

SECOND REGULAR SESSION

HOUSE BILL NO. 1929

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

5360H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 340.210, 340.212, and 340.214, RSMo, and to enact in lieu thereof eleven new sections relating to certified euthanasia technicians.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 340.210, 340.212, and 340.214, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 340.210, 340.212, 340.214, 340.500, 340.510, 340.520, 340.530, 340.540, 340.550, 340.555, and 340.560, to read as follows:

340.210. 1. The board shall adopt and have a common seal bearing the name "Missouri Veterinary Medical Board".

2. The powers of the board are granted to enable the board to effectively supervise the practice of veterinary medicine and to carry out the intent and provisions of sections 340.200 to 340.330 **and sections 340.500 to 340.560**, and, therefore, are to be construed liberally in order to accomplish such objectives.

3. Including, but not limited to, the board shall have the power to:

(1) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in this state;

(2) Issue, renew, deny, suspend, revoke, or place on probation any license, certificate, authority or permit to practice or assist in the practice of veterinary medicine in this state, or to otherwise discipline or assess civil monetary penalties or order restitution, or other actions consistent with the provisions of sections 340.200 to 340.330 **and sections 340.500 to 340.560** and the rules adopted thereunder;

(3) Conduct investigations of complaints or other investigations as deemed necessary by the board for the purpose of discovering violations of sections 340.200 to 340.330 **and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **sections 340.500 to 340.560** or grounds for disciplining any person licensed or regulated under
18 sections 340.200 to 340.330 **and sections 340.500 to 340.560**, and to contract for or appoint
19 persons or committees to assist in such investigations;

20 (4) Hold hearings, issue subpoenas and take testimony bearing on the records of
21 applicants for licensing or licensees who may be under consideration by the board for discipline
22 and to issue final orders of the board on such matters that come before the board;

23 (5) Issue permits to and, upon complaint by any person, inspect any veterinary facility
24 utilized by any practicing veterinarian or from which the practice of veterinary medicine is
25 conducted. Such inspection shall not include any vehicle used in the practice of veterinary
26 medicine, unless the board has received a complaint regarding such vehicle, then the board may
27 inspect the vehicle. Such inspection shall be made by the board, a board member or other
28 authorized representatives as appointed by the board. The results of the inspection shall be
29 reported to the board, on forms prescribed by the board, the purpose of which shall be to ensure
30 compliance with the provisions of sections 340.200 to 340.330 **and sections 340.500 to 340.560**,
31 or board rules promulgated thereunder for such facilities or for seeking disciplinary action in all
32 instances where the board has reason to believe there are or may be violations of such provisions
33 or rules;

34 (6) Provide registration for veterinary technicians, **euthanasia technicians**, temporary
35 licensees and provisional licensees and to adopt rules concerning the training, supervision and
36 service limits, and continuing education of such persons while employed or acting under the
37 supervision of licensed veterinarians and to have exclusive jurisdiction in determining the
38 eligibility and qualification requirements and in granting or refusing to grant any registration,
39 certificate or license for any such person or to discipline any person so registered or licensed
40 under the provisions of sections 340.200 to 340.330 **and sections 340.500 to 340.560**, or by
41 board rule;

42 (7) Fix by board rule minimum standards for, but not limited to, the practice of
43 veterinary medicine, medical records, emergency services, radiological services, dispensed drug
44 labeling, nursing care, veterinary facilities, sanitation and sterilization, veterinarian-client-patient
45 relationships, and continuing education;

46 (8) Employ full- or part-time personnel, including an executive director, professional,
47 clerical or special personnel as necessary to effectuate the provisions of sections 340.200 to
48 340.330 **and sections 340.500 to 340.560** and to rent or purchase any necessary space,
49 equipment and supplies within available appropriations;

50 (9) Establish fees necessary to administer the provisions of sections 340.200 to 340.330
51 **and sections 340.500 to 340.560**;

52 (10) Authorize the chairman or vice chairman to sign complaints or referrals for
53 proceedings before the administrative hearing commission or in a court of competent jurisdiction
54 as necessary for the enforcement of sections 340.200 to 340.330 **and sections 340.500 to**
55 **340.560;**

56 (11) Appoint from its own membership one or more members to act as representatives
57 of the board at any meeting within or without the state when such representation is deemed
58 desirable;

59 (12) Establish standing or ad hoc committees from its membership to facilitate its work
60 effectively, fulfill its duties and to exercise its powers. Such committees must consist of at least
61 two board members to transact business. Any business or action of the committee shall have no
62 effect until and unless the business or action is ratified by a majority vote of the full board;

63 (13) Adopt, amend or repeal all rules necessary to carry into effect the provisions of
64 sections 340.200 to 340.330 **and sections 340.500 to 340.560**, including, but not limited to, the
65 establishment and publication of rules of professional conduct for the practice of veterinary
66 medicine and such rules as it deems necessary to supervise the practice of veterinary medicine.
67 Such rules must be published and made available upon request to persons licensed or registered
68 under sections 340.200 to 340.330 **and sections 340.500 to 340.560** at no cost and distributed
69 at no cost to all applicants for licensing or registration under sections 340.200 to 340.330 **and**
70 **sections 340.500 to 340.560**. Any proposed rulemaking, revision or amendment thereto, shall
71 be accomplished in accordance with the requirements and provisions of chapter 536;

72 (14) Assist the attorney general in any proper action to oust from practice unlawful
73 practitioners or remove from practice licensed or registered persons in violation of any provision
74 of sections 340.200 to 340.330 **and sections 340.500 to 340.560** or board rule and assist with
75 any prosecution for criminal violations of sections 340.200 to 340.330 **and sections 340.500 to**
76 **340.560;** and

77 (15) Enter into contracts with any entity, public or private, for the purpose of having
78 examinations prepared, graded, evaluated, proctored, or for any other examination service
79 deemed desirable or necessary by the board.

80 4. No rule or portion of a rule promulgated under the authority of this chapter shall
81 become effective unless it has been promulgated pursuant to the provisions of chapter 536.

340.212. 1. The board shall cause the executive director to prepare and maintain a
2 written record of all board proceedings whether or not such proceedings are formal, informal,
3 open or closed to the public. All records so prepared and maintained and other documents or
4 reports incorporated therein shall be open to the public except where specifically required or
5 allowed to be closed to the public pursuant to chapter 610.

6 2. Other provisions of section 324.001 to the contrary notwithstanding, the board shall
7 publish a list of the names and addresses of all persons who hold licenses under the provisions
8 of sections 340.200 to 340.330 **and sections 340.500 to 340.560**, and shall publish a list of all
9 persons whose licenses have been suspended, revoked, surrendered, restricted, denied, withheld,
10 or otherwise disciplined, whether voluntarily or not. The board shall mail a copy of such list to
11 any person, agency or professional association upon request and payment of a fee necessary for
12 photocopying and postage as established by board rule. The board may forward such lists at no
13 charge and upon its own motion for the purpose of voluntary interstate exchange of information
14 or to other administrative or law enforcement agencies acting within the scope of their statutory
15 authority, whether the same be interstate or intrastate.

16 3. Other provisions of section 324.001 to the contrary notwithstanding, the board shall
17 prepare and make available to the public a report upon the final disciplinary actions taken by the
18 board or denial of licensure. Such report shall set forth findings of fact, grounds for such denial
19 or discipline, names of board members who were present, and any resulting order or directive
20 of the board; the same to apply whether or not discipline or denial is voluntarily agreed to by the
21 licensee or applicant. Whenever a person possessing a license voluntarily enters chemical or
22 alcohol treatment and monitoring programs for purposes of rehabilitation by informal agreement
23 with the board, the action shall not be reported with any other actions taken or agreed to between
24 the board and the licensee or applicant.

25 4. Where the board does not recommend disciplinary action, a report stating that no
26 action is recommended shall be prepared and forwarded to the complaining party and the
27 licensee or applicant.

28 5. Members of the board or employees of the board shall be immune from any suit
29 predicated on the publication of information, reports or lists required by this section.

340.214. 1. All fees payable under the provisions of sections 340.200 to 340.330 **and**
2 **sections 340.500 to 340.560** shall be paid to and collected by the division of professional
3 registration and transmitted to the department of revenue for deposit in the state treasury to the
4 credit of a fund to be known as the "Veterinary Medical Board Fund", which is hereby created,
5 and shall be subject to the appropriations of the general assembly.

6 2. Notwithstanding the provisions of section 33.080 to the contrary, money in the fund
7 shall not be transferred and placed to the credit of the general revenue fund until the amount in
8 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
9 board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less
10 frequently than yearly, then three times the appropriation from the board's funds for the preceding
11 fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which
12 exceeds the appropriate multiple of the appropriations to the board for the preceding fiscal year.

13 3. The fees prescribed by sections 340.200 to 340.330 **and sections 340.500 to 340.560**
14 shall be exclusive, and notwithstanding any other provision of law, no municipality may require
15 any person licensed under the provisions of sections 340.200 to 340.330 **and sections 340.500**
16 **to 340.560** to furnish any bond, pass any examination, or pay any license fee or occupational tax
17 relative to practicing his or her profession.

340.500. As used in sections 340.500 to 340.560 the following terms shall mean:

- 2 (1) **"Board", the Missouri veterinary medical board;**
- 3 (2) **"Certified euthanasia technician", a person who has been certified by the board**
4 **to administer controlled substances approved by the board for the purpose of euthanasia**
5 **under the indirect supervision of a licensed veterinarian;**
- 6 (3) **"Euthanasia", the act or practice of putting an animal to death in a humane or**
7 **instantaneous manner and shall be accomplished by a method specified as acceptable by**
8 **the American Veterinary Medical Association Panel on Euthanasia and under guidelines**
9 **and procedures established by rules promulgated by the board;**
- 10 (4) **"Immediate supervision", the licensed veterinarian is in the immediate area and**
11 **within audible and visual range of the animal patient and the person treating the patient;**
- 12 (5) **"Indirect supervision", the licensed veterinarian need not be on the premises**
13 **but has given either written or oral instructions for the treatment of the animal patient, or**
14 **treatment protocol has been established and the animal has been examined by a licensed**
15 **veterinarian at such times as acceptable veterinary medical practice requires consistent**
16 **with the particular delegated health care task;**
- 17 (6) **"Licensed veterinarian", as defined in section 340.200;**
- 18 (7) **"Provisional license", as defined in section 340.200;**
- 19 (8) **"Registered veterinary technician", as defined in section 340.200;**
- 20 (9) **"Unregistered assistant", as defined in section 340.200;**
- 21 (10) **"Veterinary candidate", as defined in section 340.200;**
- 22 (11) **"Veterinary student preceptee", as defined in section 340.200.**

340.510. 1. No person shall administer controlled substances for the purposes of
2 **euthanizing an animal unless the person is a licensed veterinarian, certified euthanasia**
3 **technician, registered veterinary technician, provisional licensee, veterinary medical**
4 **candidate, veterinary student preceptee, or an unregistered assistant.**

5 2. **When administering controlled substances for the purposes of euthanasia**
6 **certified euthanasia technicians, registered veterinary technicians, and provisional**
7 **licensees shall be under the indirect supervision of a licensed veterinarian. Veterinary**
8 **candidates, veterinary student preceptees, and unregistered assistants shall only administer**

9 controlled substances for the purpose of euthanasia under the immediate supervision of
10 a licensed veterinarian.

11 3. A certified euthanasia technician shall have a written agreement with a licensed
12 veterinarian specifying the veterinarian's intent to provide indirect supervision to the
13 technician. Such agreement shall be filed with the board and shall require information as
14 promulgated by rule.

340.520. 1. Any person who desires certification as a euthanasia technician shall
2 submit an application for certification by examination to the board along with registration
3 and examination fees as established by the board. Such application shall be on forms
4 furnished by the board without charge.

5 2. Each application shall contain a statement that is made under oath or
6 affirmation that representations made therein are true, correct, and contain no material
7 omissions of fact to the best knowledge and belief of the person making the application and
8 whose signature shall be subscribed. Any person who knowingly submits false
9 information, information intended to mislead the board, or omits a material fact on the
10 application shall be subject to penalties provided for by the laws of this state for giving a
11 false statement under oath or affirmation; such penalty is in addition to and not in lieu of
12 any action which the board takes under the provisions of sections 340.200 to 340.330 and
13 sections 340.500 to 340.560.

340.530. 1. The application shall be accompanied by satisfactory proof that the
2 applicant:

3 (1) Is at least eighteen years of age;

4 (2) Is of good moral character;

5 (3) Is a citizen of the United States or is lawfully entitled to remain and work in the
6 United States;

7 (3) Has not been convicted of a felony; and

8 (4) Has successfully completed the curriculum as required by the board.

9 2. The applicant shall furnish any other additional information and proof of a
10 person's fitness and qualifications as required by the board.

11 3. The applicant shall submit an application and the registration and examination
12 fees at least sixty days prior to taking the examination.

340.540. The board shall notify each applicant within sixty days of the examination
2 the results of the examination. If all the other requirements of certification have been met,
3 the board shall issue a certificate to an applicant who successfully completes the
4 examination. The board shall record the certificate and hold the certificate until the
5 applicant has submitted a written agreement between the applicant and a licensed

6 veterinarian specifying the veterinarian's intent to provide indirect supervision over the
7 applicant's euthanasia services. Upon receipt of the agreement, the board shall issue the
8 certificate.

340.550. 1. A certificate issued to a certified euthanasia technician shall expire
2 every two years, and shall be renewed as established by rule.

3 2. At least sixty days prior to the expiration date, the board shall send a notice of
4 renewal and an application for renewal to each certificate holder of record. Failure to
5 receive the notice and application does not relieve any certificate holder of the duty to
6 apply for renewal or to pay the necessary renewal fee, nor will it exempt the certificate
7 holder from penalties provide by sections 340.200 to 340.330 or sections 340.500 to 340.560
8 for failure to promptly renew the certificate.

9 3. A certificate holder has thirty days following the expiration date of the certificate
10 to submit a renewal application and fees. After the thirty days, the certification shall be
11 deemed noncurrent and the certificate holder shall not practice as a certified euthanasia
12 technician until he or she applies for reinstatement and pays the required fees.

13 4. If a person is otherwise eligible to renew his or her certificate, such person may
14 renew an expired certificate within two years of the date of expiration by submitting an
15 application for renewal, payment of the renewal fee, payment of delinquent renewal fees,
16 and payment of a penalty fee as established by the board. A certificate may not be renewed
17 if two years have lapsed since the date the certificate expired. Such holder of an expired
18 certificate shall make application for a new certificate.

340.555. Any rule or portion of a rule, as that term is defined in section 536.010 that
2 is created under the authority delegated in sections 340.500 to 340.560 shall become
3 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
4 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
5 of the powers vested with the general assembly pursuant to chapter 536, to review, to delay
6 the effective date, or to disapprove and annul a rule are subsequently held
7 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
8 after August 28, 2016, shall be invalid and void.

340.560. The provisions and causes of actions as set forth under sections 340.264,
2 340.266, and 340.268 are applicable to certified euthanasia technicians in all respects.

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