

EQUINE DENTISTRY AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends the Veterinary Practice Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ permits certain individuals to perform teeth floating without a license if the individual holds a valid third party certification to perform teeth floating; and
- ▶ permits certain individuals to administer a sedative drug for 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.

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

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

33 (2) "Administer" means:

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

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

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

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

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

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

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

48 (8) "Extra-label use" means actual use or intended use of a drug in an animal in a
49 manner that is not in accordance with approved labeling.

50 (9) "Immediate supervision" means the veterinarian licensed under this chapter is
51 present with the individual being supervised, while the individual is performing the delegated
52 tasks.

53 (10) "Indirect supervision" means a veterinarian licensed under this chapter:

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

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

- 58 (11) "Practice of veterinary medicine, surgery, and dentistry" means to:
- 59 (a) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or
- 60 physical condition of any animal;
- 61 (b) administer, prescribe or dispense any drug, medicine, treatment, method, or
- 62 practice, perform any operation or manipulation, apply any apparatus or appliance for the cure,
- 63 relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise
- 64 practice any veterinary medicine, dentistry, or surgery on any animal;
- 65 (c) represent by verbal or written claim, sign, word, title, letterhead, card, or any other
- 66 manner that one is a licensed veterinarian or qualified to practice veterinary medicine, surgery,
- 67 or dentistry;
- 68 (d) hold oneself out as able to practice veterinary medicine, surgery, or dentistry;
- 69 (e) solicit, sell, or furnish any parenterally administered animal disease cures,
- 70 preventions, or treatments, with or without the necessary instruments for the administration of
- 71 them, or any and all worm and other internal parasitic remedies, upon any agreement, express
- 72 or implied, to administer these cures, preventions, treatments, or remedies; or
- 73 (f) assume or use the title or designation, "veterinary," "veterinarian," "animal doctor,"
- 74 "animal surgeon," or any other title, designation, words, letters, abbreviations, sign, card, or
- 75 device tending to indicate that such person is qualified to practice veterinary medicine, surgery,
- 76 or dentistry.
- 77 (12) (a) "Teeth floating" means the removal of enamel points and the smoothing,
- 78 contouring, and leveling of dental arcades and incisors of equine and other farm animals.
- 79 (b) "Teeth floating" does not include a dental procedure on a canine or feline.
- 80 ~~[(12)]~~ (13) "Unlawful conduct" is defined in Sections 58-1-501 and 58-28-501.
- 81 ~~[(13)]~~ (14) "Unlicensed assistive personnel":
- 82 (a) means any unlicensed person, regardless of title, to whom tasks are delegated by a
- 83 veterinarian licensed under this chapter as permitted by administrative rule and in accordance
- 84 with the standards of the profession; and
- 85 (b) includes:

- 86 (i) a veterinary assistant, if working under immediate supervision;
- 87 (ii) a veterinary technician who:
 - 88 (A) has graduated from a program of veterinary technology accredited by the AVMA
 - 89 that is at least a two-year program; and
 - 90 (B) who is working under direct supervision; and
- 91 (iii) a veterinary technologist who:
 - 92 (A) has graduated from a four-year program of veterinary technology accredited by the
 - 93 AVMA; and
 - 94 (B) is working under indirect supervision.

95 [~~(14)~~] (15) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-28-502
96 and may be further defined by rule.

97 [~~(15)~~] (16) "Veterinarian-client-patient relationship" means:

- 98 (a) a veterinarian licensed under this chapter has assumed responsibility for making
- 99 clinical judgements regarding the health of an animal and the need for medical treatment of an
- 100 animal, and the client has agreed to follow the veterinarian's instructions;
- 101 (b) the veterinarian has sufficient knowledge of the animal to initiate at least a general
- 102 or preliminary diagnosis of the medical condition of the animal, including knowledge of the
- 103 keeping and care of the animal as a result of recent personal examination of the animal or by
- 104 medically appropriate visits to the premises where the animal is housed; and
- 105 (c) the veterinarian has arranged for emergency coverage for follow-up evaluation in
- 106 the event of adverse reaction or the failure of the treatment regimen.

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

108 **58-28-307. Exemptions from chapter.**

109 In addition to the exemptions from licensure in Section 58-1-307 this chapter does not
110 apply to:

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

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

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

120 (2) any person who as a student at a veterinary college approved by the board engages
121 in the practice of veterinary medicine, surgery, and dentistry as part of his academic training
122 and under the direct supervision and control of a licensed veterinarian, if that practice is during
123 the last two years of the college course of instruction and does not exceed an 18-month
124 duration;

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

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

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

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

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

138 (8) any person in this state engaged in the sale of veterinary supplies, instruments, and
139 medicines, except prescription drugs which must be sold in compliance with state and federal
140 regulations, if the supplies, instruments, and medicines are sold in original packages bearing
141 adequate identification and directions for application and administration and the sale is made in

142 the regular course of, and at the regular place of business;

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

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

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

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

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

160 (c) upon written referral by a licensed veterinarian, the practice of animal massage
161 therapy by a massage therapist licensed under Chapter 47b, Massage Therapy Practice Act,
162 who has completed at least 60 hours of animal massage therapy training, including quadruped
163 anatomy and hands-on training, approved by the division; and

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

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

169 (14) an animal shelter employee who is:

170 (a) (i) acting under the indirect supervision of a licensed veterinarian; and
171 (ii) performing animal euthanasia in the course and scope of employment; and
172 (b) acting under the indirect supervision of a veterinarian who is under contract with
173 the animal shelter, administering a rabies vaccine to a shelter animal in accordance with the
174 Compendium of Animal Rabies Prevention and Control; ~~and~~

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

178 (16) an individual who performs teeth floating if the individual:

179 (a) has a valid certification from the International Association of Equine Dentistry, or
180 an equivalent certification designated by division rule made in collaboration with the board, to
181 perform teeth floating; and

182 (b) administers or uses a sedative drug only if the individual is under the direct
183 supervision of a veterinarian in accordance with Subsection [58-28-502\(2\)\(a\)\(iv\)](#).

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

185 **58-28-502. Unprofessional conduct.**

186 (1) "Unprofessional conduct" includes, in addition to the definitions in Section
187 [58-1-501](#):

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

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

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

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

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

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

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

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

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

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

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

210 (ii) delegating to a veterinary technician, while under the direct supervision of a
211 veterinarian licensed under this chapter, patient care and treatment that requires a technical
212 understanding of veterinary medicine if written or oral instructions are provided to the
213 technician by the veterinarian; [~~and~~]

214 (iii) delegating to a veterinary assistant, under the immediate supervision of a licensed
215 veterinarian, tasks that are consistent with the standards and ethics of the profession[-]; and

216 (iv) delegating to an individual described in Subsection 58-28-307(16), under the direct
217 supervision of a licensed veterinarian, the administration of a sedative drug for teeth floating.

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

219 (i) diagnosing;

220 (ii) prognosing;

221 (iii) surgery; or

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