

Senate Bill 604

By: Senators Mullis of the 53rd and Harper of the 7th

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 provide for the State Board of Veterinary  
3 Medicine to be an independent state agency attached to the Department of Agriculture for  
4 administrative purposes only; to provide for contracting with the Department of Agriculture  
5 for licensing services; to provide for reimbursement of members of the State Board of  
6 Veterinary Medicine; to provide for venue; to provide for the powers and duties of the board;  
7 to authorize the board to employ an executive director; to provide for the powers and duties  
8 of the executive director; to provide for related matters; to provide for an effective date; to  
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to veterinarians  
13 and veterinary technicians, is amended by adding a new paragraph in Code Section 43-50-3,  
14 relating to definitions, to read as follows:

15 "(14.1) 'Executive director' means the executive director appointed by the State Board  
16 of Veterinary Medicine pursuant to Code Section 43-50-20."

17

**SECTION 2.**

18 Said chapter is further amended by revising Article 2, relating to the State Board of  
19 Veterinary Medicine, as follows:

20

**"ARTICLE 2**

21 43-50-20.

22 (a) There shall be a State Board of Veterinary Medicine, the members of which shall be  
23 appointed by the Governor with the approval of the Secretary of State and confirmation by  
24 the Senate. The board shall consist of seven members, each appointed for a term of no  
25 more than five years or until his or her successor is appointed. Five members of the board  
26 shall be duly licensed veterinarians actually engaged in active practice for at least five  
27 years prior to appointment. The sixth member shall be appointed from the public at large  
28 and shall in no way be connected with the practice of veterinary medicine. The seventh  
29 member shall be a registered veterinary technician who has been registered and actively  
30 engaged in the practice of veterinary technology for at least five years prior to appointment.  
31 The initial appointment of the registered veterinary technician shall expire on June 30 in  
32 the fifth calendar year after this subsection becomes effective; thereafter, successors shall  
33 be appointed for a term of five years. ~~Those members of the State Board of Veterinary~~  
34 ~~Medicine serving on July 1, 2003, shall continue to serve as members of the board until the~~  
35 ~~expiration of the term for which they were appointed. Thereafter, successors to such board~~  
36 ~~members shall be appointed~~ in accordance with this Code section. A majority of the board  
37 shall constitute a quorum.

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

42 (c) Each member of the board ~~shall be reimbursed as provided for in subsection (f)~~ may  
43 receive the expense allowance as provided by subsection (b) of Code  
44 Section ~~43-1-2~~ 45-7-21.

45 (d) Any member of the board may be removed by the Governor after a hearing by the  
46 board determines cause for removal.

47 (e) The board shall meet at least once each year at the time fixed by the board. Other  
48 necessary meetings may be called by the president of the board by giving such notice as  
49 shall be established by the board. Meetings shall be open and public except that the board  
50 may meet in closed session as set forth in Code Section 50-14-3.

51 (f) At its annual meeting, the board shall organize by electing a president and such other  
52 officers as may be required by the board. Officers of the board serve for terms of one year  
53 and until a successor is elected, without limitation on the number of terms an officer may  
54 serve. The president shall chair the board meetings.

55 (g) On and after July 1, 2022, the board shall be a separate and distinct budget unit as  
56 defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act'; provided,  
57 however, that the board shall be attached for administrative purposes only to the  
58 Department of Agriculture as provided in Code Section 50-4-3 and shall not be considered  
59 a division as such term is defined in Code Section 43-1-1. The board shall neither be under  
60 the jurisdiction of the Secretary of State or the Commissioner of Agriculture nor be under  
61 the direction of the director of the professional licensing boards division of the Secretary  
62 of State. The board shall not be subject to the provisions of Chapter 1 of this title.

63 (h) The responsibility for enforcement of the provisions of this chapter shall be vested in  
64 the board, and the board shall have all of the duties, powers, and authority granted by or  
65 necessary for the administration and enforcement of this chapter.

66 (i) The board shall in its discretion appoint and fix the compensation of an executive  
67 director who shall be a full-time employee of the board and shall serve at the pleasure of  
68 the board. The executive director shall be charged with such other duties and powers as

69 provided in Code Section 43-50-23 or as delegated by the board. The executive director  
70 shall serve as the secretary of the board ex officio, but shall not be a voting member of the  
71 board or a member for purposes of constituting a quorum.

72 (j) The board members, executive director, and other employees of the board shall be  
73 allowed reimbursement for travel and other expenses incurred in the performance of their  
74 duties, the same as other state officers and employees.

75 (k) The venue of any action involving members of the board shall be the county in which  
76 is found the primary office of the board. Any notice or legal process necessary to be served  
77 upon the board may be served upon the executive director, but the executive director shall  
78 not be considered a member of the board in determining the venue of any such action, and  
79 no court shall have jurisdiction over any such action solely by virtue of the executive  
80 director residing or maintaining a residence within its jurisdiction.

81 43-50-21.

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

83 (1) Examine and determine the qualifications and fitness of applicants for licenses to  
84 practice veterinary medicine and veterinary technology in this state;

85 (2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice veterinary  
86 medicine or veterinary technology in this state or otherwise discipline licensed  
87 veterinarians and licensed veterinary technicians; and to issue, renew, deny, suspend, or  
88 revoke veterinary faculty licenses, consistent with this chapter and the rules and  
89 regulations adopted under this chapter;

90 (3) Conduct investigations for the purpose of discovering violations of this chapter or  
91 grounds for disciplining persons licensed under this chapter or, through the executive  
92 director, hire investigators for the purpose of conducting investigations;

93 (4) Inspect veterinary premises and equipment, including mobile veterinary clinics, at  
94 any time in accordance with protocols established by rule of the board;

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

99 (6) Appoint from its own membership one member to act as a representative of the board  
100 at any meeting within or outside the state where such ~~representative~~ representation is  
101 deemed desirable;

102 (7) Bring proceedings in the courts for the enforcement of this chapter or any rules and  
103 regulations made pursuant to this chapter;

104 (8) Adopt, amend, or repeal all rules necessary for its government and all regulations  
105 necessary to carry this chapter into effect, including without limitation the establishment  
106 and print or electronic publication of standards of professional conduct for the practice  
107 of veterinary medicine and veterinary technology; ~~and~~

108 (9) Establish and publish annually a schedule of fees for examinations, licensing, and  
109 licensing renewal; and

110 (10) Contract with the Department of Agriculture for the administration of any services  
111 related to licensing under this chapter.

112 (b) The powers enumerated in subsection (a) of this Code section are granted for the  
113 purpose of enabling the board to supervise effectively the practice of veterinary medicine  
114 and veterinary technology and are to be construed liberally to accomplish these objectives.

115 ~~43-50-21.1.~~ 43-50-22.

116 (a) As used in this Code section, the term:

117 (1) 'Entity' means an organization or medical professional association which conducts  
118 professional health programs.

119 (2) 'Impaired' means the inability of a veterinarian to practice with reasonable skill and  
120 safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or  
121 any other type of material, or as a result of any mental or physical condition.

122 (3) 'Professional health program' means a program established for the purposes of  
123 monitoring and rehabilitation of impaired veterinarians.

124 (b) The board shall be authorized to conduct a professional health program to provide  
125 monitoring and rehabilitation of impaired veterinarians in this state. To this end, the ~~office~~  
126 ~~of the Secretary of State~~ executive director on behalf of the board shall be authorized to  
127 enter into a contract with an entity for the purpose of establishing and conducting such  
128 professional health program, including but not limited to:

129 (1) Monitoring and rehabilitation of impaired veterinarians;

130 (2) Performing duties related to paragraph (10) of subsection (a) of Code  
131 Section 43-50-41; and

132 (3) Performing such other related activities as determined by the board.

133 (c) Notwithstanding the provisions of subsection (h) of Code Section 43-50-41, the board  
134 shall be authorized to provide pertinent information regarding veterinarians, as determined  
135 by the board and in its sole discretion, to the entity for its purposes in conducting a  
136 professional health program pursuant to this Code section.

137 (d) All information, interviews, reports, statements, memoranda, or other documents  
138 furnished to the entity by the board or other source or produced by the entity and any  
139 findings, conclusions, recommendations, or reports resulting from the monitoring or  
140 rehabilitation of veterinarians pursuant to this Code section are declared to be privileged  
141 and confidential and shall not be subject to Article 4 of Chapter 18 of Title 50, relating to  
142 open records. All such records of the entity shall be confidential and shall be used by such  
143 entity and its employees and agents only in the exercise of the proper function of the entity  
144 pursuant to its contract authorized by subsection (b) of this Code section. Such  
145 information, interviews, reports, statements, memoranda, or other documents furnished to

146 or produced by the entity and any findings, conclusions, recommendations, or reports  
147 resulting from the monitoring or rehabilitation of veterinarians shall not be available for  
148 court subpoenas or for discovery proceedings.

149 (e) An impaired veterinarian who participates in a professional health program conducted  
150 pursuant to this Code section shall bear all costs associated with such participation.

151 43-50-23.

152 The executive director shall:

153 (1) Keep all records related to the board and its proceedings;

154 (2) With the approval of the board, employ and fix the compensation of personnel as  
155 deemed necessary to assist the executive director in his or her duties or the duties of the  
156 board. Persons hired for the purpose of conducting investigations on behalf of the board  
157 shall have a level of experience or knowledge of the area of practice needing to be  
158 investigated, including, but not limited to, veterinary medicine, that is acceptable to the  
159 board;

160 (3) With the consent of the board, schedule the time and location for all examinations,  
161 meetings, and hearings and maintain a schedule of all examinations, meetings, and  
162 hearings that shall be available for public review;

163 (4) With the approval of the board, enter into such contracts, leases, agreements, or other  
164 transactions with any person or agency as are deemed necessary to carry out the  
165 provisions of this chapter or to provide the services required by the board;

166 (5) Prepare and deliver a written annual report to the Governor and the chairpersons of  
167 the House and Senate Appropriations Committees on or before the second Tuesday in  
168 January of each year covering the activities of the board for the previous calendar year,  
169 which shall also be made available to any member of the General Assembly upon request.

170 The report shall include a summary of all actions taken by the board, a financial report  
171 of all income and disbursements, staff personnel, and number of persons licensed by the

172 board. The Governor may request a preliminary financial report for budgetary purposes  
173 prior to the executive director delivering the annual report; and  
174 (6) Prepare and maintain a roster containing the names of all current licensees for each  
175 type of license issued by the board. A copy of this roster shall be available to any person  
176 upon request at a fee prescribed by the executive director sufficient to cover the cost of  
177 printing and distribution. The following shall be treated as confidential and need not be  
178 disclosed without the approval of the board:

179 (A) Applications and other personal information submitted by applicants, except to the  
180 applicant, staff, and the board;

181 (B) Information, favorable or unfavorable, submitted by a reference source concerning  
182 an applicant, except to the staff and the board;

183 (C) Examination questions and other examination materials, except to the staff and the  
184 board; and

185 (D) The deliberations of the board with respect to an application, an examination, a  
186 complaint, an investigation, or a disciplinary proceeding, except as may be contained  
187 in official board minutes."

188 **SECTION 2.**

189 This Act shall become effective on July 1, 2023.

190 **SECTION 3.**

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