

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 381

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO VETERINARIANS; AMENDING SECTION 54-2103, IDAHO CODE, TO REVISE  
2 DEFINITIONS, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL COR-  
3 RECTIONS; AND AMENDING SECTION 54-2105, IDAHO CODE, TO REVISE TERMINOL-  
4 OGY AND TO PROVIDE A CORRECT A CODE REFERENCE.  
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 54-2103, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 54-2103. DEFINITIONS. As used in this chapter:

10 (1) "Accredited continuing education activity" means a provider and  
11 course, seminar, scientific program or any other activity approved by the  
12 board or its designees for continuing education credit.

13 (2) "Accredited or approved school of veterinary medicine" means any  
14 veterinary college or division of a university or college inside or outside  
15 the United States or Canada that offers the degree of doctor of veterinary  
16 medicine, veterinary medicine doctor, or its equivalent and is accredited or  
17 approved by the council on education of the American veterinary medical as-  
18 sociation or other accrediting agency or association approved by the board.

19 (3) "Allied health professional" means a person holding a current ac-  
20 tive license, in good standing, in any state to practice one (1) of the heal-  
21 ing arts including, but not limited to, medicine, dentistry, osteopathy,  
22 chiropractic, acupuncture and podiatry.

23 (4) "Anesthetized" means any condition of general anesthesia, caused  
24 by the administration of a drug or combination of drugs in sufficient quan-  
25 tity to produce a state of unconsciousness or disassociation and blocked re-  
26 sponse to a given pain or alarm stimulus.

27 (5) "Animal" means any animal other than man and includes fowl, birds,  
28 fish and reptiles, wild or domestic, living or dead.

29 (6) "Assistant" means any individual, other than a certified veteri-  
30 nary technician or a licensed veterinarian, who is utilized by a licensed  
31 veterinarian to assist in the performance of acts pertaining to the practice  
32 of veterinary medicine.

33 (7) "Board" means the state board of veterinary medicine.

34 (8) "Certified euthanasia agency" or "CEA" means a law enforcement  
35 agency, an animal control agency or a society for the prevention of cruelty  
36 to animals, which has been inspected and certified by the committee on humane  
37 euthanasia ~~task force~~ or the board.

38 (9) "Certified euthanasia technician" or "CET" means a person employed  
39 by a certified euthanasia agency, who is instructed and certified by the  
40 committee on humane euthanasia ~~task force~~ or the board as defined in the  
41 rules of the board, but not to include an individual employed as a technician  
42 by animal research laboratories.

1 (10) "Certified veterinary technician" means a person who has fulfilled  
2 the certification requirements prescribed by board rule and has been certi-  
3 fied by the board to practice veterinary technology in this state.

4 (11) "Consultation" means a deliberation between two (2) or more vet-  
5 erinarians concerning the diagnosis of a disease or the proper management of  
6 the case.

7 (12) "Credit hour" means fifty (50) minutes of participation in an ac-  
8 credited continuing education activity.

9 (13) "Dentistry" is the practice of veterinary medicine and means the  
10 application or use of any instrument or device to any portion of an animal's  
11 tooth, gum or any related tissue for the prevention, cure or relief of any  
12 wound, fracture, injury, disease or other condition of an animal's tooth,  
13 gum or related tissue. Dentistry includes, but is not limited to:

14 (a) "Preventive dental procedures" including, but not limited to, the  
15 removal of calculus, soft deposits, plaque, stains, and floating to  
16 shape the teeth above the gum line or the smoothing, filing or polishing  
17 of tooth surfaces above the gum line; and

18 (b) "Operative dentistry/oral surgery" or any other dental procedure  
19 that invades the hard or soft oral tissue including a procedure that al-  
20 ters the structure of one (1) or more teeth, or repairs damaged and dis-  
21 eased teeth, or the deliberate extraction of one (1) or more teeth.

22 (14) "Direct supervision" means the supervising veterinarian is on the  
23 premises where the animal is being treated, is quickly and easily available  
24 and the animal has been examined by the supervising veterinarian as accept-  
25 able veterinary medical practice requires.

26 (15) "Discipline" means board action including, but not limited to:

27 (a) Refusing to issue, renew or reinstate a license, permit or certi-  
28 fication to practice as a licensed veterinarian, a certified veteri-  
29 nary technician, a certified euthanasia agency or a certified euthana-  
30 sia technician;

31 (b) Denial, revocation, suspension, sanction, probation or voluntary  
32 surrender of a license, permit or certification to practice as a li-  
33 censed veterinarian, a certified veterinary technician, a certified  
34 euthanasia agency or a certified euthanasia technician;

35 (c) The ability to enter into consent agreements and negotiated settle-  
36 ments with licensed veterinarians, certified veterinary technicians,  
37 certified euthanasia agencies and certified euthanasia technicians;

38 (d) The ability to bring an administrative or civil action against any  
39 person in or outside of this state who practices veterinary medicine,  
40 veterinary technology or who performs euthanasia within this state.

41 (16) "Emergency" means that the animal has been placed in a life-threat-  
42 ening condition where immediate treatment is necessary to sustain life.

43 (17) "Emergency veterinary facility" means any facility with the pri-  
44 mary function of receiving, treating, and monitoring emergency patients  
45 during its specified hours of operation or that displays to the public any  
46 sign, card, or advertisement that indicates it is an emergency veterinary  
47 clinic or hospital. An emergency veterinary facility may be an independent  
48 after-hours service, an independent twenty-four (24) hour service, or it may  
49 be part of a full-service veterinary medical facility.

1 (18) "Committee on humane eEuthanasia task force" means a ~~task force~~  
2 committee established by the board for the purposes of training, examining,  
3 certifying and inspecting certified euthanasia agencies and certified eu-  
4 thanasia technicians.

5 (19) "Extra label use" means the actual or intended use of a human or  
6 veterinary drug in an animal in a manner that is not in accordance with the  
7 drug's labeling.

8 (20) "Floating" means shaping the posterior (cheek) teeth and the in-  
9 cisors (cutting teeth) in horses, mules and donkeys through the use of hand  
10 floats, rasps, burs, mechanical files or other file-like instruments to re-  
11 store balance, allow more efficient mastication, and reduce pain and trauma  
12 to the periodontal tissues.

13 (21) "Herd, litter or flock" of animals means animals managed as a group  
14 for purposes including, but not limited to, breeding, sale, show or food pro-  
15 duction.

16 (22) "Immediate supervision" means the supervising veterinarian is in  
17 the immediate area, in audible and visual range of the animal patient and the  
18 person treating the patient and the animal has been examined by the supervis-  
19 ing veterinarian as acceptable veterinary medical practice requires.

20 (23) "In good standing" means, when used in reference to an applicant  
21 for licensure or certification, that an applicant:

22 (a) Has not been the recipient of any administrative penalties regard-  
23 ing his practice of veterinary medicine including, but not limited to,  
24 fines, formal reprimands, license suspensions or revocations (except  
25 for license revocations for nonpayment of license renewal fees) or pro-  
26 bationary limitations, or has not entered into any consent agreement or  
27 negotiated settlement that contains conditions placed by a board on his  
28 professional conduct and practice, including any voluntary surrender  
29 of a license; and

30 (b) Has never had his United States drug enforcement administration  
31 privileges restricted or revoked; and

32 (c) Is not currently under investigation by another veterinary licens-  
33 ing authority for acts which would provide a basis for disciplinary ac-  
34 tion in this state, as determined by the board; and

35 (d) Has no physical or mental impairment related to drugs, alcohol, or  
36 a finding of mental incompetence by a physician that would limit the ap-  
37 plicant's ability to undertake the practice of veterinary medicine in a  
38 manner consistent with the safety of a patient or the public; and

39 (e) Has not been convicted of a felony as defined in chapter 1, title 18,  
40 Idaho Code; and

41 (f) Has no criminal conviction record or pending criminal charge relat-  
42 ing to an offense the circumstances of which substantially relate to the  
43 practice of veterinary medicine. Applicants who have criminal convic-  
44 tion records or pending criminal charges shall require appropriate au-  
45 thorities to provide information about the record or charge directly to  
46 the board in sufficient detail to enable the board to make a determina-  
47 tion whether the record or charge is substantially related to the prac-  
48 tice of veterinary medicine.

49 (24) "Indirect supervision" means the supervising veterinarian is not  
50 on the premises but is available for immediate contact by telephone, radio or

1 other means, has given either written or oral instructions for treatment of  
2 the animal patient, the animal has been examined by the supervising veteri-  
3 narian as acceptable veterinary medical practice requires, and the animal,  
4 if previously anesthetized, has recovered to the point of being conscious  
5 and sternal.

6 (25) "Legend/Prescription drug" means any drug which, under federal  
7 law, regulation or rule, is required, prior to being distributed or deliv-  
8 ered, to be labeled with one (1) of the following statements: "Caution:  
9 Federal law restricts this drug to be used by or on the order of a licensed  
10 veterinarian," or "Caution: Federal law prohibits dispensing without a pre-  
11 scription," or "RX Only," or a drug which is required by any applicable state  
12 or federal law, rule or regulation to be distributed or dispensed pursuant to  
13 a prescription only, or is restricted to use by licensed practitioners only.

14 (26) "Licensed veterinarian" means a person who is validly and cur-  
15 rently licensed to practice veterinary medicine in this state.

16 (27) "Malpractice" means, but is not limited to:

17 (a) Treatment in a manner contrary to accepted veterinary practices and  
18 with injurious results; or

19 (b) Any professional misconduct or unreasonable lack of professional  
20 skill or fidelity in the performance of the professional practice of  
21 veterinary medicine; or

22 (c) Failure to provide adequate supervision, except in an emergency  
23 situation; or

24 (d) Allowing an unqualified individual to perform a procedure that is  
25 part of the practice of veterinary medicine; or

26 (e) The negligent practice of veterinary medicine, as determined by the  
27 standard of practice for the area, that results in injury, unnecessary  
28 suffering or death.

29 (28) "Medical incompetence" means lacking in sufficient medical knowl-  
30 edge or skills or both to a degree likely to endanger the health of patients.

31 (29) "Mobile clinic" means a vehicle including, but not limited to, a  
32 camper, motor home, trailer or mobile home, used as a veterinary medical fa-  
33 cility. A mobile clinic is not required for house calls or farm calls.

34 (30) "On-call emergency service" means a veterinary medical facility  
35 that is available to provide emergency veterinary services as requested if  
36 a veterinarian is available.

37 (31) "Owner/Ownership" means ownership as defined by the laws of prop-  
38 erty and ownership, chapter 1, title 55, Idaho Code, and chapter 1, title 73,  
39 Idaho Code.

40 (32) "Person" means any individual, firm, partnership, association,  
41 joint venture, cooperative and corporation, or any other group or combi-  
42 nation acting in concert; and whether or not acting as principal, trustee,  
43 fiduciary, receiver, or as any other kind of legal or personal representa-  
44 tive, or as the successor in interest, assignee, agent, factor, servant,  
45 employee, director, officer, or any other representative of such person.

46 (33) "Physical or mental incompetence" means the veterinarian's abil-  
47 ity to practice veterinary medicine with reasonable skill and safety is  
48 impaired by reason of illness, excessive use of alcohol, drugs, narcotics,  
49 chemicals or any other substance, or as a result of any mental or physical  
50 disability.

1 (34) "Practice of veterinary medicine" in this state, through tele-  
2 phonic, electronic or other means, regardless of the location of the veteri-  
3 narian, includes veterinary surgery, obstetrics, dentistry, and all other  
4 branches or specialties of veterinary medicine and means:

5 (a) To directly or indirectly diagnose, treat, correct, change, re-  
6 lieve or prevent animal disease, deformity, defect, injury or other  
7 physical or mental conditions; including the prescribing, dispensing,  
8 delivering or administering of any drug, medicine, biologic, apparatus  
9 application, anesthetic or other therapeutic or diagnostic substance  
10 or technique, or the use of any obstetrical procedure or any manual or  
11 mechanical procedure for artificial insemination, for testing or exam-  
12 ining for pregnancy, fertility evaluation, embryo transplant, grading  
13 of fresh semen, or to render advice or recommendation with regard to any  
14 of the above.

15 (b) To represent, directly or indirectly, publicly or privately, an  
16 ability and willingness to do any act described in ~~subsection (34)~~  
17 paragraph (a) of this subsection.

18 (c) To use any title, words, abbreviations or letter in a manner or un-  
19 der circumstances which induce the belief that the person using them is  
20 qualified to do any act described in ~~subsection (34) paragraph (a)~~ of  
21 this subsection, except where such person is a licensed veterinarian.

22 (35) "Professional supervision" means the supervising veterinarian is  
23 in daily contact by telephone, radio or other means with the temporary li-  
24 censee.

25 (36) "Referral" means the transfer of responsibility for diagnosis and  
26 treatment from the referring veterinarian to the receiving veterinarian, or  
27 from the referring veterinarian to the board-certified specialist, or from  
28 the referring veterinarian to an allied health professional.

29 (37) "Regular employee" means a person who performs services for the an-  
30 imal's owner other than, or in addition to, feeding, boarding, castrating  
31 and dehorning, but does not include independent contractors or agents.

32 (38) "Supervision" means the action or process of a supervising veteri-  
33 narian in directing activities or a course of action for those individuals to  
34 whom activities or functions have been assigned or delegated.

35 (39) "Supervising veterinarian" means a licensed veterinarian utiliz-  
36 ing the services of a temporary licensee, certified veterinary technician,  
37 veterinary technician, veterinary technician with a temporary certifica-  
38 tion, veterinary assistant, certified euthanasia technician, or as provided  
39 by rule. A supervising veterinarian shall be individually responsible and  
40 liable, regardless of the supervision provided, for all damages arising out  
41 of his own acts or omissions and for the performance of any acts and omissions  
42 pertaining to the practice of veterinary medicine that are delegated to the  
43 temporary licensee, certified veterinary technician, veterinary techni-  
44 cian, veterinary assistant or certified euthanasia technician. Nothing  
45 herein shall be construed to deprive the board of its disciplinary authority  
46 with respect to the temporary licensees, certified veterinary technicians,  
47 veterinary technicians, veterinary assistants or certified euthanasia  
48 technicians.

49 (40) "Unethical or unprofessional conduct" means to knowingly engage in  
50 conduct of a character likely to deceive or defraud the public, false or mis-

1 leading advertising or solicitation, obtaining any fee or compensation by  
 2 fraud or misrepresentation, sharing office space and working in conjunction  
 3 with any person illegally practicing veterinary medicine, employing either  
 4 indirectly or directly an unlicensed or uncertified person to perform acts  
 5 pertaining to the practice of veterinary medicine, except as provided by law  
 6 or rule, or the violation of any law or rules adopted by the board pertain-  
 7 ing to unethical or unprofessional conduct, or that provide a code of profes-  
 8 sional conduct to be followed and carried out by persons licensed or certi-  
 9 fied by the board.

10 (41) "Unlicensed practice" means:

11 (a) The practice of veterinary medicine in this state, through tele-  
 12 phonic, electronic or other means, regardless of the location of the  
 13 veterinarian, without a valid, unexpired, unrevoked, and unsuspended  
 14 active license or certification in this state to do so, except as pro-  
 15 vided by law or rule; or

16 (b) Representing one's self through offerings, advertisements or use  
 17 of professional titles or designations as being qualified to practice  
 18 veterinary medicine.

19 (42) "Veterinarian" means a person who has received a doctor's degree  
 20 in veterinary medicine from an accredited or approved school of veterinary  
 21 medicine or as otherwise provided by law or rule.

22 (43) "Veterinarian on call" means a veterinarian is not present at the  
 23 veterinary medical facility, but is able to respond within a reasonable time  
 24 to requests for emergency veterinary services.

25 (44) "Veterinarian on premises" means a veterinarian is present at the  
 26 veterinary medical facility and is prepared and qualified to render veteri-  
 27 nary services.

28 (45) "Veterinary medical facility" means any premises, office, unit,  
 29 structure, mobile unit, or area utilized for the practice of veterinary  
 30 medicine other than the premises of an owner when used for treatment of the  
 31 owner's animal.

32 (46) "Veterinary technician" means a person who has graduated from a  
 33 veterinary technology program accredited or approved by the committee on  
 34 veterinary technician education and activities of the American veterinary  
 35 medical association, or other accrediting agency approved by the board, or a  
 36 person who has received equivalent training as set forth in the rules of the  
 37 board.

38 (47) "Veterinary technology" means the performance of services within  
 39 the practice of veterinary medicine by a person working under the direction  
 40 of a supervising veterinarian to perform duties that require an understand-  
 41 ing of veterinary medicine in order to carry out the orders of the veteri-  
 42 narian. Veterinary technology does not include prognosis, diagnosis, oper-  
 43 ative dentistry, deliberate tooth extraction procedures or the prescribing  
 44 of treatment or performing surgery of any kind.

45 SECTION 2. That Section 54-2105, Idaho Code, be, and the same is hereby  
 46 amended to read as follows:

47 54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT  
 48 -- VACANCY -- QUALIFICATIONS -- COMPENSATION -- REMOVAL -- MEETINGS -- OFFI-  
 49 CERS -- REVENUES -- POWERS. (1) A board of veterinary medicine, which shall

1 consist of six (6) members to be appointed by the governor, is hereby created  
2 in the department of self-governing agencies. Five (5) members shall be vet-  
3 erinarians and one (1) member shall be a public member. Each of the five (5)  
4 veterinary members shall serve a term of four (4) years as a veterinary board  
5 member and a fifth year as a liaison officer, or until his successor is ap-  
6 pointed, except that the terms of the first appointees may be for shorter pe-  
7 riods to permit staggering of terms whereby one (1) term expires each year.  
8 The public member shall serve for a term of three (3) years or until his suc-  
9 cessor is appointed.

10 Whenever the occasion arises for an appointment of a veterinary member  
11 under this section, the state veterinary medical association or one (1)  
12 of the regional veterinary medical associations may nominate three (3) or  
13 more qualified persons and forward the nominations to the governor at least  
14 thirty (30) days before the date set for the appointment. The governor shall  
15 appoint one (1) of the persons so nominated. Vacancies due to death, res-  
16 ignation or removal shall be filled for the remainder of the unexpired term  
17 in the same manner as regular appointments. No person shall serve two (2)  
18 consecutive terms, except in the case of a person appointed for less than a  
19 full term. Each of the five (5) veterinarians shall be qualified to serve  
20 as a member of the board if a graduate of an accredited or approved school  
21 of veterinary medicine or, if a graduate of a nonaccredited or nonapproved  
22 school, a letter from the educational commission for foreign veterinary  
23 graduates (ECFVG) certifying completion of the ECFVG program or a copy of  
24 their ECFVG certificate, or verification of successful completion of any  
25 educational equivalency program established for the purpose of evaluating  
26 an individual's educational knowledge and clinical skills as they relate to  
27 the practice of veterinary medicine, as approved and outlined by the rules of  
28 the board. In addition to verification of graduation from an accredited or  
29 nonaccredited school of veterinary medicine, each of the five (5) veterinary  
30 members shall be a resident of this state, and have been licensed to practice  
31 veterinary medicine in this state for the five (5) years immediately preced-  
32 ing the time of appointment. The public member shall be at least twenty-one  
33 (21) years of age and a resident of this state for five (5) years immediately  
34 preceding appointment. No person may serve on the board who is, or was,  
35 during the two (2) years preceding appointment, a member of the faculty or  
36 trustees of an accredited school of veterinary medicine.

37 (2) Each member of the board and ~~certified~~ committee on humane euthana-  
38 ~~sia task force~~ shall be compensated as provided by section 59-509(n), Idaho  
39 Code.

40 (3) Any member of the board may be removed by the governor at his discre-  
41 tion.

42 (4) The board shall meet at least once each year at the time and place  
43 fixed by rule of the board. Other necessary meetings may be called by the  
44 president of the board by giving notice as may be required by state statute or  
45 rule. Except as may otherwise be provided, a majority of the board consti-  
46 tutes a quorum. Meetings shall be open and public except as otherwise pro-  
47 vided by the open meeting law, chapter 23, title 6774, Idaho Code.

48 (5) The board member serving the fourth year of appointment shall be the  
49 president of the board and shall serve as chairman at the board meetings.

1 (6) The veterinary board member serving the fifth year of appointment  
2 shall be the liaison officer of the board and shall render advice, review and  
3 mediate complaints, and perform other tasks assigned by the board.

4 (7) All revenues received under this chapter shall be paid to the state  
5 board of veterinary medicine account created in section 54-2121, Idaho Code,  
6 and shall be subject to and administered in accordance with the provisions of  
7 this chapter.

8 (8) The responsibility for enforcement of the provisions of this chap-  
9 ter is hereby vested in the board. The board shall have all of the duties,  
10 powers and authority specifically granted by or necessary for the enforce-  
11 ment of this chapter and the rules made pursuant thereto, as well as such  
12 other duties, powers and authority as it may be granted from time to time by  
13 applicable law. The powers vested in the board shall include, but are not  
14 limited to:

15 (a) Establish qualifications and prescribe the application format for  
16 issuance or renewal of a license to practice as a veterinarian and cer-  
17 tification to practice as a veterinary technician, euthanasia agency  
18 or euthanasia technician, review each application for compliance with  
19 the licensure and certification requirements, issue, renew or deny li-  
20 censes and certifications. Upon a showing of good cause by a licensee  
21 or certificate holder to the board, the board may grant an extension of  
22 time for submission of the required application or renewal documenta-  
23 tion, including the required number of continuing education hours, as  
24 set forth by this chapter or the rules of the board.

25 (b) Examine and determine the qualifications and fitness of applicants  
26 for a license to practice veterinary medicine, or certification to  
27 practice veterinary technology or as a euthanasia technician or operate  
28 as a certified euthanasia agency in the state.

29 (c) Issue, renew, reinstate, deny, suspend, sanction, reprimand, re-  
30 strict, limit, place on probation, require voluntary surrender of,  
31 or revoke any licenses, certifications or temporary permits or certi-  
32 fications to practice veterinary medicine, veterinary technology or  
33 euthanize animals in the state, and may fine and impose other forms of  
34 discipline, and enter into consent agreements and negotiated settle-  
35 ments with licensed veterinarians, certified veterinary technicians,  
36 certified euthanasia technicians and certified euthanasia agencies  
37 consistent with the provisions of this chapter and the rules adopted  
38 hereunder. Whenever it appears that grounds for discipline exist under  
39 this chapter and the board finds that there is an immediate danger to the  
40 public health, safety or welfare, the board is authorized to commence  
41 emergency proceedings for revocation or other action. Such proceedings  
42 shall be promptly instituted and processed under the applicable provi-  
43 sions of chapter 52, title 67, Idaho Code.

44 (d) Establish a schedule of fees for licensing, certifying and regis-  
45 tering veterinarians, veterinary technicians, euthanasia agencies and  
46 euthanasia technicians, as well as for the review, approval and admin-  
47 istration of national licensing and certification examinations.

48 (e) In addition to the fees specifically provided for herein, the board  
49 may assess additional reasonable fees for services rendered to carry  
50 out its duties and responsibilities as required or authorized by this



1 chapter or rules adopted hereunder. Such services rendered shall in-  
2 clude, but not be limited to, the following:

- 3 (i) Issuance of duplicate licenses or certificates;
- 4 (ii) Mailing lists or reports of data maintained by the board;
- 5 (iii) Copies of any documents;
- 6 (iv) Verification of license or certification status;
- 7 (v) Examination review, approval and administration; and
- 8 (vi) Examination materials.

9 (f) Upon its own motion or upon any complaint, to initiate and conduct  
10 investigations on all matters relating to the practice of veterinary  
11 medicine or veterinary technology or the euthanizing of animals. Com-  
12 plaints not filed within one (1) year after the alleged unlawful conduct  
13 occurs will not be investigated. If the alleged unlawful conduct is of  
14 a continuing nature, the date of the occurrence of such conduct shall  
15 be deemed to be any date subsequent to the commencement of the unlawful  
16 conduct up to and including the date on which the complaint is filed so  
17 long as the alleged unlawful conduct continues.

18 (g) Initiate and conduct disciplinary hearings or proceedings on its  
19 own or through its designated hearing officer, provided such hearings  
20 and proceedings shall be held in conformance with the provisions of  
21 chapter 52, title 67, Idaho Code, and in connection thereto, to admin-  
22 ister oaths, receive evidence, make the necessary determinations, and  
23 enter orders consistent with the findings. The board may require the  
24 attendance and testimony of witnesses and the production of papers,  
25 records, or other documentary evidence and may commission depositions.  
26 The board may designate one (1) or more of its members or a person  
27 appointed by the state board of veterinary medicine to serve as its  
28 hearing officer.

29 (h) Employ an executive director who shall be responsible for the per-  
30 formance of the administrative functions of the board and such other du-  
31 ties as the board may direct. The board may also employ or contract with  
32 other individuals to provide professional, clerical or other services  
33 deemed necessary by the board to effectuate the provisions of this chap-  
34 ter and the rules of the board, and purchase or rent necessary office  
35 space, equipment and supplies. The compensation of the executive di-  
36 rector and other personnel shall be determined by the board and the ex-  
37 ecutive director shall be exempt from the provisions of chapter 53, ti-  
38 tle 67, Idaho Code.

39 (i) Appoint from its own membership one (1) or more members to act as  
40 representatives of the board at any meeting within or outside the state  
41 where such representation is deemed desirable.

42 (j) Bring proceedings in the courts for the enforcement of this chapter  
43 or any rules made pursuant thereto.

44 (k) For purposes of enforcement of the provisions of this chapter and  
45 any rules duly promulgated hereunder, including the levying of civil  
46 penalties, assessment and collection of fines, and recovery of costs  
47 and paralegal, hearing officer and attorney's fees incurred by the  
48 board in investigation and prosecution of complaints, the board shall  
49 maintain jurisdiction over individuals, irrespective of their license  
50 or certification status (i.e., active, inactive, expired, lapsed, sur-

1 rendered or disciplined) relative to acts, omissions, complaints and  
2 investigations which occurred during the licensure or certification  
3 period. Jurisdiction of the board shall also extend to all individuals  
4 engaged in the practice of veterinary medicine, veterinary technology  
5 or practicing as a certified euthanasia agency or certified euthanasia  
6 technician in this state as defined in section 54-2103, Idaho Code. It  
7 is the intent of this subsection that the board's jurisdiction should  
8 extend to all licensed or unlicensed or certified or uncertified in-  
9 dividuals and that licensees and certification holders cannot divest  
10 the board of jurisdiction by changing, surrendering or relinquishing  
11 licensure or certification status.

12 (l) Establish a ~~certified~~ committee on humane euthanasia ~~task force~~ for  
13 the purposes of training, examining, licensing and certifying euthana-  
14 sia agencies and euthanasia technicians and assess application, train-  
15 ing workshop and certification fees. The fees so assessed are contin-  
16 uously appropriated to the board to support the activities of the ~~task~~  
17 force committee.

18 (m) Adopt, amend or repeal all sections of this chapter and rules neces-  
19 sary for its government and all rules necessary to carry into effect the  
20 provisions of this chapter pursuant to the Idaho administrative proce-  
21 dure act, chapter 52, title 67, Idaho Code, including the establishment  
22 and publication of standards of professional conduct for the practice  
23 of veterinary medicine.

24 (n) Conduct probationary or other practice and facility inspections  
25 necessary for enforcement of this chapter or the rules duly promul-  
26 gated hereunder or any order, negotiated settlement or probationary  
27 agreement of the board and issue administrative citations to alleged  
28 violators.