applicant  
34 associated with one of this state's institutions of higher learning and involved in the

1 instructional program of either undergraduate or graduate veterinary medical or veterinary  
 2 technology students, subject to the following conditions:

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

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

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

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

19 43-50-31.

20 Reserved.

21 43-50-32.

22 This article shall not be construed to prohibit:

23 (1) An employee of the federal, state, or local government performing his or her official  
 24 duties;

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

28 ~~(3) A person advising with respect to, or performing acts which the board by rule has~~  
 29 ~~prescribed as, accepted livestock management practices~~ The following practices, which  
 30 shall be considered acceptable livestock management practices and shall not be  
 31 considered the practice of veterinary medicine: castration of food animals, dehorning  
 32 without the use of prescription drugs or surgical closure of wounds, hoof trimming or  
 33 shoeing, testing for pregnancy, implantation of over-the-counter growth implants,  
 34 implantation of over-the-counter identification devices, artificial insemination, the use

1 of federally approved over-the-counter products, branding, and the use of ultrasound for  
 2 collection of production data and similar nondiagnostic purposes;

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

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

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

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

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

14 (E) Is providing services for an organization conducting a public event lasting less than  
 15 ten days that utilizes animals in need of veterinary examinations, treatments, or  
 16 oversight to promote the safety and health of the public, the event, and the animal  
 17 participants;

18 provided, however, that a veterinarian licensed in another state who practices veterinary  
 19 medicine on animals belonging to residents of this state by communicating directly with  
 20 such owners, i.e., independent of the attending veterinary licensee, is not exempt from  
 21 this state's licensing requirements;

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

28 (6) The owner of an animal, ~~and the owner's full-time regular employee,~~ or the owner's  
 29 noncompensated friend or relative caring for and treating the animal belonging to such  
 30 owner, except where the ownership of the animal was transferred for purposes of  
 31 circumventing this article;

32 (7) ~~The holder of a veterinary faculty license issued by the board performing regular~~  
 33 ~~teaching duties or a person lecturing or giving instructions or demonstrations at a~~  
 34 ~~veterinary school or in connection with a continuing education course or seminar~~ A  
 35 member of the faculty, a resident, an intern, or a graduate student of an accredited college  
 36 of veterinary medicine performing his or her regular nonclinical functions or a person  
 37 lecturing or giving instructions or demonstrations at an accredited college or school of

1 veterinary medicine or school of veterinary technology in connection with a continuing  
 2 education course or seminar;

3 (8) Any person selling or applying any pesticide, insecticide, or herbicide;

4 (9) Any person engaging in bona fide scientific research which reasonably requires  
 5 experimentation involving animals;

6 (10) ~~Any person performing artificial insemination or nonsurgical transfer of embryos;~~  
 7 ~~or~~ Any registered veterinary technician performing duties other than making a diagnosis,  
 8 prescribing drugs, biologicals, or treatments, performing surgery, or making a prognosis  
 9 under the direction and supervision of a licensed veterinarian who shall be responsible  
 10 for his or her performance;

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

13 (12) A graduate of a foreign college of veterinary medicine who is in the process of  
 14 obtaining the ECFVG license performing duties or actions under the direct supervision  
 15 of a licensed veterinarian;

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

23 (14) Any other licensed health care provider utilizing his or her special skills so long as  
 24 the treatment of the animal is under the direction of a licensed veterinarian with a valid  
 25 veterinary-client-patient relationship.

26 43-50-33.

27 ~~(a) Any person who practices veterinary medicine without a valid license shall be guilty~~  
 28 ~~of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50.00 nor~~  
 29 ~~more than \$500.00 or imprisoned for no more than 90 days, or both, provided that each act~~  
 30 ~~of such unlawful practice shall constitute a distinct and separate offense~~ Any person, firm,  
 31 partnership, corporation, or other entity that practices veterinary medicine in this state  
 32 without obtaining a license to practice from the board shall be guilty of a misdemeanor  
 33 upon conviction for the first such offense, a high and aggravated misdemeanor upon  
 34 conviction for the second such offense, and a felony upon conviction for the third or  
 35 subsequent such offense. Any person convicted of a felony under this subsection shall be

1 punished by a fine of not less than \$500.00 nor more than \$1,000.00 or by imprisonment  
 2 for not less than one year nor more than five years, or both.

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

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

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

### 12 ARTICLE 3

13 43-50-50.

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

18 43-50-51.

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

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

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

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

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

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

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

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

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

34 Reserved.

1 43-50-52.

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

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

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

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

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

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

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

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

17 ~~(b) Until January 1, 1984, any person who has been at any time certified as a registered~~  
18 ~~animal technician and has had three years' experience of employment as a registered~~  
19 ~~animal technician shall upon application be registered as a veterinary technician without~~  
20 ~~examination and without meeting the requirements of paragraphs (1) and (2) of subsection~~  
21 ~~(a) of this Code section.~~

22 ~~(c) Any person who immediately prior to July 1, 1983, was currently certified as a~~  
23 ~~registered animal technician shall be entitled to be registered as a veterinary technician and~~  
24 ~~to have such certification renewed without examination and without meeting any~~  
25 ~~requirements of paragraphs (1) and (2) of subsection (a) of this Code section.~~

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

30 (b) An applicant to be registered as a veterinary technician under this article shall be at  
31 least 18 years of age, of good moral character, and:

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

34 (2) Have successfully completed a college level course in the care and treatment of  
35 animals which is accredited by the American Veterinary Medical Association; and

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

1 The board may require additional information and proof of a person's fitness and  
2 qualifications by board rule.

3 (c) The board may issue a certificate of registration to an applicant without examination  
4 if the applicant submits proof satisfactory to the board that he or she possesses the  
5 qualifications previously stated and:

6 (1) The applicant is currently registered in another state having standards for admission  
7 substantially the same as this state's and the standards were in effect at the time the  
8 applicant was first admitted to practice in the other state; and

9 (2) The applicant has been employed and supervised by a veterinarian licensed to  
10 practice in his or her respective state for a period of at least three consecutive years  
11 preceding his or her application to practice as a veterinary technician in Georgia.

12 (d) Any person who prior to July 1, 2001, was at any time certified as a registered animal  
13 technician or veterinary technician by this state shall for a period of one year be entitled to  
14 be registered as a veterinary technician and to have such certification renewed without  
15 examination and without meeting any requirements of paragraphs (1), (2), and (3) of  
16 subsection (b) of this Code section.

17 (e) Any person who prior to July 1, 2001, had five years' experience as an unlicensed  
18 veterinary assistant may, with a signed affidavit from his or her supervising veterinarian  
19 attesting to his or her level of in-house training, be allowed to take the examination  
20 approved by the board. Upon receiving a passing grade on the examination, the board may  
21 issue a certificate of registration.

22 43-50-53.

23 ~~(a) The board shall hold at least one examination during each year and may hold such~~  
24 ~~additional examinations as are necessary~~ The board shall hold at least one examination for  
25 veterinary technicians annually or allow applicants to take automated tests at such locations  
26 and at such times as determined by board rule. The board need not be present during the  
27 examination.

28 ~~(b) After each examination, the division director shall notify each examinee of the results~~  
29 ~~of his examination, and the board shall issue certificates of registration to the successful~~  
30 ~~applicants. Any person failing an examination shall be admitted to any subsequent~~  
31 ~~examination on payment of the examination fee~~ The board shall establish rules governing  
32 the preparation, administration, and grading of the examination. The board may adopt the  
33 National Veterinary Technicians Examination prepared by the Professional Examination  
34 Service or any other such examination prepared to the board's standards and satisfaction.

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

1 (d) If an applicant fails an examination, the applicant may take a subsequent examination  
 2 upon payment of the registration and examination fees. No person may take the  
 3 examination more than three times without review by the board.

4 (e) Any veterinary technician in the State of Georgia whose certificate of registration has  
 5 been on inactive status for at least five consecutive years will be required to take continuing  
 6 education as required by the board, pay all fees, and meet all other requirements and board  
 7 rules for registration as a veterinary technician.

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

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

14 43-50-54.

15 ~~(a) A registered veterinary technician shall be allowed to perform his duties only under the~~  
 16 ~~direct supervision of a licensed veterinarian~~ Any person registered as a veterinary  
 17 technician and while practicing as a veterinary technician in this state must at all times be  
 18 under the supervision of a licensed veterinarian. The level of supervision shall be  
 19 consistent with the delegated animal health care task. The board may establish by rule, in  
 20 general or specific terms as it deems necessary, the animal health care tasks that veterinary  
 21 technicians may provide and the level of supervision, whether direct supervision,  
 22 immediate supervision, or indirect supervision, that is required by the licensed veterinarian  
 23 for any delegated animal health care task.

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

30 (1) Solicits patients from a licensed veterinarian;

31 (2) Solicits or receives any form of compensation from any person for veterinary services  
 32 rendered other than from the veterinarian or corporation under whom the technician is  
 33 employed;

34 (3) Willfully or negligently divulges a professional confidence or discusses a  
 35 veterinarian's diagnosis or treatment without the express permission of the veterinarian;

36 or

1 (4) Demonstrates a manifest incapability or incompetence to perform as a veterinary  
2 technician.

3 (c) A veterinary technician may not be utilized in any manner which would be in violation  
4 of Article 2 of this chapter.

5 (d) A veterinary technician shall not be utilized to perform the duties of a pharmacist  
6 licensed under Chapter 4 of Title 26.

7 43-50-55.

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

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

15 ~~(c) No veterinarian shall have more than two veterinary technicians in his employment at~~  
16 ~~any one time~~ No veterinary facility shall be allowed to operate with more than two licensed  
17 veterinary technicians per full-time veterinarian or combination of part-time veterinarians  
18 equaling a full-time position actively practicing at that location.

19 43-50-56.

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

22 43-50-57.

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

26 43-50-58.

27 Repealed.

28 43-50-59.

29 Repealed.

ARTICLE 4

43-50-70.

(a) Effective July 1, 2001, any veterinary facility shall be required to register with the board. Any person who owns or operates any veterinary facility shall apply for and secure a facility permit from the board prior to the commencement of any services that would subject the provider of those services to licensing under this chapter.

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

(c) Prior to the issuance of a facility permit, the board shall cause the applicant facility to be inspected by a licensed veterinarian authorized by the board. The board shall promulgate rules and regulations which establish minimum standards for veterinary facilities including sanitary conditions, record-keeping practices and procedures, equipment, radiation monitoring, and physical plant. In lieu of an inspection, the board may issue a facility permit upon receipt of proof that the facility has been inspected and accredited by an organization recognized by the board, the standards of which are found by the board to meet or exceed the minimum standards established by the board.

(d) The board shall be authorized to make, or cause to be made through employees or agents of the board, such periodic inspections of veterinary facilities as the board deems necessary to ensure compliance with the minimum standards established by the board.

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

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

1

ARTICLE 52 43-50-90.

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

8

**SECTION 2.**

9 This Act shall become effective on July 1, 2002. This Act does not affect rights and duties  
10 that matured, penalties that were incurred, and proceedings that were begun before its  
11 effective date.

12

**SECTION 3.**

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