

HOUSE No. 3589

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:

Vincent A. Pedone

DISTRICT/ADDRESS:

15th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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

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

5 “Animal”, any animal other than man including wild or domestic fowl, birds, fish or reptiles, living or dead.

6 “Approved veterinary school”, any veterinary college or division of a university or college that offers the
7 degree of doctor of veterinary medicine or its equivalent and which conforms to the standards required for
8 accreditation by the American veterinary medical association, the board of veterinary medicine of the
9 commonwealth, or the approving authority.

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

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

16 “Board”, the board of registration in veterinary medicine of the commonwealth.

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

19 “Veterinarian”, a person who has received a doctors’ degree in veterinary medicine from a school of
20 veterinary medicine.

21 “Veterinary medicine”, shall include veterinary surgery, obstetrics, dentistry, and all other branches or
22 specialties of veterinary medicine.

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

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

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

31 “Veterinary assistant”, a person who is not a veterinarian or veterinary technician.

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

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

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

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

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

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

48 conclusive evidence;

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

50 d. having professional connection with or lending the use of his name to any illegal

51 practitioner of veterinary medicine and the various branches thereof;

52 e. conduct reflecting unfavorably on the profession of veterinary technicians and
53 veterinary medicine.

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

55 It shall be a class B misdemeanor for any person to use, in connection with the person's name,
56 any designation intending to imply that the person is a veterinary technician or a licensed veterinary
57 technician unless said person meets the requirements contained in this chapter. In addition is shall be a
58 class B misdemeanor for any veterinary facility employee or veterinarian to knowingly employ a non-
59 licensed person to perform the duties of a licensed technician/technologist.

60 The board may, on its own motion, cause to be investigated any report indicating that a licensed
61 veterinary technician is or may be in violation of the provisions of this chapter. Any person who in good
62 faith reports to the board any information that a licensed veterinary technician is or may be in violation of
63 any provisions of this chapter is not subject to suit for civil damages as a result thereof.

64 All licenses issued to veterinary technicians and veterinary technologists shall expire annually on
65 December 31st unless renewed.

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

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

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

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

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

80 (a) Degree from a program in veterinary technology which is not accredited by the American Veterinary
81 Medical Association or a bachelors degree in animal or biological sciences and 1 year full time practical
82 experience consisting of at minimum 1500 hours as a veterinary assistant.

83 (b) Associate degree in animal or biological sciences and 3 years full time practical experience consisting
84 of at minimum 4500 hours as a veterinary assistant.

85 (c) Employed 5 years full time as a veterinary assistant, consisting of at minimum 7500 hours in addition

86 to 18 college credits in animal or biological sciences.
87 (d) Employed eight years full time consisting of at minimum 12000 hours as a veterinary assistant.

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

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

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

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

98 (2) "Direct supervision", a licensed veterinarian is on the premises and is readily available. The following
99 procedures shall require direct supervision:

100 (i) euthanasia;

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

102 (iii) application of splints and slings;

103 (iv) dental procedures including, but not limited to the removal of calculus, soft deposits, plaque, and
104 stains: the smoothing, filing and polishing of teeth; or the floatation or dressing of equine teeth; and

105 (v) induction of anesthesia.

106 (3) "Indirect supervision" a licensed veterinarian is not on the premises, but is able to perform the duties
107 of a licensed veterinarian by maintaining direct communication. The following procedures shall require in
108 direct supervision:-

109 (i) administration and application of treatments, drugs, medications and immunological agents by
110 parental and injectable routes, subcutaneous, intramuscular, and intravenous, except when conflict with
111 government regulations;

112 (ii) initiation of parental fluid administration;

113 (iii) intravenous catheterizations;

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

115 (v) collection of blood; collection of urine by expression, cystocentesis, or catheterization; collection and
116 preparation of tissue, cellular, or microbiological samples by skin scrapings, impressions, or other non-
117 surgical methods except when in conflict with government regulations;

118 (vi) routine laboratory test procedures; and

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

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

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

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

126 (iii) Resuscitative procedures;

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

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

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

130 (i) Offering any diagnosis or prognosis;

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

132 (ii) Performing surgery.

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

135 SECTION 3. Notwithstanding the foregoing, all veterinary technicians, so-called, certified by the
136 Massachusetts Veterinary Technicians Association on or before the effective date of this act and in good
137 standing shall be grand fathered in bearing all the rights, privileges, and responsibilities as described in
138 said chapter and shall be known as licensed veterinary technicians or licensed veterinary technologists.

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