

Veterinary

HB 226

- Identify time based requirements for obtaining licensure
- Determine whether a competency-based requirement would be a viable alternative

58-28-302 License qualifications

An applicant for licensure as a veterinarian shall:

- have practiced under the supervision of a veterinarian licensed to practice in this state for a period of at least six months;
- have participated in veterinary investigational, educational, or sanitary control work of a nature and duration as to be the equivalent of the experience of Subsection (1)(d)(i);
- have practiced as a licensed veterinarian outside Utah for a period of at least six months; or
- have practiced as a veterinarian while employed by the United States government, its agencies, or the state or its political subdivisions for a period of at least six months;

Suggestions for Competency Based Requirements...

VETERINARY BOARD DUTIES, FUNCTIONS, AND RESPONSIBILITIES

Veterinary Practice Act

58-28-201. Veterinary Board created -- Duties.

- (1) There is created a Veterinary Board consisting of four veterinarians who have practiced in the state for not less than five years and one member of the general public.
- (2) The board shall be appointed and serve in accordance with the provisions of Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.
- (4)(a) The board shall designate one of its members to assist and advise the division with reviewing complaints concerning unlawful or unprofessional conduct under this chapter.
 - (b) A board member shall be recused from any adjudicative proceeding held by the board concerning a complaint for which the board member advised the division under Subsection (4)(a).

DOPL Licensing Act

58-1-202. Boards -- Duties, functions, and responsibilities.

- (1) The duties, functions, and responsibilities of each Board established under this title include the following:
 - (a) recommending to the director appropriate rules;
 - (b) recommending to the director policy and budgetary matters;
 - (c) approving and establishing a passing score for applicant examinations;
 - (d) screening applicants and recommending licensing, renewal, reinstatement, and re-licensure actions to the director in writing;
 - (e) assisting the director in establishing standards of supervision for students or persons in training to become qualified to obtain a license in the occupation or profession it represents; and
 - (f) acting as presiding officer in conducting hearings associated with adjudicative proceedings and in issuing recommended orders when so designated by the director.
- (2) Subsection (1) does not apply to boards created in Title 58, Chapter 55, Utah Construction Trades Licensing Act.
- (3)(a) Each board or commission established under this title may recommend to the appropriate legislative committee whether the board or commission supports a change to a licensing act.
 - (b) This Subsection (3) does not:
 - (i) require a board's approval to amend a practice act; and
 - (ii) apply to technical or clarifying amendments to a practice act.

DOPL Licensing Act

58-1-203. Duties, functions, and responsibilities of Division in collaboration with board -- Construction Services Commission.

(1) The following duties, functions, and responsibilities of the Division shall be performed by the Division with the collaboration and assistance of the appropriate board:

- (a) defining which schools, colleges, universities, departments of universities, military educational and training programs, or other institutions of learning are reputable and in good standing with the division;
- (b) prescribing license qualifications;
- (c) prescribing rules governing applications for licenses;
- (d) providing for a fair and impartial method of examination of applicants;
- (e) defining unprofessional conduct, by rule, to supplement the definitions under this chapter or other licensing chapters;
- (f) establishing advisory peer committees to the board and prescribing their scope of authority; and
- (g) establishing conditions for reinstatement and renewal of licenses.

(2) Notwithstanding Subsection (1), the duties, functions, and responsibilities of the division outlined in Subsection (1) shall, instead, be performed by the Construction Services Commission for all purposes of Title 58, Chapter 55, Utah Construction Trades Licensing Act.

DOPL Licensing Act

58-1-201. Boards -- Appointment -- Membership -- Terms -- Vacancies -- Quorum -- Per diem and expenses -- Chair -- Financial interest or faculty position in professional school that teaches continuing education prohibited.

(1)(a)(i) The executive director shall appoint the members of the boards established under this title.

(ii) In appointing these members the executive director shall give consideration to recommendations by members of the respective occupations and professions and by their organizations.

(b) Each board shall be composed of five members, four of whom shall be licensed or certified practitioners in good standing of the occupation or profession the board represents, and one of whom shall be a member of the general public, unless otherwise provided under the specific licensing chapter.

(c)(i) The name of each person appointed to a board shall be submitted to the governor for confirmation or rejection.

(ii) If an appointee is rejected by the governor, the executive director shall appoint another person in the same manner as set forth in Subsection (1)(a).

(2)(a)(i) Except as required by Subsection (2)(b), as terms of current board members expire, the executive director shall appoint each new member or reappointed member to a four-year term.

(ii) Upon the expiration of the term of a board member, the board member shall continue to serve until a successor is appointed, but for a period not to exceed six months from the expiration date of the member's term.

(b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) A board member may not serve more than two consecutive terms, and a board member who ceases to serve on a board may not serve again on that board until after the expiration of a two-year period beginning from that cessation of service.

(d)(i) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(ii) After filling that term, the replacement member may be appointed for only one additional full term.

(e) The director, with the approval of the executive director, may remove a board member and replace the member in accordance with this section for the following reasons:

(i) the member fails or refuses to fulfill the responsibilities and duties of a board member, including attendance at board meetings;

(ii) the member engages in unlawful or unprofessional conduct; or

(iii) if appointed to the board position as a licensed member of the board, the member fails to maintain a license that is active and in good standing.

(3) A majority of the board members constitutes a quorum. A quorum is sufficient authority for the board to act.

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(5) Each board shall annually designate one of its members to serve as chair for a one-year period.

(6) A board member may not be a member of the faculty of, or have a financial interest in, a vocational or professional college or school that provides continuing education to any licensee if that continuing education is required by statute or rule.

Chapter 28

Veterinary Practice Act

Part 1

General Provisions

58-28-101 Short title.

This chapter is known as the "Veterinary Practice Act."

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Abandonment" means to forsake entirely or to refuse to provide care and support for an animal placed in the custody of a licensed veterinarian.
- (2) "Administer" means:
 - (a) the direct application by a person of a prescription drug or device by injection, inhalation, ingestion, or by any other means, to the body of an animal that is a patient or is a research subject; or
 - (b) a veterinarian providing to the owner or caretaker of an animal a prescription drug for application by injection, inhalation, ingestion, or any other means to the body of the animal by the owner or caretaker in accordance with the veterinarian's written directions.
- (3) "Animal" means any animal other than a human.
- (4) "AVMA" means American Veterinary Medical Association.
- (5) "Board" means the Veterinary Board established in Section 58-28-201.
- (6) "Client" means the patient's owner, the owner's agent, or other person responsible for the patient.
- (7) "Direct supervision" means a veterinarian licensed under this chapter is present and available for face-to-face contact with the patient and person being supervised, at the time the patient is receiving veterinary care.
- (8) "Extra-label use" means actual use or intended use of a drug in an animal in a manner that is not in accordance with approved labeling.
- (9) "Immediate supervision" means the veterinarian licensed under this chapter is present with the individual being supervised, while the individual is performing the delegated tasks.
- (10) "Indirect supervision" means a veterinarian licensed under this chapter:
 - (a) has given either written or verbal instructions for veterinary care of a patient to the person being supervised; and
 - (b) is available to the person being supervised by telephone or other electronic means of communication during the period of time in which the veterinary care is given to the patient.
- (11) "Practice of veterinary medicine, surgery, and dentistry" means to:
 - (a) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or physical condition of any animal;
 - (b) administer, prescribe or dispense any drug, medicine, treatment, method, or practice, perform any operation or manipulation, apply any apparatus or appliance for the cure, relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise practice any veterinary medicine, dentistry, or surgery on any animal;

- (c) represent by verbal or written claim, sign, word, title, letterhead, card, or any other manner that one is a licensed veterinarian or qualified to practice veterinary medicine, surgery, or dentistry;
 - (d) hold oneself out as able to practice veterinary medicine, surgery, or dentistry;
 - (e) solicit, sell, or furnish any parenterally administered animal disease cures, preventions, or treatments, with or without the necessary instruments for the administration of them, or any and all worm and other internal parasitic remedies, upon any agreement, express or implied, to administer these cures, preventions, treatments, or remedies; or
 - (f) assume or use the title or designation, "veterinary," "veterinarian," "animal doctor," "animal surgeon," or any other title, designation, words, letters, abbreviations, sign, card, or device tending to indicate that such person is qualified to practice veterinary medicine, surgery, or dentistry.
- (12)
- (a) "Teeth floating" means the removal of enamel points and the smoothing, contouring, and leveling of dental arcades and incisors of equine and other farm animals.
 - (b) "Teeth floating" does not include a dental procedure on a canine or feline.
- (13) "Unlawful conduct" is defined in Sections 58-1-501 and 58-28-501.
- (14) "Unlicensed assistive personnel":
- (a) means any unlicensed person, regardless of title, to whom tasks are delegated by a veterinarian licensed under this chapter as permitted by administrative rule and in accordance with the standards of the profession; and
 - (b) includes:
 - (i) a veterinary assistant, if working under immediate supervision;
 - (ii) a veterinary technician who:
 - (A) has graduated from a program of veterinary technology accredited by the AVMA that is at least a two-year program; and
 - (B) who is working under direct supervision; and
 - (iii) a veterinary technologist who:
 - (A) has graduated from a four-year program of veterinary technology accredited by the AVMA; and
 - (B) is working under indirect supervision.
- (15) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-28-502 and may be further defined by rule.
- (16) "Veterinarian-client-patient relationship" means:
- (a) a veterinarian licensed under this chapter has assumed responsibility for making clinical judgements regarding the health of an animal and the need for medical treatment of an animal, and the client has agreed to follow the veterinarian's instructions;
 - (b) the veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, including knowledge of the keeping and care of the animal as a result of recent personal examination of the animal or by medically appropriate visits to the premises where the animal is housed; and
 - (c) the veterinarian has arranged for emergency coverage for follow-up evaluation in the event of adverse reaction or the failure of the treatment regimen.

Amended by Chapter 177, 2019 General Session

Part 2 Board

58-28-201 Veterinary Board created -- Duties.

- (1) There is created a Veterinary Board consisting of four veterinarians who have practiced in the state for not less than five years and one member of the general public.
- (2) The board shall be appointed and serve in accordance with the provisions of Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.
- (4)
 - (a) The board shall designate one of its members to assist and advise the division with reviewing complaints concerning unlawful or unprofessional conduct under this chapter.
 - (b) A board member shall be recused from any adjudicative proceeding held by the board concerning a complaint for which the board member advised the division under Subsection (4)(a).

Renumbered and Amended by Chapter 109, 2006 General Session

Part 3 Licensing

58-28-301 Licensure required.

- (1)
 - (a) A license is required to engage in the practice of veterinary medicine, except as specifically provided in Sections 58-1-307 and 58-28-307.
 - (b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be licensed under this chapter as a veterinary intern in order to engage in a program of indirectly supervised clinical training with a veterinarian licensed under this chapter, and as necessary to meet licensing requirements under Subsection 58-28-302(1)(d).
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of:
 - (a) veterinarian; or
 - (b) veterinarian intern.

Enacted by Chapter 109, 2006 General Session

58-28-302 License qualifications.

- (1) Every applicant for a license to practice veterinary medicine, surgery, and dentistry shall:
 - (a) be of good moral character as it relates to the functions and duties of a licensed veterinarian;
 - (b) pass an examination approved by the board on the theory and practice of the science of veterinary medicine, surgery, dentistry, and other subjects determined by the board, knowledge of which is generally required of veterinarians;
 - (c)
 - (i) graduate from a veterinary college accredited by the AVMA; or
 - (ii) obtain a certificate issued by the Educational Commission for Foreign Veterinary Graduates issued by the AVMA;

- (d)
- (i) have practiced under the supervision of a veterinarian licensed to practice in this state for a period of at least six months;
 - (ii) have participated in veterinary investigational, educational, or sanitary control work of a nature and duration as to be the equivalent of the experience of Subsection (1)(d)(i);
 - (iii) have practiced as a licensed veterinarian outside Utah for a period of at least six months; or
 - (iv) have practiced as a veterinarian while employed by the United States government, its agencies, or the state or its political subdivisions for a period of at least six months; and
- (e) pay a fee to the Department of Commerce determined by it pursuant to Section 63J-1-504 for the examination, for an initial license, and for a renewal license.
- (2)
- (a) An applicant for licensure as a veterinary intern shall comply with the provisions of Subsections (1)(a) and (c).
 - (b) An applicant's license as a veterinary intern is limited to the period of time necessary to complete clinical training as described in Subsection (1)(d) and extends not more than one year from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the board that the individual is making reasonable progress toward passing the qualifying examination or is otherwise on a course reasonably expected to lead to licensure as a veterinarian, but the period of time under this Subsection (2)(b) may not exceed two years past the date the minimum supervised clinical training has been completed.

Amended by Chapter 183, 2009 General Session

58-28-303 License -- Display -- Revocation for nondisplay or nonrenewal.

A licensed veterinarian shall display the veterinarian's license in a conspicuous place in the veterinarian's principal place of business. The division may revoke any license which is not displayed in accordance with this section.

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-304 Temporary license -- License reciprocity.

- (1) The division may issue a temporary license to practice veterinary medicine, surgery, and dentistry to any person not qualified for licensure under Subsection (4) who meets all requirements of Section 58-28-302 with the exception of Subsections 58-28-302(1)(b) and (d), except that the temporary license shall by its terms expire at the date examination results are available for the examination next following the date of the issuance of the temporary license.
- (2) The temporary license shall permit the holder to practice under the indirect supervision of a veterinarian licensed to practice in this state.
- (3) The division may extend the expiration date of the temporary license until the following examination date if:
 - (a) the applicant shows to the board good cause for failing to take or pass the examination; and
 - (b) the majority of the board members recommend the extension.
- (4) Upon the recommendation of the board, the division may issue a license without examination to a person who:
 - (a) has been licensed or registered to practice veterinary medicine, surgery, and dentistry in any state, district, or territory of the United States or in any foreign country, whose educational,

- examination, and experience requirements are or were at the time the license was issued equal to those of this state;
- (b) has engaged in the practice of veterinary medicine, dentistry, and surgery while licensed by another jurisdiction for at least two years;
 - (c) obtained the license in another jurisdiction after passing an examination component acceptable to the division and the board;
 - (d) produces satisfactory evidence of having practiced veterinary medicine competently and in accordance with the standards and ethics of the profession while practicing in another jurisdiction; and
 - (e) produces satisfactory evidence of identity and good moral character as it relates to the applicant's functions and practice as a licensed veterinarian.

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-305 Term of license -- Expiration -- Renewal.

- (1) A license as a veterinarian issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) A license as a veterinarian intern issued under this chapter shall be issued for a term established by the division by rule and consistent with the requirements of Subsection 58-28-302(2)(b).
- (3) Each license under this chapter automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-306 Continuing education.

The division may, by rule, in accordance with Section 58-1-203, establish a continuing education requirement as a condition to renewal of a license under this chapter.

Enacted by Chapter 109, 2006 General Session

58-28-307 Exemptions from chapter.

In addition to the exemptions from licensure in Section 58-1-307 this chapter does not apply to:

- (1) any person who practices veterinary medicine, surgery, or dentistry upon any animal owned by him, and the employee of that person when the practice is upon an animal owned by his employer, and incidental to his employment, except:
 - (a) this exemption does not apply to any person, or his employee, when the ownership of an animal was acquired for the purpose of circumventing this chapter; and
 - (b) this exemption does not apply to the administration, dispensing, or prescribing of a prescription drug, or nonprescription drug intended for off label use, unless the administration, dispensing, or prescribing of the drug is obtained through an existing veterinarian-patient relationship;
- (2) any person who as a student at a veterinary college approved by the board engages in the practice of veterinary medicine, surgery, and dentistry as part of his academic training and under the direct supervision and control of a licensed veterinarian, if that practice is during the last two years of the college course of instruction and does not exceed an 18-month duration;

- (3) a veterinarian who is an officer or employee of the government of the United States, or the state, or its political subdivisions, and technicians under his supervision, while engaged in the practice of veterinary medicine, surgery, or dentistry for that government;
- (4) any person while engaged in the vaccination of poultry, pullorum testing, typhoid testing of poultry, and related poultry disease control activity;
- (5) any person who is engaged in bona fide and legitimate medical, dental, pharmaceutical, or other scientific research, if that practice of veterinary medicine, surgery, or dentistry is directly related to, and a necessary part of, that research;
- (6) veterinarians licensed under the laws of another state rendering professional services in association with licensed veterinarians of this state for a period not to exceed 90 days;
- (7) registered pharmacists of this state engaged in the sale of veterinary supplies, instruments, and medicines, if the sale is at his regular place of business;
- (8) any person in this state engaged in the sale of veterinary supplies, instruments, and medicines, except prescription drugs which must be sold in compliance with state and federal regulations, if the supplies, instruments, and medicines are sold in original packages bearing adequate identification and directions for application and administration and the sale is made in the regular course of, and at the regular place of business;
- (9) any person rendering emergency first aid to animals in those areas where a licensed veterinarian is not available, and if suspicious reportable diseases are reported immediately to the state veterinarian;
- (10) any person performing or teaching nonsurgical bovine artificial insemination;
- (11) any person affiliated with an institution of higher education who teaches nonsurgical bovine embryo transfer or any technician trained by or approved by an institution of higher education who performs nonsurgical bovine embryo transfer, but only if any prescription drug used in the procedure is prescribed and administered under the direction of a veterinarian licensed to practice in Utah;
- (12)
 - (a) upon written referral by a licensed veterinarian, the practice of animal chiropractic by a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, who has completed an animal chiropractic course approved by the American Veterinary Chiropractic Association or the division;
 - (b) upon written referral by a licensed veterinarian, the practice of animal physical therapy by a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act, who has completed at least 100 hours of animal physical therapy training, including quadruped anatomy and hands-on training, approved by the division;
 - (c) upon written referral by a licensed veterinarian, the practice of animal massage therapy by a massage therapist licensed under Chapter 47b, Massage Therapy Practice Act, who has completed at least 60 hours of animal massage therapy training, including quadruped anatomy and hands-on training, approved by the division; and
 - (d) upon written referral by a licensed veterinarian, the practice of acupuncture by an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act, who has completed a course of study on animal acupuncture approved by the division;
- (13) unlicensed assistive personnel performing duties appropriately delegated to the unlicensed assistive personnel in accordance with Section 58-28-502;
- (14) an animal shelter employee who is:
 - (a)
 - (i) acting under the indirect supervision of a licensed veterinarian; and
 - (ii) performing animal euthanasia in the course and scope of employment; and

- (b) acting under the indirect supervision of a veterinarian who is under contract with the animal shelter, administering a rabies vaccine to a shelter animal in accordance with the Compendium of Animal Rabies Prevention and Control;
- (15) an individual providing appropriate training for animals; however, this exception does not include diagnosing any medical condition, or prescribing or dispensing any prescription drugs or therapeutics; and
- (16) an individual who performs teeth floating if the individual:
 - (a) has a valid certification from the International Association of Equine Dentistry, or an equivalent certification designated by division rule made in collaboration with the board, to perform teeth floating; and
 - (b) administers or uses a sedative drug only if the individual is under the direct supervision of a veterinarian in accordance with Subsection 58-28-502(2)(a)(iv).

Amended by Chapter 177, 2019 General Session

58-28-308 Provisions for current practitioners.

An individual who, as of August 1, 2006, is practicing as a veterinarian intern under supervision of a veterinarian licensed under this chapter shall receive a temporary license to practice in the state as a veterinary intern:

- (1) if, prior to August 1, 2006, the individual submits an application and any required fees to the division to obtain licensure under this chapter as a veterinary intern; and
- (2) while the application for licensure is pending with the division.

Enacted by Chapter 109, 2006 General Session

Part 4 Licensing Denial and Discipline

58-28-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 109, 2006 General Session

Part 5 Unlawful and Unprofessional Conduct - Penalties

58-28-501 Unlawful conduct.

Unlawful conduct includes, in addition to the definitions in Section 58-1-501:

- (1) fraudulently issuing or using any health certificate, inspection certificate, vaccination certificate, test chart, or any other certificate relating to the existence of animal diseases or the sale of animal products for human consumption;
- (2) willfully misrepresenting any findings in the inspection of foodstuffs of animal origin; and

(3) fraudulently misapplying or reporting any intradermal, cutaneous, subcutaneous, serological, or chemical test.

Enacted by Chapter 109, 2006 General Session

58-28-502 Unprofessional conduct.

(1) "Unprofessional conduct" includes, in addition to the definitions in Section 58-1-501:

- (a) applying unsanitary methods or procedures in the treatment of any animal, contrary to rules adopted by the board and approved by the division;
- (b) procuring any fee or recompense on the assurance that a manifestly incurable diseased condition of the body of an animal can be permanently cured;
- (c) selling any biologics containing living or dead organisms or products or such organisms, except in a manner which will prevent indiscriminate use of such biologics;
- (d) swearing falsely in any testimony or affidavit, relating to, or in the course of, the practice of veterinary medicine, surgery, or dentistry;
- (e) willful failure to report any dangerous, infectious, or contagious disease, as required by law;
- (f) willful failure to report the results of any medical tests, as required by law, or rule adopted pursuant to law;
- (g) violating Chapter 37, Utah Controlled Substances Act;
- (h) delegating tasks to unlicensed assistive personnel in violation of standards of the profession and in violation of Subsection (2); and
- (i) making any unsubstantiated claim of superiority in training or skill as a veterinarian in the performance of professional services.

(2)

- (a) "Unprofessional conduct" does not include the following:
 - (i) delegating to a veterinary technologist, while under the indirect supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technologist by the veterinarian;
 - (ii) delegating to a veterinary technician, while under the direct supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technician by the veterinarian;
 - (iii) delegating to a veterinary assistant, under the immediate supervision of a licensed veterinarian, tasks that are consistent with the standards and ethics of the profession; and
 - (iv) delegating to an individual described in Subsection 58-28-307(16), under the direct supervision of a licensed veterinarian, the administration of a sedative drug for teeth floating.
- (b) The delegation of tasks permitted under Subsection (2)(a) does not include:
 - (i) diagnosing;
 - (ii) prognosing;
 - (iii) surgery; or
 - (iv) prescribing drugs, medicines, or appliances.

Amended by Chapter 177, 2019 General Session

58-28-503 Penalty for unlawful or unprofessional conduct.

- (1) Any person who violates the unlawful conduct provisions of Section 58-28-501 is guilty of a third degree felony.
- (2) After proceeding pursuant to Title 63G, Chapter 4, Administrative Procedures Act, and Chapter 1, Division of Occupational and Professional Licensing Act, the division may impose administrative penalties of up to \$10,000 for acts of unprofessional conduct or unlawful conduct under this chapter.
- (3) Assessment of a penalty under this section does not affect any other action the division is authorized to take regarding a license issued under this chapter.
- (4)
 - (a) The director may collect a penalty that is not paid by:
 - (i) referring the matter to a collection agency; or
 - (ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
 - (b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
 - (c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 318, 2018 General Session

Part 6 **Standards of Practice**

58-28-601 Animal abandonment.

- (1) Any animal which suffers abandonment for a period of five days may be sold or placed in the custody of the nearest humane society or county dog pound if the animal is not picked up within seven days after mailing a notification, by certified mail, to the last known address of the person placing the animal in the veterinarian's custody. If no humane society or dog pound is located in the county, the animal may be disposed of in a humane manner.
- (2) A veterinarian who complies with this section is relieved from liability for the disposal or sale of abandoned animals.

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-602 Cruelty to animals -- Immunity for reporting.

A licensed veterinarian who in good faith and in the normal course of business, reports a suspected case of animal cruelty to law enforcement or the proper authorities is immune from liability in any civil or criminal action brought against the veterinarian for reporting the suspected cruelty.

Enacted by Chapter 109, 2006 General Session

58-28-603 Medical records.

Medical records maintained by a person licensed under this chapter:

- (1) shall meet the standards and ethics of the profession;

- (2) shall be maintained in accordance with administrative rules adopted by the division in consultation with the board; and
- (3) may be maintained in electronic format.

Enacted by Chapter 109, 2006 General Session

58-28-604 Veterinarian-client-patient relationship.

- (1) A licensee under this chapter may only practice under a veterinarian-client-patient relationship as defined in Section 58-28-102.
- (2) A veterinarian-client-patient relationship may not be established solely by telephone or other electronic means.

Enacted by Chapter 109, 2006 General Session

58-28-605 Veterinarian-client-patient confidentiality.

- (1) A licensee under this chapter may not disclose information about the licensee's care of an animal to anyone other than the client, as defined in Section 58-28-102, unless:
 - (a) the client consents to the disclosure in writing;
 - (b) disclosure to public health officials, animal health or welfare officials, agricultural authorities, or federal, state, or local officials is required, or necessary to protect the animal or to protect public health;
 - (c) disclosure is required by court order or subpoena; or
 - (d) the client has placed the veterinarian's care or treatment of the animal or the nature or extent of injuries to the animal at issue in a civil or criminal proceeding.
- (2) A licensee who releases medical records under the provisions of this section is not liable to the client or any other person for the release of the records.

Enacted by Chapter 109, 2006 General Session

58-28-606 Veterinary corporations, partnerships, and limited liability companies -- Unlicensed individuals -- Ownership of capital stock -- Service as officer or director.

- (1) As used in this section:
 - (a) "Veterinary corporation" means a professional corporation organized to render veterinary services under Title 16, Chapter 11, Professional Corporation Act.
 - (b) "Veterinary limited liability company" means a limited liability company organized to render veterinary services under Title 48, Chapter 3a, Utah Revised Uniform Limited Liability Company Act.
 - (c) "Veterinary partnership" means a partnership or limited liability partnership organized to render veterinary services under Title 48, Chapter 1, General and Limited Liability Partnerships.
- (2) A veterinary corporation may issue or transfer shares of the veterinary corporation's capital stock to a person that is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter.
- (3) An individual who is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter:
 - (a) may not serve as an officer or director of a veterinary corporation; and
 - (b) may serve as secretary or treasurer of a veterinary corporation.

- (4) A veterinary limited liability company or a veterinary partnership may include an individual who is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter.

Enacted by Chapter 61, 2015 General Session

2015
61

R156. Commerce, Occupational and Professional Licensing.

R156-28. Veterinary Practice Act Rule.

R156-28-101. Title.

This rule is known as the "Veterinary Practice Act Rule".

R156-28-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 28, as used in Title 58, Chapters 1 and 28 or this rule:

(1) "In association with licensed veterinarians", as used in Subsection 58-28-307(6), means the out of state licensed veterinarian is performing veterinarian services in this state as the result of a request for assistance or consultation initiated by a Utah licensed veterinarian regarding a specific client or patient and the services provided by the out of state licensed veterinarian are limited to that specific request.

(2) "NBEC" means the National Board Examination Committee of the American Veterinary Medical Association.

(3) "Patient" means any animal receiving veterinarian services.

(4) "Practice of veterinary medicine, surgery, and dentistry" as defined in Subsection 58-28-102(11) does not include the implantation of any electronic device for the purpose of establishing or maintaining positive identification of animals.

(5) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 28, is further defined in accordance with Subsection 58-1-203(1)(e) in Section R156-28-502.

(6) "Working under" as used in Subsection 58-28-102(13), means when an individual performs services in Utah as unlicensed assistive personnel while supervised by a licensed veterinarian, provided:

(a) the manner and means of work performance are subject to the right of control of, or are controlled by, a licensed veterinarian; and

(b) the delegated tasks are maintained in the supervising veterinarian's medical records.

R156-28-103. Authority - Purpose.

This rule is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 28.

R156-28-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-28-302a. Qualifications for Licensure - Education Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the education requirements for licensure in Subsection 58-28-302 are defined, clarified, or established as follows.

(1) Each applicant for licensure as a veterinarian shall comply with one of the following:

(a) an official transcript demonstrating that the applicant has graduated from a veterinary college which held current accreditation by the Council on Education of the American Veterinary Medical Association (AVMA) at the time of the applicant's graduation;

or

(b) if the applicant received a veterinary degree in a foreign country, demonstrate that the applicant's foreign education is equivalent to the requirements of Subsection R156-28-302a(1)(a) by submitting a Certificate of Competence issued by the AVMA Educational Commission for Foreign Veterinary Graduates (ECFVG) or the American Association of Veterinary State Boards (AAVSB) Program for Assessment of Veterinary Education Equivalence (PAVE).

(2) Each applicant for licensure as a veterinarian intern shall demonstrate that the applicant has met the education provided in Subsection R156-28-302a(1); however, if the applicant has graduated, but the educational institution has not yet posted the degree on the official transcript, the applicant may submit the official transcript together with a notarized letter from the dean or registrar of the educational institution, which certifies that the applicant has obtained the degree but it is not yet posted to the official transcript.

R156-28-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the experience requirements for licensure in Subsection 58-28-302 are defined, clarified, or established as follows.

(1) Each applicant for licensure as a veterinarian shall:

(a) complete 1000 hours of experience while licensed as a veterinarian intern under the supervision of a licensed veterinarian in accordance with the following.

(i) Experience shall be earned in not less than six months and completed within two years of the date of the application.

(ii) Experience in the following settings is not acceptable to fulfill this experience requirement:

(A) temporary employment experiences of less than eight weeks in duration;

(B) part time experience of less than 20 hours per week; or

(C) experience completed while employed as unlicensed assistive personnel.

(iii) If the experience is completed in a jurisdiction outside of Utah which does not issue veterinarian, veterinarian intern, or comparable licenses, or else was completed in a setting which does not require licensure, the applicant shall demonstrate that the experience was:

(A) lawfully obtained;

(B) obtained after the applicant met the education requirement specified in Section R156-28-302a;

(C) supervised by a competent supervisor who was licensed as a veterinarian, or who was exempted from licensure but possessed substantially equivalent qualifications; and

(D) comparable to experience that would be obtained in a standard veterinarian practice setting in Utah.

(iv) Supervision of the intern by the licensed veterinarian may be obtained by "indirect supervision" as defined in Section 58-28-102 provided that the supervisor supplements the indirect supervision with routine face to face contact as the licensed veterinarian deems appropriate using professional judgment.

(v) Each applicant shall demonstrate completion of the

experience required by submitting a verification of experience signed by the applicant and the applicant's supervising veterinarian on forms approved by the Division.

(vi) If a supervisor is unavailable or refuses to provide a certification of qualifying experience, the applicant shall submit a complete explanation of why the supervisor is unavailable and submit verification of the experience by alternative means acceptable to the board, which shall demonstrate that the work was profession-related work, competently performed, and sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety or welfare.

(b) In accordance with Subsections 58-37-6(1)(a), 58-37-6(5)(b)(i) and R156-37-305(1), a veterinary intern is not eligible to obtain a controlled substance license during the internship.

R156-28-302c. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3), the examination requirements for licensure in Subsection 58-28-302(1)(b) are defined, clarified, or established as follows:

(1) Applicants who passed examinations prior to May 1, 2000 shall submit documentation showing they passed:

(a) the National Board Examination (NBE) of the National Board Examination Committee (NBEC) of the American Veterinary Medical Association (AVMA) with a minimum passing score as determined by the NBEC; and

(b) the Clinical Competency Test (CCT) of the NBEC with a minimum passing score as determined by the NBEC.

(2) Applicants who passed examinations after May 1, 2000, shall submit documentation showing they passed the North American Veterinarian Licensing Examination (NAVLE) with a score as determined by the NBEC.

(3) To be eligible to sit for the NAVLE, an applicant shall submit the following to the International Council for Veterinary Assessment (ICVA), in the manner directed by the ICVA:

(a) an application for approval to sit for the NAVLE;

(b) the application fee; and

(c) documentation showing the applicant:

(i) has graduated from, or is enrolled in, a school or college of veterinary medicine accredited by the Council on Education of the American Veterinary Medical Association (AVMA); or

(ii) holds a certificate issued by, or is enrolled in and has completed the Step 3 examination requirement for, one of the following programs:

(A) the Educational Commission for Foreign Veterinary Graduates (ECFVG); or

(B) the Program for the Assessment of Veterinary Education Equivalence (PAVE).

(4) An applicant who has not graduated from veterinary school at the time of application must have an expected graduation date no later than ten months from the last date of the applicable testing window.

(5) The following conditions apply to retaking the NAVLE exam:

- (a) an applicant may not sit for the NAVLE more than five times;
- (b) an applicant may not sit for the NAVLE at a date that is later than five years after the applicant's initial attempt; and
- (c) each of the applicant's final two attempts must be at least one year from the previous attempt.

R156-28-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 28 is established by rule in Section R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

(3) Applicants for renewal shall meet the continuing education requirements specified in Section R156-28-304.

R156-28-304. Continuing Professional Education.

In accordance with Section 58-28-306, there is created a continuing professional education requirement as a condition for renewal or reinstatement of licenses issued under Title 58, Chapter 28. Continuing professional education shall comply with the following criteria:

(1) During each two year period commencing on September 30 of each even-numbered year, a licensee shall be required to complete at least 24 hours of qualified continuing professional education directly related to the licensee's professional practice.

(2) If a licensee first becomes licensed during the two-year period, the licensee's required number of continuing professional education hours shall be decreased proportionately according to the date of licensure.

(3) Qualified continuing professional education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a veterinarian;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience; and

(e) have a competent method of registration of individuals who actually completed the professional education program, with records of that registration and completion available for review.

(4) Credit for continuing professional education shall be recognized in accordance with the following:

(a) Unlimited hours shall be recognized for continuing professional education as a student or presenter, completed in blocks of time of not less than one hour in formally established classroom courses, seminars, lectures, wet labs, or specific veterinary conferences approved or sponsored by one or more of the following:

(i) the American Veterinary Medical Association;

(ii) the Utah Veterinary Medical Association;

(iii) the American Animal Hospital Association;

(iv) the American Association of Equine Practitioners;

(v) the American Association of Bovine Practitioners;

(vi) certifying boards recognized by the AVMA;
(vii) other state veterinary medical associations or state licensing boards; or

(viii) the Registry of Continuing Education (RACE) of the AASVB.

(b) No more than five continuing professional education hours may be counted for being the primary author of an article published in a peer reviewed scientific journal, and no more than two continuing professional education hours may be counted for being a secondary author.

(c) No more than six continuing professional education hours may be in practice management courses.

(d) Any continuing professional education where there is no instructor or where the instructor is not physically present, shall assure the licensee's participation and acquisition of the knowledge and skills intended by means of an examination. These types of continuing professional education courses include internet, audio/visual recordings, broadcast seminars, mail and other correspondence courses.

(5) A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.

(6) A licensee who is unable to complete the continuing professional education requirement for reasons such as a medical or related condition, humanitarian or ecclesiastical services, or extended presence in a geographical area where continuing education is not available, may be excused from the requirement for a period of up to three years as provided in Section R156-1-308d.

R156-28-502. Unprofessional Conduct.

Unprofessional conduct includes:

(1) deviating from the minimum standards of veterinary practice set forth in Section R156-28-503;

(2) permitting unlicensed assistive personnel to perform duties that the individual is not competent by education, training or experience to perform; and

(3) failing to conform to the generally accepted and recognized standards and ethics of the profession, including:

(a) the Principles of Veterinary Medical Ethics of the American Veterinarian Medical Association (AVMA), as approved by the AVMA Executive Board, revised April 2016, which are hereby incorporated by reference ("Principles"); and

(b) if a licensee fails to establish the veterinarian-client-patient relationship as required in Section II of the Principles, such failure shall not excuse the veterinarian from complying with all other duties that would be imposed on the veterinarian if the veterinarian had properly established the veterinarian-client-patient relationship.

R156-28-503. Minimum Standards of Practice.

In accordance with Subsection 58-28-102(14) and Section

58-28-603, a veterinarian shall comply with the following minimum standards of practice in addition to the generally recognized standards and ethics of the profession:

(1) A veterinarian shall compile and maintain records on each patient to minimally include:

(a) client's name, address and phone number, if telephone is available;

(b) patient's identification, such as name, number, tag, species, age and gender, except for herds, flocks or other large groups of animals which may be more generally defined;

(c) veterinarian's diagnosis or evaluation of the patient;

(d) treatments rendered including drugs used and dosages; and

(e) date of service.

(2) A veterinarian shall:

(a) maintain veterinary medical records under Subsection (1) above so that any veterinarian coming into a veterinary practice may, by reading the veterinary medical record of a particular animal, be able to proceed with the proper care and treatment of the animal; and

(b) maintain veterinary medical records under Subsection (1) above for a minimum of five years from the date that the animal was last treated by the veterinarian.

(3) A veterinarian shall maintain a sanitary environment to avoid sources and transmission of infection to include the proper routine disposal of waste materials and proper sterilization or sanitation of all equipment used in diagnosis and treatment.

KEY: veterinary medicine, licensing, veterinarian

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