

House Bill 347 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Purcell of the 122nd, Ray of the 108th, James of the 114th, Crawford of the 91st, Oliver of the 121st, Post 2, and others

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 extensively revise the "Georgia Veterinary Practice Act"; to provide a
3 short title; to provide for legislative purpose; to define certain terms; to provide for the State
4 Board of Veterinary Medicine and its members, powers, and duties; to provide for licensing
5 of veterinarians and regulation of the practice of veterinary medicine; to provide for
6 registration of veterinary technicians and regulation of the practice of veterinary technology;
7 to provide for certain exceptions; to provide punishments for certain violations; to provide
8 standards for veterinary facilities; to provide for immunity for certain acts; to provide
9 effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**PART I**
12 style="text-align:center">**SECTION 1-1.**

13 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
14 is amended by striking Chapter 50, relating to veterinarians and veterinary technicians, and
15 inserting in lieu thereof the following:

16 style="text-align:center">"CHAPTER 50
17 style="text-align:center">ARTICLE 1

18 43-50-1.

19 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 or veterinary technology.

5 43-50-3.

6 As used in this chapter, the term:

7 (1) 'Accredited college or school of veterinary medicine' means any veterinary college
8 or school or division of a university or college that offers the degree of Doctor of
9 Veterinary Medicine or its equivalent and that conforms to the standards required for
10 accreditation by the American Veterinary Medical Association Council on Education or
11 its successor organization.

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 or its successor organization.

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

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

27 (7) 'Immediate supervision' means the licensed veterinarian is in audible and visual range
28 of the animal patient and the person treating the animal.

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

34 ~~(3)~~(9) 'Licensed veterinarian' means a person who is validly and currently licensed to
35 practice veterinary medicine in this state.

1 ~~(4)~~(10) 'Person' means any individual, firm, partnership, limited liability company,
 2 association, joint venture, cooperative, and corporation or any other group or combination
 3 acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or
 4 as any other kind of legal or personal representative, or as the successor in interest,
 5 assignee, agent, factor, servant, employee, member, director, officer, or any other
 6 representative of such person.

7 ~~(5)~~(11) To 'practice veterinary medicine' or the 'practice of veterinary medicine' means:

8 (A) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity,
 9 defect, injury, or other physical or mental conditions, including the prescription, ~~or~~
 10 administration, or dispensing of any prescription drug, medicine, biologic, apparatus,
 11 application, anesthetic, or other therapeutic or diagnostic substance or technique ~~for~~
 12 testing on, for, or to any animal, including but not limited to acupuncture, animal
 13 dentistry, homeopathy, or manual or mechanical adjustment procedures, botanical
 14 medicine, physical therapy, surgery, diagnostic veterinary pathology, any manual,
 15 mechanical, biological, or chemical procedure used for pregnancy testing, or for
 16 correcting sterility or infertility, or to render advice or recommendations with regard
 17 to any of the above, but not including such administration or dispensing pursuant to
 18 prescription or direction of a licensed veterinarian;

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

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

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

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

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

35 (E) To apply principles of environmental sanitation, food inspection, environmental
 36 pollution control, zoonotic disease control, and disaster medicine in the promotion and

1 protection of public health as it specifically relates to animals. This subparagraph shall
 2 apply only to licensed veterinarians and not to other qualified individuals;

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

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

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

15 (13) 'Registered veterinary technician' means a veterinary technician who is validly and
 16 currently registered to practice veterinary technology in this state.

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

21 ~~(7)~~(14) 'Veterinarian' means a person who has received a doctor's doctorate degree in
 22 veterinary medicine from a college or school of veterinary medicine.

23 (15) 'Veterinarian-client-patient relationship' means that:

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

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

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

35 (16) 'Veterinary facility' means any premises owned or operated by a veterinarian or his
 36 or her employer where the practice of veterinary medicine occurs, including but not
 37 limited to veterinary hospitals, clinics, or mobile clinics; provided, however, that such

1 term does not include a client's private property where a licensed veterinarian treats the
 2 client's animals.

3 ~~(8)~~(17) 'Veterinary medicine' includes veterinary surgery, obstetrics, dentistry, and all
 4 other branches or specialties of veterinary medicine.

5 (18) 'Veterinary technician' means a person who engages in the practice of veterinary
 6 technology.

7 (19) 'Veterinary technology' means the science and art of providing certain aspects of
 8 professional medical care and treatment for animals and the practice of veterinary
 9 medicine as may be delegated by a veterinarian but does not include making a diagnosis
 10 or prognosis, prescribing treatment, performing surgery, or the prescription of
 11 medications. Such authorized tasks when performed by a registered veterinary technician
 12 in accordance with such delegation by a licensed veterinarian shall not constitute the
 13 practice of veterinary medicine by such registered veterinary technician, the provisions
 14 of paragraph (11) of this Code section notwithstanding.

15 ARTICLE 2

16 43-50-20.

17 (a) ~~The~~ There shall be a State Board of Veterinary Medicine ~~is created~~, the members of
 18 which shall be appointed by the Governor with the approval of the Secretary of State and
 19 ~~confirmed~~ confirmation by the Senate. The board shall consist of six members, each
 20 appointed for a term of five years or until his or her successor is appointed. Five members
 21 of the board shall be duly licensed veterinarians actually engaged in active practice for at
 22 least five years prior to appointment. The sixth member shall be appointed from the public
 23 at large and shall in no way be connected with the practice of veterinary medicine. ~~The~~
 24 ~~initial appointment for the sixth member shall expire June 30, 1985; thereafter, successors~~
 25 ~~shall be appointed for a term of five years.~~ Those members of the ~~Georgia State Board of~~
 26 ~~Veterinary Examiners~~ State Board of Veterinary Medicine serving on July 1, ~~1965~~ 2003,
 27 shall continue to serve as members of the board until the expiration of the term for which
 28 they were appointed. Thereafter, successors to such board members shall be appointed in
 29 accordance with this Code section.

30 (b) Vacancies due to death, resignation, removal, or otherwise shall be filled for the
 31 remainder of the unexpired term in the same manner as regular appointments. No person
 32 shall serve two consecutive five-year terms, but a person appointed for a term of less than
 33 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 of~~ chair the 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~~
 21 licenses or registrations to practice veterinary medicine and veterinary technology in this
 22 state;

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

28 (3) Conduct investigations for the purpose of discovering violations of this ~~article~~
 29 chapter or grounds for disciplining ~~licensed veterinarians~~ persons licensed or registered
 30 under this chapter;

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

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

1 (6) Bring proceedings in the courts for the enforcement of this ~~article~~ chapter or any
2 regulations made pursuant to this ~~article~~ chapter; and

3 (7) Adopt, amend, or repeal all rules necessary for its government and all regulations
4 necessary to carry this ~~article~~ chapter into effect, including without limitation the
5 establishment and publication of standards of professional conduct for the practice of
6 veterinary medicine and veterinary technology.

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

10 ARTICLE 3

11 Part 1

12 ~~43-50-22:~~ 43-50-30.

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

16 (b) A licensed veterinarian may practice veterinary medicine as an employee of a
17 corporation, partnership, or other business organization provided the articles of
18 incorporation, partnership, or business organization documents clearly state that the
19 licensed veterinarian is not subject to the direction of anyone not licensed to practice
20 veterinary medicine in Georgia in making veterinary medical decisions or judgments.

21 ~~43-50-23:~~ 43-50-31.

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

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

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

27 (3) The applicant is a graduate of ~~a veterinary school~~ an accredited college or school of
28 veterinary medicine or possesses an ECFVG certificate; provided, however, that a senior
29 veterinary student may, in the discretion of the board, be allowed to sit for the
30 examination during his or her senior year if he or she meets the other qualifications but
31 shall not be issued a license unless and until he or she graduates; and

32 (4) The applicant meets such other qualifications or provides such other information as
33 the board may require by rule.

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

1 (c) If the board determines that an applicant possesses the proper qualifications, it shall
 2 admit the applicant to the next examination; provided, however, that the board may provide
 3 by rule for waiver of any part of such examination for veterinarians who are licensed as
 4 such by another state and who are in good standing therewith.

5 ~~43-50-24.~~ 43-50-32.

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

8 (b) After each examination, the division director shall notify each examinee of the result
 9 of his or her examination, and the board shall issue licenses to the persons successfully
 10 completing the examination. The division director shall record the new licenses and issue
 11 a certificate of registration to the new licensees. ~~Any person failing an examination shall~~
 12 ~~be admitted to any subsequent examination on payment of the application fee. If an~~
 13 applicant fails a license examination, the applicant may take a subsequent examination
 14 upon payment of the registration and examination fees. No person may take the
 15 examination more than three times without review and approval by the board. Approval
 16 may be provided under such circumstances as the board deems appropriate.

17 ~~43-50-25.~~ 43-50-33.

18 Any person holding a valid license to practice veterinary medicine in this state on July 1,
 19 ~~1965~~ 2003, shall be recognized as a licensed veterinarian and shall be entitled to retain this
 20 status so long as he or she complies with this article, including biennial renewal of the
 21 license.

22 Part 2

23 ~~43-50-26.~~ 43-50-40.

24 (a) All licenses and registrations under this article shall be renewable biennially.

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

32 (c) The board may by rule waive the payment of the ~~registration~~ renewal fee of a licensed
 33 veterinarian or registered veterinary technician during the period when he or she is on

1 active duty with any branch of the armed forces of the United States, not to exceed the
2 longer of three years or the duration of a national emergency.

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

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

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

31 (e) The board shall provide by regulation for an inactive status license or registration for
32 those individuals who elect to apply for such status. Persons who are granted inactive status
33 shall not engage in the practice of veterinary medicine or veterinary technology and shall
34 be exempt from the requirements of continuing veterinary medical education during such
35 inactivity.

1 ~~43-50-27.~~ 43-50-41.

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

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

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

36 (5) Had his or her license to practice veterinary medicine or registration to practice
 37 veterinary technology revoked, suspended, or annulled by any lawful licensing veterinary

1 medical authority other than the board; or had other disciplinary action taken against him
2 or her by any lawful licensing or registering veterinary medical authority other than the
3 board; or was denied a license or registration by any lawful licensing veterinary medical
4 authority other than the board, pursuant to disciplinary proceedings; or was refused the
5 renewal of a license or registration by any lawful licensing veterinary medical authority
6 other than the board, pursuant to disciplinary proceedings;

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

21 (7) Knowingly performed any act which in any way aids, assists, procures, advises, or
22 encourages any unlicensed or unregistered person or any licensee or registrant whose
23 license or registration has been suspended or revoked by the board to practice veterinary
24 medicine or veterinary technology or to practice outside the scope of any disciplinary
25 limitation placed upon the licensee or registrant by the 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 or
35 registration of any such person and shall prevent the reissuance or renewal of any license
36 or registration so suspended for 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 or her control, the board
20 may enter a final order upon proper notice, hearing, and proof of such refusal. Any
21 licensee, registrant, or applicant who is prohibited from practicing veterinary medicine
22 or veterinary technology under this paragraph shall at reasonable intervals be afforded
23 an opportunity to demonstrate to the board that such person can resume or begin the
24 practice of veterinary medicine or veterinary technology with reasonable skill and safety
25 to 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 revoked under the terms of this Code section may be reinstated only upon an
34 applicant's taking the examination required by Code Section 43-50-23 and paying the
35 fees prescribed by law therefor;~~

36 (12) Engaged in the excessive prescribing or administering of drugs or treatment or the
37 use of diagnostic procedures which are detrimental to the patient as determined by the

1 customary practice and standards of the local community of licensees; or knowingly
 2 prescribed controlled drug substances or any other medication without a legitimate
 3 veterinary medical purpose; or knowingly overprescribed controlled drug substances or
 4 other medication, in light of the condition of the patient at the time of prescription; ~~or~~

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

11 (14) Used, prescribed, or sold any veterinary prescription drug or prescribed an
 12 extralabel use of any drug in the absence of a valid veterinarian-client-patient
 13 relationship; or

14 (15) Has had his or her U. S. Drug Enforcement Administration privileges restricted or
 15 revoked.

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~~ anyone other than the person reprimanded;

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

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

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

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

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

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

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

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

33 (i) A person, firm, corporation, association, authority, or other entity shall be immune from
34 civil and criminal liability for reporting or investigating the acts or omissions of a licensee,
35 registrant, or applicant which violate the provisions of subsection (a) of this Code section
36 or any other provision of law relating to a licensee's, registrant's, or applicant's fitness to
37 practice as a licensed veterinarian or registered veterinary technician or for initiating or

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

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

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

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

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

34 (n) All subpoenas issued pursuant to the authority granted in this chapter shall be subject
35 to the general rules of law with respect to distance, tender of fees and expenses, and
36 protective orders; and any motion made with respect thereto shall be made to and passed

1 on by a judge of the superior court of the county of residence of the person to whom the
2 subpoena is directed.

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

7 ~~43-50-28.~~

8 ~~Reserved.~~

9 ~~43-50-29.~~ 43-50-42.

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

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

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

17 (b) The temporary license shall expire on the date that permanent licenses are issued to
18 persons who have passed the examination provided for in Code Section ~~43-50-24~~ 43-50-32,
19 which examination occurred immediately following the issuance of the temporary license.

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

24 ~~43-50-30.~~ 43-50-43.

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

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

32 (2) That the applicant will furnish the board with such proof as the board may deem
33 necessary to demonstrate that the applicant is a graduate of a reputable school or college
34 of veterinary medicine; that the applicant has or will have a faculty position at an

1 institution which meets the requirements of paragraph (1) of this Code section, as
 2 certified by an authorized administrative official at such institution; and that the applicant
 3 understands and agrees that the faculty license is valid only for the practice of veterinary
 4 medicine as a faculty member of the institution;

5 (3) That the license issued under this Code section may be revoked or suspended or the
 6 licensee may be otherwise disciplined in accordance with Code Section ~~43-50-27~~
 7 43-50-41; and

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

12 ~~43-50-31.~~

13 ~~Reserved.~~

14 ~~43-50-32.~~ 43-50-44.

15 This article shall not be construed to prohibit:

16 (1) An employee of the federal, state, or local government or any contractual partner
 17 thereof or any employee of a public or private college or university or of a zoological
 18 park or aquarium that is accredited by the American Zoo and Aquarium Association or
 19 other substantially equivalent nationally recognized accrediting agency as determined
 20 by the board from performing his or her nonclinical duties;

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

24 (3) ~~A person advising with respect to, or performing acts which the board by rule has~~
 25 ~~prescribed as, accepted livestock management practices~~ A person, compensated or
 26 otherwise, from performing acceptable livestock management practices, which practices
 27 shall include, but not be limited to, castration of food animals, dehorning or floating teeth
 28 without the use of prescription drugs or surgical closure of wounds, hoof trimming or
 29 shoeing, docking, ear notching, removing needle teeth, testing for pregnancy,
 30 implantation of over-the-counter growth implants, implantation of over-the-counter
 31 identification devices, artificial insemination, the use of federally approved
 32 over-the-counter products, branding, collecting of fluids for genetic identification and
 33 classification, semen collection, storage, testing and evaluation, and the use of ultrasound
 34 for collection of production data and similar nondiagnostic purposes;

1 (4) A person assisting with a nonsurgical fetal delivery in a food animal, provided that
 2 no fee is charged;

3 ~~(4)(5) 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; provided, however, that a veterinarian licensed in another state who
 18 practices veterinary medicine on animals belonging to residents of this state by
 19 communicating directly with such owners and independent of the attending veterinary
 20 licensee is not exempt from this state's licensing requirements;

21 ~~(5)(6) Any merchant or manufacturer selling, at his or her regular place of business,~~
 22 ~~medicines, feed, appliances, or other products used in the prevention or treatment of~~
 23 ~~animal diseases. This shall not be construed to authorize the sale of medicines which~~
 24 ~~must be obtained by a prescription from a pharmacist but shall only include the right to~~
 25 ~~sell those medicines which are classified as proprietary and which are commonly known~~
 26 ~~as over-the-counter medicines;~~

27 ~~(6)(7) The owner of an animal, and the owner's full-time regular employee, or the~~
 28 ~~owner's friend or relative caring for and treating the animal belonging to such owner,~~
 29 ~~except where the ownership of the animal was transferred for purposes of circumventing~~
 30 ~~this article;~~

31 (8) The owner, operator, or employee of a licensed kennel, animal shelter, or stable or of
 32 a pet-sitting service providing food, shelter, or supervision of an animal or administering
 33 prescription drugs pursuant to prescription of a licensed veterinarian or over-the-counter
 34 medicine to an animal;

35 ~~(7)(9) The holder of a veterinary faculty license issued by the board performing regular~~
 36 ~~teaching duties or a person lecturing or giving instructions or demonstrations at a~~
 37 ~~veterinary school or in connection with a continuing education course or seminar~~ A

1 member of the faculty, a resident, an intern, or a graduate student of an accredited college
 2 or school of veterinary medicine or school of veterinary technology performing his or her
 3 regular nonclinical functions or a person lecturing or giving instructions or
 4 demonstrations at an accredited college or school of veterinary medicine or school of
 5 veterinary technology in connection with a continuing education course or seminar;

6 ~~(8)~~(10) Any person selling or applying any pesticide, insecticide, or herbicide;

7 ~~(9)~~(11) Any person engaging in bona fide scientific research which reasonably requires
 8 experimentation involving animals;

9 ~~(10)~~(12) Any person performing artificial insemination; ~~or nonsurgical transfer of~~
 10 ~~embryos; or~~

11 ~~(11)~~(13) An employee of a licensed veterinarian administering prescribed care to an
 12 animal under the direct appropriate supervision of the veterinarian;

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

16 (15) A person or his or her employee from the nonsurgical removal of an embryo from
 17 an animal for the purpose of transplanting such embryo into another female animal,
 18 cryopreserving such embryo, or implanting such embryo in an animal, provided the use
 19 of prescription medications in such animals is maintained under the direction of a
 20 licensed veterinarian with a valid veterinarian-client-patient relationship;

21 (16) Any other licensed or registered health care provider utilizing his or her special
 22 skills so long as the treatment of the animal is under the direction of a licensed
 23 veterinarian with a valid veterinary-client-patient relationship; or

24 (17) A person performing soft tissue animal massage.

25 ~~43-50-33, 43-50-45.~~

26 (a) Any person who practices veterinary medicine without a valid license in violation of
 27 this article shall be guilty of a ~~misdemeanor~~ the offense of practicing veterinary medicine
 28 without a license and, upon conviction thereof, shall be ~~finned not less than \$50.00 nor more~~
 29 ~~than \$500.00 or imprisoned for no more than 90 days, or both~~ punished as provided in this
 30 Code section, provided that each act of such unlawful practice shall constitute a distinct and
 31 separate offense.

32 ~~No person who shall practice veterinary medicine without a valid license may receive~~
 33 ~~any compensation for services so rendered. Upon being convicted a first time under this~~
 34 Code section, such person shall be punished by a fine of not more than \$500.00 for each
 35 offense. Upon being convicted a second or subsequent time under this Code section, such

1 person shall be punished by a fine of not more than \$1,000.00 for each offense,
 2 imprisonment for not more than 12 months, or both such fine and imprisonment.

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

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

10 ~~ARTICLE 3~~

11 Part 3

12 43-50-50.

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

17 43-50-51.

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

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

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

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

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

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

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

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

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

33 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~~ such fee as
6 may be required by the board.

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

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

9 (B) The applicant is of good moral character;

10 (C)(i) ~~The applicant is a graduate of an animal technology program approved by the~~
11 ~~board; and~~ a college or technical school course of study in veterinary technology from
12 an institution accredited by the American Veterinary Medical Association, including
13 without limitation instruction in the operation of life sustaining oxygen equipment,
14 and has successfully passed an examination required by the board; or

15 (ii) The applicant has successfully completed a college course of study in the care and
16 treatment of animals from an institution having a curriculum approved by the board,
17 including without limitation instruction in the operation of life sustaining oxygen
18 equipment, and has successfully passed an examination required by the board; and

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

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

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

25 ~~(b) Until January 1, 1984, any person who has been at any time certified as a registered~~
26 ~~animal technician and has had three years' experience of employment as a registered~~
27 ~~animal technician shall upon application be registered as a veterinary technician without~~
28 ~~examination and without meeting the requirements of paragraphs (1) and (2) of subsection~~
29 ~~(a) of this Code section. Until July 1, 2005, any person who during the period from July~~
30 ~~1, 1993, through June 30, 2003, acquired a minimum of five years experience assisting a~~
31 ~~licensed veterinarian may, with a signed affidavit from his or her supervising veterinarian~~
32 ~~attesting to his or her level of on-the-job training, be allowed to take the examination~~
33 ~~approved by the board. Upon receiving a passing grade on such examination, the board~~
34 ~~may issue a certificate of registration. The board shall provide a list of appropriate study~~
35 ~~materials to candidates.~~

36 ~~(c) Any person who immediately prior to July 1, 1983, was currently certified as a~~
37 ~~registered animal technician shall be entitled to be registered as a veterinary technician and~~

1 ~~to have such certification renewed without examination and without meeting any~~
2 ~~requirements of paragraphs (1) and (2) of subsection (a) of this Code section. Until~~
3 ~~January 1, 2005, any person who at any time prior to July 1, 2003, was certified as a~~
4 ~~registered veterinary technician in this state shall be entitled to renew such registration~~
5 ~~without examination and without meeting any requirements of subparagraph (a)(2)(C) of~~
6 ~~this Code section.~~

7 ~~(d) The board may issue a certificate of registration to an applicant if the applicant is~~
8 ~~currently registered in another state having standards for admission substantially the same~~
9 ~~as this state and such standards were in effect at the time the applicant was first admitted~~
10 ~~to practice in the other state.~~

11 ~~(e) The board shall be responsible for registering any person who wishes to practice as a~~
12 ~~registered veterinary technician in this state and shall limit, restrict, supervise, and define~~
13 ~~such practice by board rule as the board deems appropriate and necessary for the protection~~
14 ~~of the public health, safety, and general welfare.~~

15 43-50-53.

16 ~~(a) The board shall hold at least one registration examination ~~during each year and may~~
17 ~~hold such additional examinations as are necessary for applicants annually or allow~~
18 ~~applicants to take automated tests at such locations and at such times as determined by the~~
19 ~~board.~~~~

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

27 ~~(c) The board shall establish by rule the score needed to pass any examination.~~

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

32 ~~(e) Any registered veterinary technician in this state whose certificate of registration has~~
33 ~~been on inactive status for at least five consecutive years and who desires to reactivate such~~
34 ~~registration shall be required to take continuing education, pay all fees, and meet all other~~
35 ~~requirements and board rules for registration as a veterinary technician. It shall be the duty~~

1 of the board to approve study materials that may be used to assist such persons in preparing
 2 for any examination.

3 43-50-54.

4 ~~(a) A registered veterinary technician shall be allowed to perform his duties only under the~~
 5 ~~direct supervision of a licensed veterinarian~~ Any person registered as a veterinary
 6 technician must at all times be under the supervision of a licensed veterinarian while
 7 practicing as a registered veterinary technician in this state. The level of supervision shall
 8 be consistent with the delegated animal health care task. The board may establish by rule,
 9 in such general or specific terms as it deems necessary and appropriate for purposes of this
 10 article, the level of supervision, whether direct supervision, immediate supervision, or
 11 indirect supervision, that is required by the licensed veterinarian for any delegated animal
 12 health care task.

13 ~~(b) Veterinary technicians registered under this article shall at all times notify the division~~
 14 ~~director of the name and location of the veterinarian under whose supervision such~~
 15 ~~veterinary technician is working.~~ Specifically and without limitation, the board may take
 16 disciplinary action against a registered veterinary technician if the technician:

17 (1) Solicits patients from a licensed veterinarian;

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

21 (3) Willfully or negligently divulges a professional confidence or discusses a licensed
 22 veterinarian's diagnosis or treatment without the express permission of the licensed
 23 veterinarian; or

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

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

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

30 43-50-55.

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

33 (b) A registered veterinary technician must clearly identify himself or herself as such in
 34 order to ensure that he or she is not mistaken by the public as a licensed veterinarian. This
 35 may be accomplished, for example, by the wearing of an appropriate name tag. Any time

1 the registered veterinary technician's name appears in a professional setting, his or her
 2 status must be shown as 'registered veterinary technician.'

3 (c) No licensed veterinarian shall have more than two registered veterinary technicians in
 4 his employment on duty under his or her supervision at any one time.

5 43-50-56.

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

8 43-50-57.

9 ~~The approval of a veterinarian's utilization of a veterinary technician may be terminated~~
 10 ~~or suspended, and the registration certificate revoked, suspended, or otherwise sanctioned~~
 11 ~~in accordance with the provisions of Code Section 43-50-27. The requirements of this~~
 12 ~~article shall not apply to any veterinary technician employed by federal, state, or local~~
 13 ~~government or any contractual partner thereof, a public or private college or university, or~~
 14 ~~by a zoological park or aquarium accredited by the American Zoo and Aquarium~~
 15 ~~Association or other substantially equivalent nationally recognized accrediting agency as~~
 16 ~~determined by the board in the performance of his or her duties of providing care for~~
 17 ~~animals owned by or on loan to such employer.~~

18 ARTICLE 4

19 43-50-60.

20 Any person who gratuitously and in good faith administers emergency treatment to a sick
 21 or injured animal at the scene of an accident or emergency shall not be in violation of this
 22 chapter and shall not be liable to the owner of such animal in any civil action for damages;
 23 provided, however, that this Code section shall not provide immunity for acts of gross
 24 negligence."

25 **PART II**

26 **SECTION 2-1.**

27 Said title is further amended by striking subsection (a) of Code Section 43-50-20 of the
 28 Official Code of Georgia Annotated, relating to creation of the State Board of Veterinary
 29 Medicine and its members, meetings, and officers, and inserting in lieu thereof the following:

30 "(a) ~~The~~ There shall be a State Board of Veterinary Medicine ~~is created~~, the members of
 31 which shall be appointed by the Governor with the approval of the Secretary of State and

1 ~~confirmed confirmation~~ by the Senate. The board shall consist of ~~six~~ seven members, each
 2 appointed for a term of five years or until his or her successor is appointed. Five members
 3 of the board shall be duly licensed veterinarians actually engaged in active practice for at
 4 least five years prior to appointment. The sixth member shall be appointed from the public
 5 at large and shall in no way be connected with the practice of veterinary medicine. ~~The~~
 6 ~~initial appointment for the sixth member shall expire June 30, 1985; thereafter, successors~~
 7 ~~shall be appointed for a term of five years.~~ The seventh member shall be a registered
 8 veterinary technician who has been registered and actively engaged in the practice of
 9 veterinary technology for at least five years prior to appointment. The initial appointment
 10 of the veterinary technician shall expire on June 30 in the fifth calendar year after this
 11 subsection becomes effective; thereafter, successors shall be appointed for a term of five
 12 years. Those members of the ~~Georgia State Board of Veterinary Examiners~~ State Board
 13 of Veterinary Medicine serving on ~~July 1, 1965,~~ the effective date of this subsection shall
 14 continue to serve as members of the board until the expiration of the term for which they
 15 were appointed. Thereafter, successors to such board members shall be appointed in
 16 accordance with this Code section."

17 SECTION 2-2.

18 Said title is further amended by striking subsection (d) of Code Section 43-50-26, relating
 19 to renewal of licenses, and inserting in lieu thereof the following:

20 "(d)(1) The board shall establish ~~a program~~ programs of continuing professional
 21 veterinary medical education and continuing veterinary technology education for the
 22 renewal of ~~veterinarian~~ veterinary licenses and veterinary technician registrations.
 23 Notwithstanding any other provision of this article, ~~beginning with the licenses which are~~
 24 ~~to be renewed in 1990,~~ no license to practice veterinary medicine or veterinary
 25 technology shall be renewed by the board or the division director until the licensed
 26 veterinarian or registered veterinary technician submits to the board satisfactory proof of
 27 his or her participation, during the biennium preceding his or her application for renewal,
 28 in approved programs of continuing ~~professional veterinary medical~~ education, as defined
 29 in this Code section. ~~Veterinarians who have been licensed in this state for 40 years or~~
 30 ~~more on December 31, 1988, shall not be required to participate in continuing education~~
 31 ~~as a condition of license renewal.~~ The amount of continuing veterinary medical education
 32 required of licensed veterinarians by the board under this paragraph shall not exceed be
 33 less than 30 hours and shall be established by board rule.

34 (2) Continuing professional veterinary medical education or continuing veterinary
 35 technology education shall consist of educational programs providing training pertinent
 36 to the practice of veterinary medicine or veterinary technology and approved by the board

1 under this Code section. The board ~~shall~~ may approve educational programs for persons
 2 practicing veterinary medicine or veterinary technology in this state on a reasonable
 3 nondiscriminatory fee basis and may contract with institutions of higher learning,
 4 professional organizations, or qualified individuals for the provision of approved
 5 programs. In addition to such programs, the board ~~shall~~ may allow the continuing
 6 ~~professional veterinary medical~~ education requirement to be fulfilled by the completion
 7 of approved ~~correspondence courses which provide the required hours of approved~~
 8 ~~programs of continuing professional veterinary medical education or to be fulfilled by a~~
 9 ~~combination of approved correspondence courses and other educational programs~~
 10 distance learning courses, with the number of hours being established by board rule.

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

15 SECTION 2-3.

16 Said title is further amended by adding a new article in Chapter 50, relating to veterinarians
 17 and veterinary technicians, to read as follows:

18 "ARTICLE 5

19 43-50-70.

20 (a) The board shall work cooperatively with licensed veterinarians to establish standards
 21 for veterinary facilities and equipment and shall promulgate rules for same.

22 (b) The board shall have the authority to establish a method to monitor veterinary
 23 facilities, conduct investigations and hold proceedings related to alleged violations, and
 24 take necessary enforcement action against the license of a veterinarian for violations of
 25 rules promulgated under subsection (a) of this Code section.

26 43-50-71.

27 This article shall not apply to any facility owned by the federal, state, or any local
 28 government, a public or private college or university, or a zoological park or aquarium that
 29 is accredited by the American Zoo and Aquarium Association or other substantially
 30 equivalent nationally recognized accrediting agency as determined by the board."

PART III**SECTION 3-1.**

3 (a) This part and Part I of this Act shall become effective on July 1, 2003, except that the
4 provisions of subsection (b) of Code Section 43-50-30 as enacted by Part I of this Act shall
5 become effective July 1, 2005.

6 (b) Part II of this Act shall become effective only upon the effective date of an appropriation
7 of funds for purposes of said part of this Act as expressed in a line item making specific
8 reference to full funding of this Act in an appropriations Act enacted by the General
9 Assembly.

SECTION 3-2.

10
11 All laws and parts of laws in conflict with this Act are repealed.