

1 HB141  
2 156289-2  
3 By Representative Todd  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 14-JAN-14  
6 PFD: 01/10/2014

1 ENGROSSED

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3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

8 To amend Sections 34-29-61, 34-29-87, and 34-29-88,  
9 Code of Alabama 1975, relating to the Alabama Veterinary  
10 Practice Act; to provide further for the definition of the  
11 practice of veterinary medicine to prohibit any person, other  
12 than a licensed veterinarian, from directly supervising  
13 veterinary medical services or making certain decisions  
14 relating to the medical or surgical treatment of animals; to  
15 include a spay neuter clinic under the definition of a  
16 veterinary facility, and to limit the scope of services  
17 offered at a spay neuter clinic; to exempt licensed  
18 veterinarians employed by nonprofit spay neuter clinics from  
19 certain prohibitions against practicing veterinary medicine as  
20 an employee of a person not licensed by the board; subject  
21 spay neuter clinics to the same permits and requirements as  
22 other veterinary facilities; and to specify that licensed  
23 veterinarians continue to exercise the standard of care,  
24 professional judgment, and humane treatment of animals  
25 required under the practice act as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Sections 34-29-61, 34-29-87, and 34-29-88  
2 of the Code of Alabama 1975, are amended to read as follows:

3           "§34-29-61.

4           "For the purposes of this article, the following  
5 terms shall have the following meanings ascribed by this  
6 section:

7           "(1) ACCREDITED SCHOOL OF VETERINARY MEDICINE. Any  
8 veterinary college or division of a university or college that  
9 offers the degree of doctor of veterinary medicine or its  
10 equivalent and is accredited by the American Veterinary  
11 Medical Association (AVMA).

12           "(2) ANIMAL. Any animal or mammal other than man,  
13 including birds, fish, reptiles, wild or domestic, living or  
14 dead.

15           "(3) APPLICANT. A person who files an application to  
16 be licensed to practice veterinary medicine or licensed as a  
17 veterinary technician.

18           "(4) BOARD. Alabama State Board of Veterinary  
19 Medical Examiners.

20           "(5) CONSULTING VETERINARIAN. A veterinarian  
21 licensed in another state who gives advice or demonstrates  
22 techniques to a licensed Alabama veterinarian or group of  
23 licensed Alabama veterinarians. A consulting veterinarian  
24 shall not utilize this privilege to circumvent the law.

25           "(6) DIRECT SUPERVISION. The supervising  
26 veterinarian has initially examined the animal and will  
27 examine at other times as acceptable veterinary medical

1 practice requires, consistent with the particular delegated  
2 animal health care task. The supervising veterinarian is on  
3 the premises and is quickly and easily available.

4 "(7) EMERGENCY. The animal has been placed in a life  
5 threatening condition and immediate treatment is necessary to  
6 sustain life.

7 "(8) FOREIGN VETERINARY GRADUATE, EXCLUDING CANADA.  
8 Any person, including a foreign national or an American  
9 citizen, who has received a professional veterinarian medical  
10 degree from an American Veterinary Medical Association listed  
11 veterinary college that is not accredited by the American  
12 Veterinary Medical Association.

13 "(9) IMMEDIATE SUPERVISION. The supervising  
14 veterinarian is on the premises and in audible or visual range  
15 of the animal patient and the person treating the patient.

16 "(10) INDIRECT SUPERVISION. The supervising  
17 veterinarian has examined the animal and has given written or  
18 oral instructions for the treatment of the animal while the  
19 supervising veterinarian is away from the premises.

20 "(11) LICENSE. Any permit, approval, registration,  
21 or certificate of qualification issued by the board.

22 "(12) LICENSED VETERINARIAN. A person who is validly  
23 and currently licensed to practice veterinary medicine in  
24 Alabama.

25 "(13) LICENSED VETERINARY TECHNICIAN. A person who  
26 is validly and currently licensed to practice as a veterinary  
27 technician in Alabama.

1           "(14) PERSON. Any individual, firm, partnership,  
2           association, joint venture, cooperative, or corporation or any  
3           other group or combination acting in concert; and whether or  
4           not acting as a principal, trustee, fiduciary, receiver, or as  
5           any kind of legal or personal representative, or as the  
6           successor in interest, assigning agent, factor, servant,  
7           employee, director, officer, or any other representative of  
8           such person.

9           "(15) PRACTICE OF VETERINARY MEDICINE:

10           "a. To diagnose, treat, correct, change, relieve, or  
11           prevent animal disease, deformity, defect, injury, or other  
12           physical or mental condition; including the prescription or  
13           administration of any drug, medicine, biologic, apparatus,  
14           application, anesthesia, or other therapeutic or diagnostic  
15           substance or technique on any animal including but not limited  
16           to acupuncture, dentistry, animal psychology, animal  
17           chiropractic, theriogenology, surgery, including cosmetic  
18           surgery, any manual, mechanical, biological, or chemical  
19           procedure for testing for pregnancy or for correcting  
20           sterility or infertility, or to render service or  
21           recommendations with regard to any of the above.

22           "b. To represent directly or indirectly, publicly or  
23           privately, an ability and willingness to do any act described  
24           in paragraph a.

25           "c. To use any title, words, abbreviations, or  
26           letters in a manner or under circumstances which induce the  
27           belief that the person using them is qualified to do any act

1 described in paragraph a. Such use shall be prima facie  
2 evidence of the intention to represent oneself as engaged in  
3 the practice of veterinary medicine.

4 "d. ~~Collects~~ To collect blood or other samples for  
5 the purpose of diagnosing disease or other conditions. This  
6 paragraph shall not apply to unlicensed personnel employed by  
7 the United States Department of Agriculture or the Alabama  
8 Department of Agriculture who are engaged in the Brucellosis  
9 eradication program or external parasite control program  
10 pursuant to Section 2-15-192.

11 "e. To remove any embryo from a food animal or  
12 companion animal for the purpose of transplanting the embryo  
13 into another female animal or for the purpose of  
14 cryopreserving the embryo, or to implant the embryo into a  
15 food or companion animal. It shall not be considered the  
16 practice of veterinary medicine for a person or his or her  
17 full-time employees to remove an embryo from the food or  
18 companion animal of the person for the purpose of  
19 transplanting or cryopreserving the embryo, or to implant an  
20 embryo into the food or companion animal of the person,  
21 provided ownership of the food or companion animal shall not  
22 be transferred or employment of the person shall not be  
23 changed for the purpose of circumventing this article.

24 "f. To provide veterinary medical services to a  
25 client or patient in this state, through telephonic,  
26 electronic, or other means, regardless of the location of the  
27 veterinarian, shall constitute the practice of veterinary

1 medicine in this state and shall require licensure within this  
2 state and a veterinarian-client-patient relationship must be  
3 established.

4 "g. It shall be unlawful for any person, other than  
5 a licensed veterinarian, to undertake the direct supervision  
6 of the veterinary medical services or to make any policy or  
7 decision relating to the medical or surgical treatment of  
8 animals including, but not limited to, the number of surgical  
9 procedures to be performed per day per veterinarian or the  
10 number of auxiliary veterinary medical personnel, including  
11 licensed veterinary technicians and unlicensed veterinary  
12 assistants, necessary to provide adequate outpatient surgery  
13 services.

14 "(16) SUPERVISING VETERINARIAN. A veterinarian who  
15 assumes responsibility for the professional care given to an  
16 animal by a person working under his or her direction.

17 "(17) TEMPORARY LICENSE. Temporary permission to  
18 practice veterinary medicine issued by the board pursuant to  
19 this article.

20 "(18) UNLICENSED ASSISTANT. Any individual who is  
21 not a licensed veterinary technician or veterinarian and is  
22 employed by a licensed veterinarian.

23 "(19) VETERINARIAN-CLIENT-PATIENT RELATIONSHIP  
24 (VCPR). A relationship when the veterinarian has assumed  
25 responsibility for making medical judgments regarding the  
26 health of the animal or animals and the need for medical  
27 treatment and is created by actual examination by the

1 veterinarian of the animal or a representative segment of a  
2 consignment or herd.

3 "(20) VETERINARIAN, DOCTOR OF VETERINARY MEDICINE,  
4 DVM, VMD, or EQUIVALENT TITLE. A person who has received a  
5 doctor's degree in veterinary medicine from an accredited  
6 school of veterinary medicine or holds an Educational  
7 Commission for Foreign Veterinary Graduates (ECFVG)  
8 certificate issued by the American Veterinary Medical  
9 Association (AVMA).

10 "(21) VETERINARY FACILITIES. Any place or unit from  
11 which the practice of veterinary medicine is conducted. The  
12 following are types of veterinary facilities:

13 "a. Veterinary or Animal Hospital or Clinic. Meets  
14 or exceeds all mandatory requirements as listed in the  
15 administrative code of the board for veterinary facilities. In  
16 doing so, it provides quality examination, diagnostic, and  
17 health maintenance services for medical and surgical treatment  
18 of animals and is equipped to provide housing and nursing care  
19 for the animals during illness or convalescence.

20 "b. Specialty Practice or Clinic. Provides complete  
21 specialty service by a veterinarian who has advanced training  
22 in that specialty and is a diplomat of an approved specialty  
23 college. It meets all minimum standards that are applicable to  
24 that specialty.

25 "c. Central Hospital. Shall meet all requirements of  
26 paragraph a., as well as provide specialized care including  
27 24-hour nursing care and specialty consultation on a permanent



1 or on-call basis. It is mainly utilized on referral from area  
2 veterinary hospitals or clinics.

3 "d. Satellite, Outpatient, or Mobile Small Animal  
4 Clinics. A supportive facility owned by or associated with, or  
5 both, and has ready access to, within a reasonable distance, a  
6 full-service veterinary hospital or clinic or a central  
7 hospital providing all mandatory services and meeting all  
8 minimum standards. The public shall be informed of the  
9 limitation of services by way of a posted notice in plain view  
10 and easily readable or by notice provided to the client by  
11 flyer or card which clearly specifies those mandatory  
12 veterinary medical services which are not provided. In  
13 addition, the main location and telephone number of the  
14 veterinary hospital or clinic providing the required service,  
15 as well as the signed agreement with the veterinary hospital  
16 or clinic shall also be posted in plain view and be easily  
17 readable. A veterinarian associated with this veterinary  
18 hospital or clinic shall be on call during and after operation  
19 of the satellite, outpatient, or mobile clinic to render aid  
20 if necessary. The personnel of satellite, outpatient, or  
21 mobile clinics shall consist of one or more veterinarians and  
22 auxiliary personnel necessary to provide adequate outpatient  
23 service. Operation of any satellite, outpatient, or mobile  
24 clinic shall be under the direct supervision of a licensed  
25 veterinarian who remains on the premises during the entire  
26 time of operation.

1            "e. Large Animal Mobile Clinic. Must provide  
2 examination, diagnostic, and preventive medicine, and minor  
3 surgical services for large animals not requiring confinement  
4 or hospitalization. Emergency service and radiology service  
5 shall be provided by that veterinarian or by written agreement  
6 with another veterinarian or group of veterinarians in  
7 practice in that locale. These clinics shall provide a degree  
8 of veterinary care compatible with the level of standards  
9 considered adequate to the practice of veterinary medicine  
10 currently available in the area. Complete hospital facilities  
11 may be provided by the nearest large animal hospital or  
12 veterinary school.

13            "f. Emergency Clinic. A facility established to  
14 receive patients and to treat illnesses and injuries of an  
15 emergency nature requiring treatment. The clinic shall provide  
16 professional diagnostic and emergency treatment during hours  
17 when local veterinary hospitals are normally closed. Emergency  
18 clinics shall meet all mandatory requirements of a veterinary  
19 hospital or clinic.

20            "g. Spay Neuter Clinic. A limited service veterinary  
21 clinic providing spay and neuter services, where no patient  
22 shall be allowed on the premises for more than 36 hours.  
23 Services provided by a spay neuter clinic shall be limited to  
24 spay and neuters. One-year rabies vaccinations and treatment  
25 of intestinal and external parasites may be administered only  
26 at the time of the surgery. A spay neuter clinic shall meet or  
27 exceed all physical requirements and minimum standards

1 established by this article, and the rules of the board, for  
2 veterinary facilities providing limited services on an  
3 outpatient basis. Service contracts with a full-service  
4 veterinary facility that provides emergency and after-hour  
5 care shall be required for after-hour emergencies.

6 "(22) VETERINARY INTERN. A person who is working  
7 towards completion of an ECFVG certificate and who is working  
8 under the direct or indirect supervision of a board approved  
9 licensed veterinarian in any state to complete the practical  
10 experience internship required for licensing in Alabama.

11 "(23) VETERINARY MEDICINE. Includes veterinary  
12 surgery, theriogenology, dentistry, acupuncture, animal  
13 psychology, chiropractic, and all other branches or  
14 specialties of veterinary practice.

15 "(24) VETERINARY STUDENT PRECEPTEE. A person who is  
16 pursuing a veterinary degree in an accredited school of  
17 veterinary medicine which has a preceptor or extern program  
18 and who has completed the academic requirements of the  
19 program.

20 "(25) VETERINARY TECHNICIAN STUDENT. Any person  
21 enrolled in an AVMA accredited veterinary technology program;  
22 gaining clinical experience under the supervision of a  
23 licensed veterinarian or licensed veterinary technician in a  
24 clinical setting.

25 "(26) VETERINARY TECHNOLOGY. The skills and  
26 knowledge accrued in a post-high school course of study,  
27 accredited by the AVMA Committee on Education (COE) or the

1 board, in the area of care and treatment of animals. It  
2 embodies limited skills, responsibility, and minimal exercise  
3 of independent judgment in the treatment of patients of  
4 veterinarians while under direct, indirect, or immediate  
5 supervision of a veterinarian.

6 "(27) WHOLESALE VETERINARY DRUG DISTRIBUTOR. A  
7 person engaged in the business of distributing veterinary  
8 drugs and medicines for resale to veterinary practitioners and  
9 other veterinary wholesalers and possesses a current permit  
10 issued by the Alabama Board of Pharmacy to engage in the  
11 selling of veterinary drugs or medicines in the State of  
12 Alabama.

13 "§34-29-87.

14 "(a) Whenever the practice of veterinary medicine is  
15 carried on by a partnership, all partners shall be either  
16 licensed or holders of temporary licenses to practice  
17 veterinary medicine in the State of Alabama.

18 "(b) It shall be unlawful for any licensed  
19 veterinarian to practice veterinary medicine as an employee of  
20 any person or other entity not engaged primarily in the  
21 practice of veterinary medicine or for any person that is the  
22 owner or owners of an active veterinary practice to be other  
23 than a veterinarian or veterinarians duly licensed in the  
24 State of Alabama.

25 "(c) The following shall be exempt from this  
26 section:

1           "(1) A veterinarian employed by a person treating  
2 his or her employer's animals.

3           "(2) A veterinarian employed by an official agency  
4 of the federal or state government or any subdivision thereof.

5           "(3) A veterinarian employed by any licensed  
6 research facility.

7           "(4) An heir or heirs inheriting under the terms of  
8 a will or by intestate succession for a period of ~~two~~ five  
9 years following the death of the licensee.

10           "(5) A licensed veterinarian employed by a spay  
11 neuter clinic owned and operated by a nonprofit, tax exempt  
12 entity, as defined under Section 501(c) (3) of the Internal  
13 Revenue Code. Each licensed veterinarian employed by a  
14 501(c) (3) spay neuter clinic shall be subject to the standards  
15 of care for veterinary medicine as established in this  
16 article, rules promulgated by the board pursuant to this  
17 article, and the standards of care for veterinary medicine and  
18 surgery as established in this article and by rule of the  
19 board.

20           "§34-29-88.

21           "(a) Any facility, including mobile clinics, spay  
22 neuter clinics, or any other premises where a licensed  
23 veterinarian practices shall have a premise permit issued by  
24 the board. Upon application and payment of a premise permit  
25 fee and an inspection fee, if necessary to cover the cost of  
26 inspection, the board shall cause a facility to be inspected.  
27 A premise permit shall be issued if the facility meets minimum

1 standards to be adopted by the administrative code of the  
2 board as to sanitary conditions and physical plant. In lieu of  
3 the above procedure, the board may issue a premise permit to  
4 any premise which is accredited by a recognized organization  
5 whose standards meet or exceed minimum board standards as  
6 established by the administrative code of the board.

7 "(b) Each application for premise permit shall set  
8 forth the names of all licensed veterinarians who shall be  
9 responsible for the management of the premises.

10 "(c) The premise permit may be revoked, suspended,  
11 or denied when inspection reveals that the premises do not  
12 meet the standards set by the administrative code of the board  
13 or when the license of the responsible veterinarian or  
14 veterinarians has been suspended or revoked.

15 "(d) The board may cause the closure of a facility  
16 and impose a penalty against any owner, operator, or  
17 responsible veterinarian of any premises operating without a  
18 premise permit in violation of this section or in violation of  
19 the administrative code of the board. No penalties so imposed  
20 shall exceed one thousand dollars (\$1,000) for each count or  
21 separate offense. In order that the board and the executive  
22 director may determine whether or not a danger to the public  
23 or to animals exists, the executive director or investigators  
24 employed by the board may conduct inspections or  
25 investigations of premises suspected of being in violation of  
26 any rule of the board. If a violation is found in conducting  
27 an inspection which is determined to be a hazard and a danger

1 to the public or to animals, the executive director may  
2 suspend that premise permit until further notice.

3 "(e) All premise permits shall be renewed yearly by  
4 payment of a fee to the board.

5 "(f) Veterinary facilities shall be reinspected  
6 periodically as determined by the board.

7 "(g) Premise permits issued to satellite,  
8 outpatient, spay neuter clinics, or mobile small animal  
9 clinics shall state the name of the full service veterinary  
10 facility in that locale providing emergency and after hours  
11 service. Premise permits issued to mobile large animal clinics  
12 shall state the name of the full service veterinary facility  
13 in that locale providing radiology, emergency, and after hours  
14 service. Mobile clinics operating in more than one locale,  
15 i.e. city, shall have a premise permit for each locale. If the  
16 agreement between the outpatient, satellite, mobile large  
17 animal clinic, mobile small animal clinic, spay neuter clinic,  
18 and the full service veterinary clinic providing back-up  
19 service ceases, the board shall be notified immediately and a  
20 new agreement for back-up service shall be provided before the  
21 issuance of a new premise permit."

22 Section 2. Up-to-date individual veterinary medical  
23 records on all veterinary patients pertaining to any and all  
24 treatments and procedures rendered shall be properly  
25 maintained and remain at the spay-neuter clinic for inspection  
26 and audit by the board. Upon the discharge of an animal

1 patient, a spay-neuter clinic shall provide all of the  
2 following to the owner:

3 (1) Contact information for the full service  
4 veterinary facility with which the spay-neuter clinic has  
5 contracted to provide emergency and after hours services.

6 (2) A copy of the patient medical records.

7 (3) Discharge instructions.

8 Section 3. (a) Nothing in Sections 34-29-61,  
9 34-29-87, and 34-29-88, Code of Alabama 1975, as amended by  
10 this act, shall restrict a licensed veterinarian from doing  
11 all of the following:

12 (1) Exercising the same degree of care, skill, and  
13 diligence in treating patients as are ordinarily used in the  
14 same or similar circumstances by members of the veterinary  
15 medical profession in good standing in the locality or  
16 community in which he or she practices, or in similar  
17 communities.

18 (2) Deciding what employment he or she will accept  
19 in his or her professional capacity and what course of  
20 treatment will be followed once he or she has accepted  
21 employment.

22 (3) Treating all animals entrusted to him or her by  
23 his or her clients in keeping with the veterinary medical  
24 professional standards of humane treatment and care.

25 (b) Nothing in Sections 34-29-61, 34-29-87, and  
26 34-29-88, Code of Alabama 1975, as amended by this act, shall



1 be construed to allow a spay neuter clinic to operate a full  
2 service veterinary clinic.

3 Section 4. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Boards, Agencies  
and Commissions..... . . . . . 14-JAN-14

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . . 06-FEB-14

Read for the third time and passed  
as amended..... . . . . . 25-FEB-14

Yeas 58, Nays 37, Abstains 2

Jeff Woodard  
Clerk