

House Bill 999 (AS PASSED HOUSE AND SENATE)

By: Representatives Maddox of the 172nd, Burkhalter of the 50th, Keen of the 179th, McCall of the 30th, Ray of the 136th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to
2 veterinarians and veterinary technicians, so as to change certain provisions relating to
3 definitions relative to such chapter; to change certain provisions relating to exemptions from
4 licensing and registration requirements; to change certain provisions relating to veterinary
5 technicians; to provide for legislative purpose; to authorize the practice of veterinary
6 technology by veterinary technicians under certain circumstances; to change certain
7 provisions relating to application for registration as veterinary technician, qualifications,
8 examination, renewal, applicants registered in other states, and responsibility of the State
9 Board of Veterinary Medicine; to change certain provisions relating to scheduling and
10 administration of examinations, reexamination, and reactivation; to change certain provisions
11 relating to supervision required and prohibited activities of technicians; to change certain
12 provisions relating to posting notice of use of veterinary technicians, proper identification,
13 limitation on number of technicians supervised and employed, and exceptions; to change
14 certain provisions relating to veterinarian responsibility for veterinary technician's violations
15 of limitations on duties; to authorize the practice of veterinary technology by veterinary
16 assistants under certain circumstances; to provide for supervision and utilization of veterinary
17 assistants; to provide for posting notice of use of veterinary assistants and proper
18 identification; to provide for veterinarian responsibility for veterinary assistant's violations
19 of limitations on duties; to provide an effective date; to repeal conflicting laws; and for other
20 purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to veterinarians
24 and veterinary technicians, is amended by striking Code Section 43-50-3, relating to
25 definitions relative to such chapter, and inserting in lieu thereof the following:

26 "43-50-3.

1 As used in this chapter, the term:

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

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

9 (3) 'AVMA accredited program in veterinary technology' means any postsecondary
10 educational program of two or more academic years that has fulfilled the essential criteria
11 established by the Committee on Veterinary Technician Education and Activities and
12 approved by the American Veterinary Medical Association or its successor organization.

13 (4) 'Board' means the State Board of Veterinary Medicine.

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

18 (6) 'ECFVG certificate or its substantial equivalent' means a certificate issued by the
19 American Veterinary Medical Association Educational Commission for Foreign
20 Veterinary Graduates or its successor organization indicating the holder has demonstrated
21 knowledge and skill equivalent to that possessed by a graduate of an accredited college
22 of veterinary medicine.

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

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

30 (9) 'Licensed veterinarian' means a person who is validly and currently licensed to
31 practice veterinary medicine in this state.

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

1 (11) To ~~'practice~~ 'Practice veterinary medicine' or the 'practice of veterinary medicine'
2 means:

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

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

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

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

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

25 (D) To use any title, words, abbreviation, or letters in a manner or under circumstances
26 which induce the belief that the person using them is legally authorized or qualified to
27 perform an act included in this paragraph. Such use shall be evidence of the intention
28 to represent oneself as engaged in the practice of veterinary medicine;

29 (E) To apply principles of environmental sanitation, food inspection, environmental
30 pollution control, zoonotic disease control, and disaster medicine in the promotion and
31 protection of public health as it specifically relates to animals. This subparagraph shall
32 apply only to licensed veterinarians and not to other qualified individuals;

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

- 1 (G) To administer a rabies vaccination to any animal that the state requires to be
2 vaccinated.
- 3 (12) 'Prescription drug' includes any medicine, medication, or pharmaceutical or
4 biological product whose manufacturer's label must, pursuant to federal or state law, have
5 the following statement printed on its packaging: 'Federal law restricts this drug to use
6 by or on the order of a licensed veterinarian'; or any over-the-counter product that is used
7 in a manner different from the label directions and that by definition requires a valid
8 veterinarian-client-patient relationship for prescription or dispensing.
- 9 ~~(13) 'Registered veterinary technician' means a veterinary technician who is validly and~~
10 ~~currently registered to practice veterinary technology in this state~~ Reserved.
- 11 (14) 'Veterinarian' means a person who has received a doctorate degree in veterinary
12 medicine from a college or school of veterinary medicine.
- 13 (15) 'Veterinarian-client-patient relationship' means that:
- 14 (A) The licensed veterinarian or his or her licensed designee has assumed the
15 responsibility for making medical judgments regarding the health of the animal and the
16 need for medical treatment, and the client (owner or caretaker) has agreed to follow the
17 instruction of the licensed veterinarian;
- 18 (B) There is sufficient knowledge of the animal by the licensed veterinarian to initiate
19 at least a general or preliminary diagnosis of the medical condition of the animal. This
20 means that the licensed veterinarian has recently seen and is personally acquainted with
21 the keeping and care of the animal by the virtue of examination of the animal or by
22 medically appropriate and timely visits to the premises where the animal is kept; and
- 23 (C) A licensed veterinarian is readily available for follow up in the case of adverse
24 reactions or failure of the regimen of therapy.
- 25 (15.1) 'Veterinary assistant' means a person who engages in certain aspects of the
26 practice of veterinary technology but is not registered by the board for such purpose.
- 27 (16) 'Veterinary facility' means any premises owned or operated by a veterinarian or his
28 or her employer where the practice of veterinary medicine occurs, including but not
29 limited to veterinary hospitals, clinics, or mobile clinics; provided, however, that such
30 term does not include a client's private property where a licensed veterinarian treats the
31 client's animals.
- 32 (17) 'Veterinary medicine' includes veterinary surgery, obstetrics, dentistry, and all other
33 branches or specialties of veterinary medicine.
- 34 (18) 'Veterinary technician' means a person who engages in the practice of veterinary
35 technology and on the basis of his or her qualifications is validly and currently registered
36 by the board for such purpose.

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

10 SECTION 2.

11 Said chapter is further amended by striking the introductory language and paragraph (1) of
 12 Code Section 43-50-44, relating to exemptions from licensing and registration requirements,
 13 and inserting in lieu thereof the following:

14 "This article shall not be construed to prohibit:

15 (1)(A) An employee of the federal, state, or local government or any contractual
 16 partner thereof from performing his or her duties relating to animals owned by or on
 17 loan to such employer or the control of stray animals; or

18 (B) Any ~~any~~ employee of a public or private college or university from performing his
 19 or her duties relating to animals owned by or on loan to such employer;".

20 SECTION 3.

21 Said chapter is further amended by striking Part 3 of Article 3, relating to veterinary
 22 technicians, and inserting in lieu thereof the following:

23 "Part 3

24 43-50-50.

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

29 43-50-51.

30 ~~Reserved.~~

31 (a) Subject to the provisions of this Code section, the practice of veterinary technology by
 32 a veterinary technician shall not be a violation of subsection (a) of Code Section 43-50-30
 33 or subsection (a) of Code Section 43-50-45.

1 (b) No veterinary technician shall make a diagnosis or prognosis, prescribe treatment,
 2 perform surgery, or prescribe medication for any animal.

3 43-50-52.

4 (a)(1) Any person desiring to work as a veterinary technician in this state shall apply to
 5 the board for a certificate of registration as a veterinary technician. All such applications
 6 shall be made on forms provided by the board and shall be accompanied by such fee as
 7 may be required by the board.

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

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

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

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

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

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

23 (b) Until July 1, ~~2005~~ 2009, any person who during the period from July 1, 1993, through
 24 June 30, ~~2003~~ 2008, acquired a minimum of five ~~years~~ years' experience assisting a
 25 licensed veterinarian may, with a signed affidavit from his or her supervising veterinarian
 26 attesting to his or her level of on-the-job training, be allowed to take the examination
 27 approved by the board. Upon receiving a passing grade on such examination, the board
 28 may issue a certificate of registration. The board shall provide a list of appropriate study
 29 materials to candidates.

30 (c) Until January 1, 2005, any person who at any time prior to July 1, 2003, was certified
 31 as a ~~registered~~ veterinary technician in this state shall be entitled to renew such registration
 32 without examination and without meeting any requirements of subparagraph (a)(2)(C) of
 33 this Code section.

34 (d) The board may issue a certificate of registration to an applicant if the applicant is
 35 currently registered in another state having standards for admission substantially the same

1 as this state and such standards were in effect at the time the applicant was first admitted
2 to practice in the other state.

3 (e) The board shall be responsible for registering any person who wishes to practice as a
4 ~~registered~~ veterinary technician in this state and in accordance with this part shall ~~limit,~~
5 ~~restrict, supervise, and define~~ govern such practice by board rule or regulation as the board
6 deems appropriate and necessary for the protection of the public health, safety, and general
7 welfare.

8 43-50-53.

9 (a) The board shall hold at least one registration examination for applicants annually or
10 allow applicants to take automated tests at such locations and at such times as determined
11 by the board.

12 (b) The board shall establish rules or regulations governing the preparation, administration,
13 and grading of the examination. The board may adopt the National Veterinary Technicians
14 Examination prepared by the Professional Examination Service or any other such
15 examination prepared to the board's standards and satisfaction.

16 (c) The board shall establish by rule or regulation the score needed to pass any
17 examination.

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

22 (e) Any ~~registered~~ veterinary technician in this state whose certificate of registration has
23 been on inactive status for at least five consecutive years and who desires to reactivate such
24 registration shall be required to take continuing education, pay all fees, and meet all other
25 requirements and board rules or regulations for registration as a veterinary technician. It
26 shall be the duty of the board to approve study materials that may be used to assist such
27 persons in preparing for any examination.

28 43-50-54.

29 (a) Any ~~person registered as a~~ veterinary technician must at all times be under the
30 supervision of a licensed veterinarian ~~while~~ whenever practicing as a ~~registered veterinary~~
31 ~~technician~~ veterinary technology in this state. The level of supervision shall be consistent
32 with the delegated animal health care task. The Subject to the provisions of subsection (b)
33 of Code Section 43-50-51, a licensed veterinarian may in his or her discretion delegate any
34 animal health care task to a veterinary technician; provided, however, that the board may
35 establish by ~~rule~~ rules or regulations, in such general or specific terms as it deems

1 necessary and appropriate for purposes of this ~~article~~ part, the level of supervision, whether
 2 direct supervision, immediate supervision, or indirect supervision, that is required by the
 3 licensed veterinarian for any delegated animal health care task to be performed by a
 4 veterinary technician. Such rules or regulations may require lower levels of supervision
 5 for veterinary technicians as compared to veterinary assistants performing the same or
 6 similar animal health care tasks.

7 (b) Specifically and without limitation, the board may take disciplinary action against a
 8 ~~registered~~ veterinary technician if the technician:

9 (1) Solicits patients from a licensed veterinarian;

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

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

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

18 (c) A veterinary technician ~~may~~ shall not be utilized in any manner which would be in
 19 violation of this article.

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

22 43-50-55.

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

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

30 (c)(1) No licensed veterinarian shall have more than four ~~registered~~ veterinary
 31 technicians on duty under his or her supervision at any one time.

32 (2) No licensed veterinarian shall practice veterinary medicine at a veterinary facility
 33 when the number of ~~registered~~ veterinary technicians employed at such veterinary facility
 34 exceeds the number of licensed veterinarians regularly engaged in the practice of
 35 veterinary medicine at such veterinary facility by a ratio of more than 2:1.

1 (3) The provisions of paragraphs (1) and (2) of this subsection shall not apply to any
 2 licensed veterinarian engaged in a specialty practice if he or she is certified for such
 3 specialty practice by a college approved for such purpose by the American Veterinary
 4 Medical Association or its successor organization; provided, however, that no such
 5 licensed veterinarian shall engage in such specialty practice at a veterinary facility when
 6 the number of ~~registered~~ veterinary technicians employed at such veterinary facility
 7 exceeds the number of licensed veterinarians regularly engaged in a specialty practice of
 8 veterinary medicine at such veterinary facility by a ratio of more than 5:1.

9 43-50-56.

10 A veterinarian who utilizes a ~~registered~~ veterinary technician shall be responsible for any
 11 violation of any limitations which are placed on the duties of a ~~registered~~ veterinary
 12 technician."

13 SECTION 4.

14 Said chapter is further amended by redesignating Code Section 43-50-60, relating to good
 15 faith emergency treatment to sick or injured animals and no liability, as Code Section
 16 43-50-80 in Article 4 of said chapter, relating to good Samaritan treatment of animals; by
 17 redesignating Code Section 43-50-70, relating to establishing standards for facilities and
 18 equipment, monitoring, investigation, and enforcement actions, as Code Section 43-50-90
 19 in Article 5 of said chapter, relating to facilities and equipment; by redesignating Code
 20 Section 43-50-71, relating to an exemption for facilities accredited by American Zoo and
 21 Aquarium Association or equivalent agency, as Code Section 43-50-91 in Article 5 of said
 22 chapter, relating to facilities and equipment; and by adding a new article to read as follows:

23 "ARTICLE 3A

24 43-50-60.

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

29 43-50-61.

30 (a) Subject to the provisions of this Code section, the practice of veterinary technology by
 31 a veterinary assistant shall not be a violation of subsection (a) of Code Section 43-50-30
 32 or subsection (a) of Code Section 43-50-45.

1 (b) No veterinary assistant shall make a diagnosis or prognosis, prescribe treatment,
2 perform surgery, prescribe medication, perform a nonemergency intubation, induce
3 anesthesia, perform central venous catheterization, or perform arterial catheterization and
4 arterial collection for any animal.

5 43-50-62.

6 (a) Any veterinary assistant must at all times be under the supervision of a licensed
7 veterinarian whenever practicing veterinary technology in this state. The level of
8 supervision shall be consistent with the delegated animal health care task. Subject to the
9 provisions of subsection (b) of Code Section 43-50-61, a licensed veterinarian may in his
10 or her discretion delegate any animal health care task to a veterinary assistant; provided,
11 however, that the board may establish by rules or regulations, in such general or specific
12 terms as it deems necessary and appropriate for purposes of this article, the level of
13 supervision, whether direct supervision, immediate supervision, or indirect supervision,
14 that is required by the licensed veterinarian for any delegated animal health care task to be
15 performed by a veterinary assistant. Such rules or regulations may require higher levels
16 of supervision for veterinary assistants as compared to veterinary technicians performing
17 the same or similar animal health care tasks.

18 (c) A veterinary assistant shall not be utilized in any manner which would be in violation
19 of this article.

20 (d) A veterinary assistant shall not be utilized to perform the duties of a pharmacist
21 licensed under Chapter 4 of Title 26.

22 43-50-63.

23 (a) Any licensed veterinarian, animal clinic, or animal hospital using veterinary assistants
24 shall post a notice to that effect in a prominent place.

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

30 43-50-64.

31 A veterinarian who utilizes a veterinary assistant shall be responsible for any violation of
32 any limitations which are placed on the duties of a veterinary assistant."

1 **SECTION 5.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 6.**

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