

HOUSE No. 01017

The Commonwealth of Massachusetts

PRESENTED BY:

Vincent A. Pedone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to provide for the safe care and treatment of animals.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

.....
Vincent A. Pedone

.....
15th Worcester

.....
Angelo J. Puppolo, Jr.

.....
12th Hampden

HOUSE No. 01017

By Mr. Vincent A. Pedone of Worcester, petition (accompanied by bill, House, No. 01017) of Angelo J. Puppolo and Vincent A. Pedone relative to further regulating veterinary technicians and veterinary technologists. Joint Committee on Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to provide for the safe care and treatment of animals.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 1 SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out section 54A,
2 as 2 appearing in the 2006 Official Edition, the section and inserting in place thereof the
3 following section:-

4 3 Section 54A. As used in sections 54 to 60, inclusive, the following words shall have the
5 following 4 meanings:-

6 5 "Animal", any animal other than man including wild or domestic fowl, birds, fish or reptiles,
7 living or dead.

8 6 "Approved veterinary school", any veterinary college or division of a university or college that
9 offers the 7 degree of doctor of veterinary medicine or its equivalent and which conforms to the

10 standards required for 8 accreditation by the American veterinary medical association, the board
11 of veterinary medicine of the 9 commonwealth, or the approving authority.

12 10 "Approved veterinary technology school", any veterinary technology college or division of a
13 university or 11 college that offers a program that is accredited according to the standards
14 adopted by the American 12 veterinary medical association's committee on veterinary technician
15 education and activities

16 13 "Approving authority", 3 members from the board of registration in veterinary medicine; 1
17 veterinary officer 14 from the division of animal health; 1 member representing the
18 Massachusetts Veterinary Association, and 15 5 members representing the Massachusetts
19 Veterinary Technician Association.

20 16 "Board", the board of registration in veterinary medicine of the commonwealth.

21 17 "Emergency", when an animal is placed in a life-threatening condition and immediate
22 treatment is 18 necessary to sustain life.

23 19 "Veterinarian", a person who has received a doctors' degree in veterinary medicine from a
24 school of 20 veterinary medicine. 21 "Veterinary medicine", shall include veterinary surgery,
25 obstetrics, dentistry, and all other branches or 22 specialties of veterinary medicine.

26 23 "Veterinary technician", a person who has graduated from an American Veterinary Medical
27 Association- 24 accredited veterinary technology program, with an Associate Degree and who
28 has passed the Veterinary 25 Technician National Exam (VTNE).

29 26 "Veterinary technologist", a person who has graduated from an American Veterinary Medical
30 Association- 27 accredited veterinary technology program, with an Bachelor Degree and who
31 has passed the Veterinary 28 Technician National Exam (VTNE).

32 29 "Veterinary technology", the science and art of providing all aspects of professional medical
33 care and 30 treatment for animals with the exception of diagnosis, prognosis, surgery and
34 prescription.

35 31 "Veterinary assistant", a person who is not a veterinarian or veterinary technician.

36 32 SECTION 2. Said chapter 112 is hereby further amended by inserting after section 56E the
37 following 33 section:-

38 34 Section 56F. Veterinary technicians and veterinary technologists shall be licensed and shall be
39 35 required to pass the Veterinary Technician National Examination (VTNE), with scores as set
40 by the board 36 prior to licensure. Examinations for licensure as a veterinary technician and
41 veterinary technologist shall 37 be held at least annually at a time, place, and date set by the
42 board no later than 90 days prior to the 38 scheduled examination.

43 39 Veterinary technicians and veterinary technologists shall be required to continue their
44 professional 40 education as a condition of maintaining their license of veterinary technology in
45 the commonwealth with 41 12 hours of continuing education annually.

46 42 By a majority vote of the entire board may, for any cause set forth in this section, deny,
47 suspend or 43 revoke for a certain time the license of any person as a veterinary technician or
48 veterinary technologist 44 after notice and a hearing. Causes for which the board may deny,
49 revoke or suspend a license are as 45 follows:-

50 46 a. the employment of fraud, misrepresentation or deception in obtaining such license;

51 47 b. conviction of a felony, in which case the record of such conviction shall be

52 48 conclusive evidence;

53 49 c. conviction of a violation of any state or federal law, regulating narcotics; 50 d. having

54 professional connection with or lending the use of his name to any illegal

55 51 practitioner of veterinary medicine and the various branches thereof; 52 e. conduct reflecting

56 unfavorably on the profession of veterinary technicians and

57 53 veterinary medicine.

58 54 f. conviction on a charge of cruelty to animals; or

59 55 It shall be a class B misdemeanor for any person to use, in connection with the person's name,

60 56 any designation intending to imply that the person is a veterinary technician or a licensed

61 veterinary 57 technician unless said person meets the requirements contained in this chapter. In

62 addition is shall be a 58 class B misdemeanor for any veterinary facility employee or veterinarian

63 to knowingly employ a non- 59 licensed person to perform the duties of a licensed

64 technician/technologist.

65 60

66 The board may, on its own motion, cause to be investigated any report indicating that a licensed

67 61 veterinary technician is or may be in violation of the provisions of this chapter. Any person

68 who in good 62 faith reports to the board any information that a licensed veterinary technician is

69 or may be in violation of 63 any provisions of this chapter is not subject to suit for civil damages
70 as a result thereof.

71 64 All licenses issued to veterinary technicians and veterinary technologists shall expire annually
72 on

73 st 65 December 31 unless renewed.

74 66 All license holders shall submit renewal fees and a current mailing address by dates
75 determined by 67 the board on a renewal form that shall be provided by the board and mailed to
76 all license holders.

77 68 All license holders will be required to submit evidence satisfactory to the board of the
78 successful 69 completion of continuing education as the board shall require by regulation.

79 70 Failure to submit the appropriate license renewal fee by the dates determined by the board
80 shall 71 result in forfeiture of all privileges and rights extended by the license, and the license
81 holder must 72 immediately cease and desist in engaging further in the performance of veterinary
82 technician or veterinary 73 technologist activities under said chapter until payment of a
83 delinquency fee in addition to the license 74 renewal fee had been received by the board.

84 75 Licenses for veterinary technicians/technologists shall be issued bearing the degree "LVT".

85 Licenses for 76 veterinary technologists shall be issued bearing the degree "LVTG".

86 77 Any person who meets the following requirements shall be permitted for a time period of not
87 more 78 than three years from the passage of this act, to sit for the veterinary technician national
88 examination in 79 the commonwealth:-

89 80 (a) Degree from a program in veterinary technology which is not accredited by the American
90 Veterinary 81 Medical Association or a bachelors degree in animal or biological sciences and 1
91 year full time practical 82 experience consisting of at minimum 1500 hours as a veterinary
92 assistant. 83 (b) Associate degree in animal or biological sciences and 3 years full time practical
93 experience consisting 84 of at minimum 4500 hours as a veterinary assistant. 85 (c) Employed 5
94 years full time as a veterinary assistant, consisting of at minimum 7500 hours in addition 86 to
95 18 college credits in animal or biological sciences. 87 (d) Employed eight years full time
96 consisting of at minimum 12000 hours as a veterinary assistant.

97 88 The division of professional licensure shall promulgate rules and regulations including the
98 following 89 levels of supervision and safety, provided that the following tasks shall only be
99 performed by a licensed 90 veterinary technician or veterinary technologist, under the direct
100 supervision of a veterinarian licensed to 91 practice in the Commonwealth of Massachusetts, and
101 provided that, the Veterinarian makes a daily 92 physical examination of the patient treated. :-

102 93 (a) (1) "Immediate supervision", a licensed veterinarian is within direct eyesight and hearing
103 range. The 94 following procedures shall require immediate supervision:

104 95 (i) dental extraction not requiring sectioning of a tooth or the re-sectioning of bone; and

105 96 (ii) surgical assistance to a licensed veterinarian within the rules and regulations issued by the
106 board 97 and the laws of the commonwealth.

107 98 (2) "Direct supervision", a licensed veterinarian is on the premises and is readily available.

108 The following 99 procedures shall require direct supervision:

109 100 (i) euthanasia;

110 101 (ii) blood or blood component collection, preparation and administration;

111 102 (iii) application of splints and slings;

112 103 (iv) dental procedures including, but not limited to the removal of calculus, soft deposits,

113 plaque, and 104 stains: the smoothing, filing and polishing of teeth; or the floatation or dressing

114 of equine teeth; and

115 105 (v) induction of anesthesia.

116 106 (3) "Indirect supervision" a licensed veterinarian is not on the premises, but is able to

117 perform the duties 107 of a licensed veterinarian by maintaining direct communication. The

118 following procedures shall require in 108 direct supervision:-

119 109 (i) administration and application of treatments, drugs, medications and immunological

120 agents by 110 parental and injectable routes, subcutaneous, intramuscular, and intravenous,

121 except when conflict with 111 government regulations;

122 112 (ii) initiation of parental fluid administration;

123 113 (iii) intravenous catheterizations;

124 114 (iv) radiography including settings, positioning, processing and safety procedures 115 (v)

125 collection of blood; collection of urine by expression, cystocentesis, or catheterization; collection

126 and 116 preparation of tissue, cellular, or microbiological samples by skin scrapings,

127 impressions, or other non- 117 surgical methods except when in conflict with government

128 regulations;

129 118 (vi) routine laboratory test procedures; and

130 119 (vii) supervision of the handling of biohazardous materials.

131 120 (b) Under emergency conditions, a licensed veterinary technician may render the following
132 life-saving aid 121 and treatment:-

133 122 (i) applications of tourniquets or pressure bandages to control hemorrhage;

134 123 (ii) administration of pharmacological agents and parental fluids shall only be performed
135 after direct 124 communication with a licensed veterinarian in the commonwealth and such
136 veterinarian is either present 125 or in route to the location of the distressed animal;

137 126 (iii) Resuscitative procedures;

138 127 (iv) application of temporary splints or bandages to prevent further injury to bones or soft
139 tissues; or

140 128 (v) external supportive treatment in heat prostration cases.

141 129 (c) A licensed veterinary technician shall be prohibited from conducting the following:

142 130 (i) Offering any diagnosis or prognosis;

143 131 (ii) Prescribing any treatments, drugs, medications, or appliances; or

144 132 (ii) Performing surgery.

145 133 (d) Veterinary assistants may perform animal husbandry and animal health care tasks under
146 the 134 supervision of a licensed veterinarian or licensed veterinary technician/technologist.

147 135 SECTION 3. Notwithstanding the foregoing, all veterinary technicians, so-called, certified
148 by the 136 Massachusetts Veterinary Technicians Association on or before the effective date of

149 this act and in good 137 standing shall be grand fathered in bearing all the rights, privileges, and
150 responsibilities as described in 138 said chapter and shall be known as licensed veterinary
151 technicians or licensed veterinary technologists.

152 139 SECTION 4. Any student enrolled in a veterinary technology program in a school or college
153 accredited 140 by the American Veterinary Medical Association, who is engaged in clinical
154 training under the direct 141 supervision and control of a veterinary technician/technologist or
155 veterinarian otherwise licensed to 142 practice in the commonwealth and who is duly registered
156 with an accredited school or college of 143 veterinary technology under its clinical training and
157 externship programs shall be exempt from the 144 veterinary technician licensing provisions of
158 sections one through three, inclusive.