

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 467

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2105, IDAHO CODE, TO PROVIDE FOR EMERGENCY PROCEEDINGS FOR LICENSE REVOCATION OR OTHER ACTION UNDER CERTAIN CONDITIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2105, Idaho Code, be, and the same is hereby amended to read as follows:

54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT -- VACANCY -- QUALIFICATIONS -- COMPENSATION -- REMOVAL -- MEETINGS -- OFFICERS -- REVENUES -- POWERS. (1) A board of veterinary medicine, which shall consist of six (6) members to be appointed by the governor, is hereby created in the department of self-governing agencies. Five (5) members shall be veterinarians and one (1) member shall be a public member. Each of the five (5) veterinary members shall serve a term of four (4) years as a veterinary board member and a fifth year as a liaison officer, or until his successor is appointed, except that the terms of the first appointees may be for shorter periods to permit staggering of terms whereby one (1) term expires each year. The public member shall serve for a term of three (3) years or until his successor is appointed.

Whenever the occasion arises for an appointment of a veterinary member under this section, the state veterinary medical association or one (1) of the regional veterinary medical associations may nominate three (3) or more qualified persons and forward the nominations to the governor at least thirty (30) days before the date set for the appointment. The governor shall appoint one (1) of the persons so nominated. Vacancies due to death, resignation or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve two (2) consecutive terms, except in the case of a person appointed for less than a full term. Each of the five (5) veterinarians shall be qualified to serve as a member of the board if a graduate of an accredited or approved school of veterinary medicine or, if a graduate of a nonaccredited or nonapproved school, a letter from the educational commission for foreign veterinary graduates (ECFVG) certifying completion of the ECFVG program or a copy of their ECFVG certificate, or verification of successful completion of any educational equivalency program established for the purpose of evaluating an individual's educational knowledge and clinical skills as they relate to the practice of veterinary medicine, as approved and outlined by the rules of the board. In addition to verification of graduation from an accredited or nonaccredited school of veterinary medicine, each of the five (5) veterinary members shall be a resident of this state, and have been licensed to practice veterinary medicine in this state for the five (5) years immediately preceding the time of appointment. The public member shall be at

1 least twenty-one (21) years of age and a resident of this state for five (5)
2 years immediately preceding appointment. No person may serve on the board
3 who is, or was, during the two (2) years preceding appointment, a member of
4 the faculty or trustees of an accredited school of veterinary medicine.

5 (2) Each member of the board and certified euthanasia task force shall
6 be compensated as provided by section 59-509(n), Idaho Code.

7 (3) Any member of the board may be removed by the governor at his
8 discretion.

9 (4) The board shall meet at least once each year at the time and place
10 fixed by rule of the board. Other necessary meetings may be called by the
11 president of the board by giving notice as may be required by state statute
12 or rule. Except as may otherwise be provided, a majority of the board
13 constitutes a quorum. Meetings shall be open and public except as otherwise
14 provided by the open meeting law, chapter 23, title 67, Idaho Code.

15 (5) The board member serving the fourth year of appointment shall be the
16 president of the board and shall serve as chairman at the board meetings.

17 (6) The veterinary board member serving the fifth year of appointment
18 shall be the liaison officer of the board and shall render advice, review and
19 mediate complaints, and perform other tasks assigned by the board.

20 (7) All revenues received under this chapter shall be paid to the state
21 board of veterinary medicine account created in section 54-2121, Idaho Code,
22 and shall be subject to and administered in accordance with the provisions of
23 this chapter.

24 (8) The responsibility for enforcement of the provisions of this
25 chapter is hereby vested in the board. The board shall have all of the
26 duties, powers and authority specifically granted by or necessary for the
27 enforcement of this chapter and the rules made pursuant thereto, as well as
28 such other duties, powers and authority as it may be granted from time to time
29 by applicable law. The powers vested in the board shall include, but are not
30 limited to:

31 (a) Establish qualifications and prescribe the application format
32 for issuance or renewal of a license to practice as a veterinarian
33 and certification to practice as a veterinary technician, euthanasia
34 agency or euthanasia technician, review each application for
35 compliance with the licensure and certification requirements, issue,
36 renew or deny licenses and certifications. Upon a showing of good cause
37 by a licensee or certificate holder to the board, the board may grant an
38 extension of time for submission of the required application or renewal
39 documentation, including the required number of continuing education
40 hours, as set forth by this chapter or the rules of the board.

41 (b) Examine and determine the qualifications and fitness of applicants
42 for a license to practice veterinary medicine, or certification to
43 practice veterinary technology or as a euthanasia technician or operate
44 as a certified euthanasia agency in the state.

45 (c) Issue, renew, reinstate, deny, suspend, sanction, reprimand,
46 restrict, limit, place on probation, require voluntary surrender
47 of, or revoke any licenses, certifications or temporary permits
48 or certifications to practice veterinary medicine, veterinary
49 technology or euthanize animals in the state, and may fine and
50 impose other forms of discipline, and enter into consent agreements

1 and negotiated settlements with licensed veterinarians, certified
2 veterinary technicians, certified euthanasia technicians and
3 certified euthanasia agencies consistent with the provisions of
4 this chapter and the rules adopted hereunder. Whenever it appears
5 that grounds for discipline exist under this chapter and the board
6 finds that there is an immediate danger to the public health, safety
7 or welfare, the board is authorized to commence emergency proceedings
8 for revocation or other action. Such proceedings shall be promptly
9 instituted and processed under the applicable provisions of chapter 52,
10 title 67, Idaho Code.

11 (d) Establish a schedule of fees for licensing, certifying and
12 registering veterinarians, veterinary technicians, euthanasia
13 agencies and euthanasia technicians, as well as for the review,
14 approval and administration of national licensing and certification
15 examinations.

16 (e) In addition to the fees specifically provided for herein, the
17 board may assess additional reasonable fees for services rendered to
18 carry out its duties and responsibilities as required or authorized by
19 this chapter or rules adopted hereunder. Such services rendered shall
20 include, but not be limited to, the following:

- 21 (i) Issuance of duplicate licenses or certificates;
- 22 (ii) Mailing lists or reports of data maintained by the board;
- 23 (iii) Copies of any documents;
- 24 (iv) Verification of license or certification status;
- 25 (v) Examination review, approval and administration; and
- 26 (vi) Examination materials.

27 (f) Review and approve applications from candidates requesting
28 authorization to take the national licensing examinations in
29 veterinary medicine and the veterinary technician national examination
30 and administer either or both national examinations.

31 (g) Upon its own motion or upon any complaint, to initiate and conduct
32 investigations on all matters relating to the practice of veterinary
33 medicine or veterinary technology or the euthanizing of animals.
34 Complaints not filed within one (1) year after the alleged unlawful
35 conduct occurs will not be investigated. If the alleged unlawful
36 conduct is of a continuing nature, the date of the occurrence of such
37 conduct shall be deemed to be any date subsequent to the commencement of
38 the unlawful conduct up to and including the date on which the complaint
39 is filed so long as the alleged unlawful conduct continues.

40 (h) Initiate and conduct disciplinary hearings or proceedings on its
41 own or through its designated hearing officer, provided such hearings
42 and proceedings shall be held in conformance with the provisions
43 of chapter 52, title 67, Idaho Code, and in connection thereto, to
44 administer oaths, receive evidence, make the necessary determinations,
45 and enter orders consistent with the findings. The board may require
46 the attendance and testimony of witnesses and the production of papers,
47 records, or other documentary evidence and may commission depositions.
48 The board may designate one (1) or more of its members or a person
49 appointed by the state board of veterinary medicine to serve as its
50 hearing officer.

1 (i) Employ an executive director who shall be responsible for the
2 performance of the administrative functions of the board and such
3 other duties as the board may direct. The board may also employ or
4 contract with other individuals to provide professional, clerical
5 or other services deemed necessary by the board to effectuate the
6 provisions of this chapter and the rules of the board, and purchase or
7 rent necessary office space, equipment and supplies. The compensation
8 of the executive director and other personnel shall be determined by the
9 board and the executive director shall be exempt from the provisions of
10 chapter 53, title 67, Idaho Code.

11 (j) Appoint from its own membership one (1) or more members to act as
12 representatives of the board at any meeting within or outside the state
13 where such representation is deemed desirable.

14 (k) Bring proceedings in the courts for the enforcement of this chapter
15 or any rules made pursuant thereto.

16 (l) For purposes of enforcement of the provisions of this chapter
17 and any rules duly promulgated hereunder, including the levying of
18 civil penalties, assessment and collection of fines, and recovery of
19 costs and paralegal, hearing officer and attorney's fees incurred by
20 the board in investigation and prosecution of complaints, the board
21 shall maintain jurisdiction over individuals, irrespective of their
22 license or certification status (i.e., active, inactive, expired,
23 lapsed, surrendered or disciplined) relative to acts, omissions,
24 complaints and investigations which occurred during the licensure or
25 certification period. Jurisdiction of the board shall also extend
26 to all individuals engaged in the practice of veterinary medicine,
27 veterinary technology or practicing as a certified euthanasia agency
28 or certified euthanasia technician in this state as defined in section
29 54-2103, Idaho Code. It is the intent of this subsection that the
30 board's jurisdiction should extend to all licensed or unlicensed
31 or certified or uncertified individuals and that licensees and
32 certification holders cannot divest the board of jurisdiction by
33 changing, surrendering or relinquishing licensure or certification
34 status.

35 (m) Establish a certified euthanasia task force for the purposes of
36 training, examining, licensing and certifying euthanasia agencies and
37 euthanasia technicians and assess application, training workshop and
38 certification fees. The fees so assessed are continuously appropriated
39 to the board to support the activities of the task force.

40 (n) Adopt, amend or repeal all sections of this chapter and
41 rules necessary for its government and all rules necessary to
42 carry into effect the provisions of this chapter pursuant to the
43 Idaho administrative procedure act, chapter 52, title 67, Idaho
44 Code, including the establishment and publication of standards of
45 professional conduct for the practice of veterinary medicine.

46 (o) Conduct probationary or other practice and facility inspections
47 necessary for enforcement of this chapter or the rules duly promulgated
48 hereunder or any order, negotiated settlement or probationary
49 agreement of the board and issue administrative citations to alleged
50 violators.