

**VETERINARY PRACTICE ACT AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeremy A. Peterson**

Senate Sponsor: Kevin T. Van Tassell

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to the licensing of veterinarians.

**Highlighted Provisions:**

This bill:

- ▶ modifies unprofessional conduct standards for licensed veterinarians; and
- ▶ amends provisions relating to the ownership or control of a veterinary organization.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-28-502**, as enacted by Laws of Utah 2006, Chapter 109

ENACTS:

**58-28-606**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-28-502** is amended to read:

**58-28-502. Unprofessional conduct.**

(1) "Unprofessional conduct" includes, in addition to the definitions in Section

**58-1-501:**

(a) applying unsanitary methods or procedures in the treatment of any animal, contrary

30 to rules adopted by the board and approved by the division;

31 (b) procuring any fee or recompense on the assurance that a manifestly incurable  
32 diseased condition of the body of an animal can be permanently cured;

33 [~~(c)~~ rendering professional service in association with a person who is not licensed and  
34 does not hold a temporary permit;]

35 [~~(d)~~ sharing fees with any person, except a licensed veterinarian, for services actually  
36 performed;]

37 [~~(e)~~ (c) selling any biologics containing living or dead organisms or products or such  
38 organisms, except in a manner which will prevent indiscriminate use of such biologics;

39 [~~(f)~~ (d) swearing falsely in any testimony or affidavit, relating to, or in the course of,  
40 the practice of veterinary medicine, surgery, or dentistry;

41 [~~(g)~~ (e) willful failure to report any dangerous, infectious, or contagious disease, as  
42 required by law;

43 [~~(h)~~ (f) willful failure to report the results of any medical tests, as required by law, or  
44 rule adopted pursuant to law;

45 [~~(i)~~ (g) violating Chapter 37, Utah Controlled Substances Act;

46 [~~(j)~~ (h) delegating tasks to unlicensed assistive personnel in violation of standards of  
47 the profession and in violation of Subsection (2); and

48 [~~(k)~~ (i) making any unsubstantiated claim of superiority in training or skill as a  
49 veterinarian in the performance of professional services.

50 (2) (a) "Unprofessional conduct" does not include the following:

51 (i) delegating to a veterinary technologist, while under the indirect supervision of a  
52 veterinarian licensed under this chapter, patient care and treatment that requires a technical  
53 understanding of veterinary medicine if written or oral instructions are provided to the  
54 technologist by the veterinarian;

55 (ii) delegating to a veterinary technician, while under the direct supervision of a  
56 veterinarian licensed under this chapter, patient care and treatment that requires a technical  
57 understanding of veterinary medicine if written or oral instructions are provided to the

58 technician by the veterinarian; and

59 (iii) delegating to a veterinary assistant, under the immediate supervision of a licensed  
60 veterinarian, tasks that are consistent with the standards and ethics of the profession.

61 (b) The delegation of tasks permitted under Subsection (2)(a) does not include:

62 (i) diagnosing;

63 (ii) prognosing;

64 (iii) surgery; or

65 (iv) prescribing drugs, medicines, or appliances.

66 Section 2. Section **58-28-606** is enacted to read:

67 **58-28-606. Veterinary corporations, partnerships, and limited liability companies**

68 **-- Unlicensed individuals -- Ownership of capital stock -- Service as officer or director.**

69 (1) As used in this section:

70 (a) "Veterinary corporation" means a professional corporation organized to render  
71 veterinary services under Title 16, Chapter 11, Professional Corporation Act.

72 (b) "Veterinary limited liability company" means a limited liability company organized  
73 to render veterinary services under Title 48, Chapter 2c, Utah Revised Limited Liability  
74 Company Act.

75 (c) "Veterinary partnership" means a partnership or limited liability partnership  
76 organized to render veterinary services under Title 48, Chapter 1, General and Limited Liability  
77 Partnerships.

78 (2) A veterinary corporation may issue or transfer shares of the veterinary corporation's  
79 capital stock to a person that is not licensed to practice veterinary medicine, surgery, and  
80 dentistry under this chapter.

81 (3) An individual who is not licensed to practice veterinary medicine, surgery, and  
82 dentistry under this chapter:

83 (a) may not serve as an officer or director of a veterinary corporation; and

84 (b) may serve as secretary or treasurer of a veterinary corporation.

85 (4) A veterinary limited liability company or a veterinary partnership may include an

86 individual who is not licensed to practice veterinary medicine, surgery, and dentistry under this  
87 chapter.