

VETERINARY MEDICAL PRACTICE ACT

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Veterinary Practice Act.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ allows certain individuals to perform teeth floating under the direct supervision of a licensed veterinarian.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-28-102, as last amended by Laws of Utah 2010, Chapter 189

58-28-307, as last amended by Laws of Utah 2014, Chapter 191

58-28-502, as last amended by Laws of Utah 2015, Chapter 61

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

Section 1. Section **58-28-102** is amended to read:

58-28-102. Definitions.



28 In addition to the definitions in Section 58-1-102, as used in this chapter:

29 (1) "Abandonment" means to forsake entirely or to refuse to provide care and support
30 for an animal placed in the custody of a licensed veterinarian.

31 (2) "Administer" means:

32 (a) the direct application by a person of a prescription drug or device by injection,
33 inhalation, ingestion, or by any other means, to the body of an animal that is a patient or is a
34 research subject; or

35 (b) a veterinarian providing to the owner or caretaker of an animal a prescription drug
36 for application by injection, inhalation, ingestion, or any other means to the body of the animal
37 by the owner or caretaker in accordance with the veterinarian's written directions.

38 (3) "Animal" means any animal other than a human.

39 (4) "AVMA" means American Veterinary Medical Association.

40 (5) "Board" means the Veterinary Board established in Section 58-28-201.

41 (6) "Client" means the patient's owner, the owner's agent, or other person responsible
42 for the patient.

43 (7) "Direct supervision" means a veterinarian licensed under this chapter is present and
44 available for face-to-face contact with the patient and person being supervised, at the time the
45 patient is receiving veterinary care.

46 (8) (a) "Equine dentistry" means any diagnosis, treatment, or surgical procedure
47 performed on the head or oral cavity of an equine animal.

48 (b) "Equine dentistry" includes:

49 (i) any procedure that invades the tissue of the oral cavity, including a procedure to:

50 (A) remove a sharp enamel projection;

51 (B) treat malocclusions of a tooth;

52 (C) reshape a tooth; or

53 (D) extract a tooth;

54 (ii) the treatment or extraction of a damaged or diseased tooth;

55 (iii) the treatment of a diseased tooth through restoration and endodontic procedures;

56 (iv) a periodontal treatment, including:

57 (A) the removal of calculus, soft deposits, plaque, and stains above the gum line; and

58 (B) the smoothing, filing, and polishing of tooth surfaces;

59 (v) dental radiography; and

60 (vi) teeth floating.

61 [~~(8)~~] (9) "Extra-label use" means actual use or intended use of a drug in an animal in a
62 manner that is not in accordance with approved labeling.

63 [~~(9)~~] (10) "Immediate supervision" means the veterinarian licensed under this chapter
64 is present with the individual being supervised, while the individual is performing the
65 delegated tasks.

66 [~~(10)~~] (11) "Indirect supervision" means a veterinarian licensed under this chapter:

67 (a) has given either written or verbal instructions for veterinary care of a patient to the
68 person being supervised; and

69 (b) is available to the person being supervised by telephone or other electronic means
70 of communication during the period of time in which the veterinary care is given to the patient.

71 [~~(11)~~] (12) (a) "Practice of veterinary medicine, surgery, and dentistry" means to:

72 [~~(a)~~] (i) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or
73 physical condition of any animal;

74 [~~(b)~~] (ii) administer, prescribe or dispense any drug, medicine, treatment, method, or
75 practice, perform any operation or manipulation, apply any apparatus or appliance for the cure,
76 relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise
77 practice any veterinary medicine, dentistry, or surgery on any animal;

78 [~~(c)~~] (iii) represent by verbal or written claim, sign, word, title, letterhead, card, or any
79 other manner that one is a licensed veterinarian or qualified to practice veterinary medicine,
80 surgery, or dentistry;

81 [~~(d)~~] (iv) hold oneself out as able to practice veterinary medicine, surgery, or dentistry;

82 [~~(e)~~] (v) solicit, sell, or furnish any parenterally administered animal disease cures,
83 preventions, or treatments, with or without the necessary instruments for the administration of
84 them, or any and all worm and other internal parasitic remedies, upon any agreement, express
85 or implied, to administer these cures, preventions, treatments, or remedies; or

86 [~~(f)~~] (vi) assume or use the title or designation, "veterinary," "veterinarian," "animal
87 doctor," "animal surgeon," or any other title, designation, words, letters, abbreviations, sign,
88 card, or device tending to indicate that such person is qualified to practice veterinary medicine,
89 surgery, or dentistry.

90 (b) "Practice of veterinary medicine, surgery, and dentistry" includes equine dentistry.

91 (13) (a) "Teeth floating" means the use of a sedative drug or a motorized, high speed
92 tool to reduce or eliminate sharp or uneven edges on a tooth.

93 (b) "Teeth floating" does not include teeth cleaning or preventive dental procedures
94 that are limited to the use of:

95 (i) cotton swabs, gauze, dental floss, toothbrushes, or other nonpowered tools; or

96 (ii) dentifrice, topical analgesics, or other nonsedative drugs.

97 ~~[(12)]~~ (14) "Unlawful conduct" is defined in Sections 58-1-501 and 58-28-501.

98 ~~[(13)]~~ (15) "Unlicensed assistive personnel":

99 (a) means any unlicensed person, regardless of title, to whom tasks are delegated by a
100 veterinarian licensed under this chapter as permitted by administrative rule and in accordance
101 with the standards of the profession; and

102 (b) includes:

103 (i) a veterinary assistant, if working under immediate supervision;

104 (ii) a veterinary technician who:

105 (A) has graduated from a program of veterinary technology accredited by the AVMA
106 that is at least a two-year program; and

107 (B) ~~[who]~~ is working under direct supervision; ~~[and]~~

108 (iii) an equine dental technician who:

109 (A) has graduated from a program of equine dental technology accredited by an entity
110 that is approved by the division, in collaboration with the board, by rule made in accordance
111 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

112 (B) is working under direct supervision; and

113 ~~[(iii)]~~ (iv) a veterinary technologist who:

114 (A) has graduated from a four-year program of veterinary technology accredited by the
115 AVMA; and

116 (B) is working under indirect supervision.

117 ~~[(14)]~~ (16) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-28-502
118 and may be further defined by rule.

119 ~~[(15)]~~ (17) "Veterinarian-client-patient relationship" means:

120 (a) a veterinarian licensed under this chapter has assumed responsibility for making

121 clinical ~~[judgements]~~ judgments regarding the health of an animal and the need for medical
122 treatment of an animal, and the client has agreed to follow the veterinarian's instructions;

123 (b) the veterinarian has sufficient knowledge of the animal to initiate at least a general
124 or preliminary diagnosis of the medical condition of the animal, including knowledge of the
125 keeping and care of the animal as a result of recent personal examination of the animal or by
126 medically appropriate visits to the premises where the animal is housed; and

127 (c) the veterinarian has arranged for emergency coverage for follow-up evaluation in
128 the event of adverse reaction or the failure of the treatment regimen.

129 Section 2. Section **58-28-307** is amended to read:

130 **58-28-307. Exemptions from chapter.**

131 In addition to the exemptions from licensure in Section **58-1-307** this chapter does not
132 apply to:

133 (1) any person who practices veterinary medicine, surgery, or dentistry upon any
134 animal owned by him, and the employee of that person when the practice is upon an animal
135 owned by his employer, and incidental to his employment, except:

136 (a) this exemption does not apply to any person, or his employee, when the ownership
137 of an animal was acquired for the purpose of circumventing this chapter; and

138 (b) this exemption does not apply to the administration, dispensing, or prescribing of a
139 prescription drug, or nonprescription drug intended for off label use, unless the administration,
140 dispensing, or prescribing of the drug is obtained through an existing veterinarian-patient
141 relationship;

142 (2) any ~~[person]~~ individual who as a student at a veterinary college approved by the
143 board engages in the practice of veterinary medicine, surgery, and dentistry as part of his
144 academic training and under the direct supervision and control of a licensed veterinarian, if that
145 practice is during the last two years of the college course of instruction and does not exceed an
146 18-month duration;

147 (3) a veterinarian who is an officer or employee of the government of the United
148 States, or the state, or its political subdivisions, and technicians under his supervision, while
149 engaged in the practice of veterinary medicine, surgery, or dentistry for that government;

150 (4) any person while engaged in the vaccination of poultry, pullorum testing, typhoid
151 testing of poultry, and related poultry disease control activity;

152 (5) any person who is engaged in bona fide and legitimate medical, dental,
153 pharmaceutical, or other scientific research, if that practice of veterinary medicine, surgery, or
154 dentistry is directly related to, and a necessary part of, that research;

155 (6) veterinarians licensed under the laws of another state rendering professional
156 services in association with licensed veterinarians of this state for a period not to exceed 90
157 days;

158 (7) registered pharmacists of this state engaged in the sale of veterinary supplies,
159 instruments, and medicines, if the sale is at his regular place of business;

160 (8) any person in this state engaged in the sale of veterinary supplies, instruments, and
161 medicines, except prescription drugs which must be sold in compliance with state and federal
162 regulations, if the supplies, instruments, and medicines are sold in original packages bearing
163 adequate identification and directions for application and administration and the sale is made in
164 the regular course of, and at the regular place of business;

165 (9) any person rendering emergency first aid to animals in those areas where a licensed
166 veterinarian is not available, and if suspicious reportable diseases are reported immediately to
167 the state veterinarian;

168 (10) any person performing or teaching nonsurgical bovine artificial insemination;

169 (11) any person affiliated with an institution of higher education who teaches
170 nonsurgical bovine embryo transfer or any technician trained by or approved by an institution
171 of higher education who performs nonsurgical bovine embryo transfer, but only if any
172 prescription drug used in the procedure is prescribed and administered under the direction of a
173 veterinarian licensed to practice in Utah;

174 (12) (a) upon written referral by a licensed veterinarian, the practice of animal
175 chiropractic by a chiropractic physician licensed under Chapter 73, Chiropractic Physician
176 Practice Act, who has completed an animal chiropractic course approved by the American
177 Veterinary Chiropractic Association or the division;

178 (b) upon written referral by a licensed veterinarian, the practice of animal physical
179 therapy by a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act, who
180 has completed at least 100 hours of animal physical therapy training, including quadruped
181 anatomy and hands-on training, approved by the division;

182 (c) upon written referral by a licensed veterinarian, the practice of animal massage

183 therapy by a massage therapist licensed under Chapter 47b, Massage Therapy Practice Act,
184 who has completed at least 60 hours of animal massage therapy training, including quadruped
185 anatomy and hands-on training, approved by the division; and

186 (d) upon written referral by a licensed veterinarian, the practice of acupuncture by an
187 acupuncturist licensed under Chapter 72, Acupuncture Licensing Act, who has completed a
188 course of study on animal acupuncture approved by the division;

189 (13) unlicensed assistive personnel performing duties appropriately delegated to the
190 unlicensed assistive personnel in accordance with Section [58-28-502](#);

191 (14) an animal shelter employee who is:

192 (a) (i) acting under the indirect supervision of a licensed veterinarian; and

193 (ii) performing animal euthanasia in the course and scope of employment; and

194 (b) acting under the indirect supervision of a veterinarian who is under contract with
195 the animal shelter, administering a rabies vaccine to a shelter animal in accordance with the
196 Compendium of Animal Rabies Prevention and Control; [~~and~~]

197 (15) an individual providing appropriate training for animals; however, this exception
198 does not include diagnosing any medical condition, or prescribing or dispensing any
199 prescription drugs or therapeutics[-]; and

200 (16) an individual performing a teeth cleaning or preventive dental procedure that is
201 limited to the use of:

202 (a) cotton swabs, gauze, dental floss, toothbrushes, or other nonpowered tools; or

203 (b) dentifrice, topical analgesics, or other nonsedative drugs.

204 Section 3. Section **58-28-502** is amended to read:

205 **58-28-502. Unprofessional conduct.**

206 (1) "Unprofessional conduct" includes, in addition to the definitions in Section
207 [58-1-501](#):

208 (a) applying unsanitary methods or procedures in the treatment of any animal, contrary
209 to rules adopted by the board and approved by the division;

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

212 (c) selling any biologics containing living or dead organisms or products or such
213 organisms, except in a manner which will prevent indiscriminate use of such biologics;

214 (d) swearing falsely in any testimony or affidavit, relating to, or in the course of, the
215 practice of veterinary medicine, surgery, or dentistry;

216 (e) willful failure to report any dangerous, infectious, or contagious disease, as required
217 by law;

218 (f) willful failure to report the results of any medical tests, as required by law, or rule
219 adopted pursuant to law;

220 (g) violating Chapter 37, Utah Controlled Substances Act;

221 (h) delegating tasks to unlicensed assistive personnel in violation of standards of the
222 profession and in violation of Subsection (2); and

223 (i) making any unsubstantiated claim of superiority in training or skill as a veterinarian
224 in the performance of professional services.

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

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

230 (ii) delegating to a veterinary technician or an equine dental technician, while under the
231 direct supervision of a veterinarian licensed under this chapter, patient care and treatment that
232 requires a technical understanding of veterinary medicine if written or oral instructions are
233 provided to the veterinary technician or the equine dental technician by the veterinarian; ~~and~~

234 (iii) delegating teeth floating to a veterinary technologist, veterinary technician, or
235 equine dental technician while the veterinary technologist, veterinary technician, or equine
236 dental technician are under direct supervision; and

237 ~~[(iii)]~~ (iv) delegating to a veterinary assistant, under the immediate supervision of a
238 licensed veterinarian, tasks that are consistent with the standards and ethics of the profession.

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

240 (i) diagnosing;

241 (ii) prognosing;

242 (iii) surgery; or

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