

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 64

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO VETERINARY MEDICINE; AMENDING SECTION 54-2103, IDAHO CODE, TO
2 REMOVE A DEFINITION, TO REVISE DEFINITIONS, AND TO MAKE TECHNICAL COR-
3 RECTIONS; AMENDING SECTION 54-2104, IDAHO CODE, TO REVISE PROVISIONS
4 REGARDING CERTAIN EXCEPTIONS; AMENDING SECTION 54-2105, IDAHO CODE,
5 TO REVISE PROVISIONS REGARDING THE BOARD OF VETERINARY MEDICINE AND
6 TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-2107, IDAHO CODE,
7 RELATING TO A LICENSE APPLICATION; AMENDING CHAPTER 21, TITLE 54, IDAHO
8 CODE, BY THE ADDITION OF A NEW SECTION 54-2107, IDAHO CODE, TO ESTAB-
9 LISH PROVISIONS REGARDING LICENSE APPLICATIONS; AMENDING CHAPTER 21,
10 TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2107A, IDAHO
11 CODE, TO PROVIDE FOR LICENSURE BY ENDORSEMENT; AMENDING CHAPTER 21,
12 TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2107B, IDAHO
13 CODE, TO PROVIDE FOR LICENSURE BY WRITTEN EXAMINATION; AMENDING SEC-
14 TION 54-2108, IDAHO CODE, TO REMOVE CERTAIN LANGUAGE REGARDING CRIMINAL
15 BACKGROUND CHECKS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
16 54-2110, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE
17 TECHNICAL CORRECTIONS; REPEALING SECTION 54-2111, IDAHO CODE, RELATING
18 TO TEMPORARY PERMITS; AMENDING SECTION 54-2112, IDAHO CODE, TO REVISE
19 PROVISIONS REGARDING LICENSE EXPIRATION AND RENEWAL AND TO MAKE TECHNICAL
20 CORRECTIONS; AMENDING SECTION 54-2115, IDAHO CODE, TO PROVIDE FOR
21 DISCIPLINE PURSUANT TO BOARD RULES AND TO MAKE TECHNICAL CORRECTIONS;
22 AND AMENDING SECTION 54-2118, IDAHO CODE, TO PROVIDE FOR BOARD RULES AND
23 TO REVISE A PROVISION REGARDING DISCIPLINARY ACTION.
24

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

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

28 54-2103. DEFINITIONS. As used in this chapter:

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

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

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

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

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

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

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

12 (8) "Certified euthanasia agency" or "CEA" means a law enforcement
13 agency, an animal control agency or a society for the prevention of cruelty
14 to animals, ~~which~~ that has been inspected and certified by the committee on
15 humane euthanasia or the board.

16 (9) "Certified euthanasia technician" or "CET" means a person employed
17 by a certified euthanasia agency who is instructed and certified by the com-
18 mittee on humane euthanasia or the board as defined in the rules of the board,
19 but not to include an individual employed as a technician by animal research
20 laboratories.

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

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

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

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

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

38 (b) "Operative dentistry/oral surgery" or any other dental procedure
39 that invades the hard or soft oral tissue, including a procedure that
40 alters the structure of one (1) or more teeth, or repairs damaged and
41 diseased teeth, or the deliberate extraction of one (1) or more teeth.

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

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

47 (a) Refusing to issue, renew or reinstate a license, permit or certi-
48 fication to practice as a licensed veterinarian, a certified veteri-
49 nary technician, a certified euthanasia agency or a certified euthana-
50 sia technician;

1 (b) Denial, revocation, suspension, sanction, probation or voluntary
2 surrender of a license, permit or certification to practice as a li-
3 censed veterinarian, a certified veterinary technician, a certified
4 euthanasia agency or a certified euthanasia technician;

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

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

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

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

20 (18) "Committee on humane euthanasia" means a committee established by
21 the board for the purposes of training, examining, certifying and inspecting
22 certified euthanasia agencies and certified euthanasia technicians.

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

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

31 (21) "Herd," "litter," or "flock" of animals means animals managed as
32 a group for purposes including, but not limited to, breeding, sale, show or
33 food production.

34 (22) ~~"Immediate supervision" means the supervising veterinarian is in~~
35 ~~the immediate area, in audible and visual range of the animal patient and the~~
36 ~~person treating the patient, and the animal has been examined by the super-~~
37 ~~vising veterinarian as acceptable veterinary medical practice requires.~~

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

40 (a) Has not been the recipient of any administrative penalties regard-
41 ing ~~his~~ the practice of veterinary medicine including, but not limited
42 to, fines, formal reprimands, license suspensions or revocations (ex-
43 cept for license revocations for nonpayment of license renewal fees) or
44 probationary limitations, or has not entered into any consent agreement
45 or negotiated settlement that contains conditions placed by a board on
46 ~~his~~ the applicant's professional conduct and practice, including any
47 voluntary surrender of a license; and

48 (b) Has never had ~~his United States drug enforcement administration~~
49 ~~privileges restricted or revoked by the United States drug enforcement~~
50 ~~administration; and~~

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

4 (d) Has no physical or mental impairment related to drugs or alcohol,
5 or a finding of mental incompetence by a physician that would limit the
6 applicant's ability to undertake the practice of veterinary medicine in
7 a manner consistent with the safety of a patient or the public; and

8 (e) Has no criminal conviction record or pending criminal charge relat-
9 ing to an offense, the circumstances of which substantially relate to
10 the practice of veterinary medicine or ~~that is~~ deemed relevant in accord-
11 dance with section 67-9411(1), Idaho Code. Applicants who have crim-
12 inal conviction records or pending criminal charges shall require ap-
13 propriate authorities to provide information about the record or charge
14 directly to the board in sufficient detail to enable the board to make a
15 determination whether the record or charge is substantially related to
16 the practice of veterinary medicine.

17 (243) "Indirect supervision" means the supervising veterinarian is not
18 on the premises but is available for immediate contact by telephone, radio or
19 other means, has given either written or oral instructions for treatment of
20 the animal patient, the animal has been examined by the supervising veteri-
21 narian as acceptable veterinary medical practice requires, and the animal,
22 if previously anesthetized, has recovered to the point of being conscious
23 and sternal.

24 (254) "Legend/prescription drug" means any drug ~~which that~~, under fed-
25 eral law, regulation or rule, is required, prior to being distributed or de-
26 livered, to be labeled with one (1) of the following statements: "Caution:
27 Federal law restricts this drug to be used by or on the order of a licensed
28 veterinarian," or "Caution: Federal law prohibits dispensing without a pre-
29 scription," or "Rx Only," or a drug ~~which that~~ is required by any applicable
30 state or federal law, rule or regulation to be distributed or dispensed pur-
31 suant to a prescription only, or is restricted to use by licensed practition-
32 ers only.

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

35 (276) "Malpractice" means, but is not limited to:

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

38 (b) Any professional misconduct or unreasonable lack of professional
39 skill or fidelity in the performance of the professional practice of
40 veterinary medicine; or

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

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

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

48 (287) "Medical incompetence" means lacking in sufficient medical
49 knowledge or skills or both to a degree likely to endanger the health of pa-
50 tients.

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

4 (3029) "On-call emergency service" means a veterinary medical facility
5 that is available to provide emergency veterinary services as requested if a
6 veterinarian is available.

7 (310) "Owner/ownership" means ownership as defined by the laws of prop-
8 erty and ownership, chapter 1, title 55, Idaho Code, ~~and chapter 1, title 73,~~
9 ~~Idaho Code.~~

10 (321) "Person" means any individual, firm, partnership, association,
11 joint venture, cooperative and corporation, or any other group or combi-
12 nation acting in concert, and whether or not acting as principal, trustee,
13 fiduciary, receiver, or as any other kind of legal or personal representa-
14 tive, or as the successor in interest, assignee, agent, factor, servant,
15 employee, director, officer, or any other representative of such person.

16 (332) "Physical or mental incompetence" means the veterinarian's abil-
17 ity to practice veterinary medicine with reasonable skill and safety is
18 impaired by reason of illness, excessive use of alcohol, drugs, narcotics,
19 chemicals or any other substance, or as a result of any mental or physical
20 disability.

21 (343) "Practice of veterinary medicine" in this state, through tele-
22 phonic, electronic or other means, regardless of the location of the veteri-
23 narian, includes veterinary surgery, obstetrics, dentistry, and all other
24 branches or specialties of veterinary medicine and means:

25 (a) To directly or indirectly diagnose, treat, correct, change, re-
26 lieve or prevent animal disease, deformity, defect, injury or other
27 physical or mental conditions, including the prescribing, dispensing,
28 delivering or administering of any drug, medicine, biologic, apparatus
29 application, anesthetic or other therapeutic or diagnostic substance
30 or technique, or the use of any obstetrical procedure or any manual or
31 mechanical procedure for artificial insemination, for testing or exam-
32 ining for pregnancy, fertility evaluation, embryo transplant, grading
33 of fresh semen, or to render advice or recommendation with regard to any
34 act described in this paragraph.

35 (b) To represent, directly or indirectly, publicly or privately, an
36 ability and willingness to do any act described in paragraph (a) of this
37 subsection.

38 (c) To use any title, words, abbreviations or letter in a manner or un-
39 der circumstances that induce the belief that the person using them is
40 qualified to do any act described in paragraph (a) of this subsection,
41 except where such person is a licensed veterinarian.

42 (354) "Professional supervision" means the supervising veterinarian is
43 in daily contact by telephone, radio or other means with the temporary li-
44 censee.

45 (365) "Referral" means the transfer of responsibility for diagnosis and
46 treatment from the referring veterinarian to the receiving veterinarian, or
47 from the referring veterinarian to the board-certified specialist, or from
48 the referring veterinarian to an allied health professional.

1 (376) "Regular employee" means a person who performs services for the
2 animal's owner other than, or in addition to, feeding, boarding, castrating
3 and dehorning, but does not include independent contractors or agents.

4 (387) "Supervision" means the action or process of a supervising vet-
5 erinarian in directing activities or a course of action for those individu-
6 als to whom activities or functions have been assigned or delegated.

7 (398) "Supervising veterinarian" means a licensed veterinarian utiliz-
8 ing the services of a temporary licensee, certified veterinary technician,
9 veterinary technician, veterinary technician with a temporary certifica-
10 tion, veterinary assistant, certified euthanasia technician, or as provided
11 by the rules of the board. A supervising veterinarian shall be individually
12 responsible and liable, regardless of the supervision provided, for all dam-
13 ages arising out of ~~his~~ the veterinarian's own acts or omissions and for the
14 performance of any acts and omissions pertaining to the practice of veteri-
15 nary medicine that are delegated to the temporary licensee, certified vet-
16 erinary technician, veterinary technician, veterinary assistant or certi-
17 fied euthanasia technician. Nothing herein shall be construed to deprive
18 the board of its disciplinary authority with respect to ~~the~~ temporary li-
19 censees, certified veterinary technicians, veterinary technicians, veteri-
20 nary assistants or certified euthanasia technicians.

21 (4039) "Unethical or unprofessional conduct" means to knowingly engage
22 in conduct of a character likely to deceive or defraud the public, false or
23 misleading advertising or solicitation, obtaining any fee or compensation
24 by fraud or misrepresentation, sharing office space and working in conjunc-
25 tion with any person illegally practicing veterinary medicine, employing
26 either indirectly or directly an unlicensed or uncertified person to perform
27 acts pertaining to the practice of veterinary medicine, except as provided
28 by law or rule, or the violation of any law or rules ~~adopted by~~ of the board
29 pertaining to unethical or unprofessional conduct, or that provide a code of
30 professional conduct to be followed and carried out by persons licensed or
31 certified by the board.

32 (410) "Unlicensed practice" means:

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

38 (b) Representing oneself through offerings, advertisements or use of
39 professional titles or designations as being qualified to practice vet-
40 erinary medicine.

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

44 (432) "Veterinarian on call" means a veterinarian is not present at the
45 veterinary medical facility but is able to respond within a reasonable time
46 to requests for emergency veterinary services.

47 (443) "Veterinarian on premises" means a veterinarian is present at the
48 veterinary medical facility and is prepared and qualified to render veteri-
49 nary services.

1 (454) "Veterinary medical facility" means any premises, office, unit,
2 structure, mobile unit, or area utilized for the practice of veterinary
3 medicine other than the premises of an owner when used for treatment of the
4 owner's animal.

5 (465) "Veterinary technician" means a person who has graduated from a
6 veterinary technology program accredited or approved by the committee on
7 veterinary technician education and activities of the American veterinary
8 medical association or other accrediting agency approved by the board, or a
9 person who has received equivalent training as set forth in the rules of the
10 board.

11 (476) "Veterinary technology" means the performance of services within
12 the practice of veterinary medicine by a person working under the direction
13 of a supervising veterinarian to perform duties that require an understand-
14 ing of veterinary medicine in order to carry out the orders of the veteri-
15 narian. Veterinary technology does not include prognosis, diagnosis, oper-
16 ative dentistry, deliberate tooth extraction procedures, or the prescribing
17 of treatment or performing surgery of any kind.

18 SECTION 2. That Section 54-2104, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 54-2104. LICENSE A PREREQUISITE TO PRACTICE -- EXCEPTIONS. (1) No per-
21 son may practice veterinary medicine in the state who is not an actively li-
22 censed veterinarian or the holder of a valid temporary permit issued by the
23 board.

24 (2) This chapter shall not be construed to prohibit:

25 (a) A veterinarian employed by the federal, state or local government
26 from performing ~~his~~ official duties specifically required under any
27 lawful act or statute, except that this exemption shall not apply to
28 such persons not actively engaged in performing or fulfilling their
29 official duties and responsibilities.

30 (b) A person who is a regular student currently enrolled and in good
31 standing in an accredited or approved school of veterinary medicine,
32 veterinary science department or an educational institution accred-
33 ited by a national or regional accrediting agency recognized by the
34 Idaho state board of education or the United States department of edu-
35 cation from performing duties or actions assigned by ~~his~~ the student's
36 instructors, or from working under the direct supervision of an ac-
37 tively licensed veterinarian during a school vacation period. The
38 unsupervised or unauthorized practice of veterinary medicine by a stu-
39 dent, even though on the premises of an accredited or approved school
40 of veterinary medicine, veterinary science department, an educational
41 institution accredited by a national or regional accrediting agency
42 recognized by the Idaho state board of education or the United States
43 department of education or at a veterinary medical facility, is prohib-
44 ited.

45 (c) A person who is a regular student currently enrolled and in good
46 standing in a nonaccredited or nonapproved educational institution, ~~that~~
47 and who holds a valid certificate of registration issued by the
48 Idaho state board of education, from performing duties or actions
49 assigned by ~~his~~ the student's instructors. This exemption does not

1 include surgery or the administration of controlled substances or
2 legend/prescription drugs, unless specifically allowed by state or
3 federal law, rule or regulation. The unsupervised or unauthorized per-
4 sonal practice of veterinary medicine by a student on the premises of a
5 nonaccredited or nonapproved educational institution is prohibited.

6 (d) Idaho extension personnel from performing their official duties.

7 (e) A veterinarian holding a current, active license, in good standing,
8 in another state, from consulting with a licensed veterinarian in this
9 state.

10 (f) Any merchant or manufacturer from selling nonprescription and non-
11 controlled medicines, biologics, feed, medicated feed, appliances or
12 other products for the prevention or treatment of animal and poultry
13 diseases. Such merchants or manufacturers shall not, either directly
14 or indirectly, attempt to diagnose a symptom or disease in order to ad-
15 vise treatment, the use of drugs, medicines, appliances or products.

16 (g) A farmer, rancher or feedlot operator, including custom ranch or
17 feedlot operators, and their regular employees, from caring for and
18 treating animals within their possession or control, when such animals
19 have been consigned by their legal owner and except where the ownership
20 or possession of the animal was transferred or the employment changed to
21 circumvent this chapter.

22 (h) The owner of an animal or ~~his~~ the owner's regular employees from
23 caring for and treating the animals belonging to such owner, or live-
24 stock owners or regular employees from pregnancy testing their own or
25 employer's cattle or the exchange of services for which no monetary
26 compensation is paid between owners or their regular employees, except
27 where the ownership or possession of the animal was transferred or the
28 employment changed to circumvent this chapter, and provided that only
29 an actively licensed veterinarian may immunize or treat an animal for
30 diseases ~~which that~~ which require the use of a vaccine ~~that is~~ restricted by
31 state or federal law, rules or regulations, or as otherwise provided by
32 board rule. Notwithstanding the provisions of this paragraph, a vet-
33 erinarian/client/patient relationship, as defined by the rules of the
34 board, must exist when controlled substances or legend/prescription
35 drugs are administered, distributed, dispensed or prescribed.

36 (i) A member of a faculty of an accredited or approved school of veteri-
37 nary medicine, a veterinary science department, or an educational in-
38 stitution accredited by a national or regional accrediting agency rec-
39 ognized by the Idaho state board of education or the United States de-
40 partment of education, from performing ~~his~~ the faculty member's regular
41 functions. The unsupervised or unauthorized personal practice of vet-
42 erinary medicine, by a faculty member on the premises of any ~~of the above~~
43 such institutions, is prohibited.

44 (j) Any person from selling or applying any pesticide, insecticide, or
45 herbicide.

46 (k) A person from lecturing or giving instructions or demonstrations
47 at an accredited or approved school of veterinary medicine, veteri-
48 nary science department or an educational institution accredited or
49 approved by a national or regional accrediting agency recognized by the
50 Idaho state board of education or the United States department of edu-

1 cation, or in connection with an approved continuing education course
2 or seminar.

3 (l) A member of a faculty of a nonaccredited or nonapproved educational
4 institution, who holds a valid certificate of registration issued by
5 the Idaho state board of education, from performing ~~his~~ the faculty mem-
6 ber's regular functions. This exemption does not include surgery or the
7 administration of controlled substances or legend/prescription drugs,
8 unless specifically allowed by state or federal law, rule or regula-
9 tion. The unsupervised or unauthorized personal practice of veterinary
10 medicine by a faculty member on the premises of a nonaccredited or non-
11 approved educational institution is prohibited.

12 (m) Individuals employed as instructors or researchers by, or enrolled
13 as students in, any bona fide medical research institution from con-
14 ducting experiments and scientific research on animals:

15 (i) In the development of pharmaceuticals, biologicals, or
16 serums for treating human or animal ailments; or

17 (ii) In the development of methods of treatment or techniques for
18 the diagnosis or treatment of human or animal ailments; or

19 (iii) When engaged in the study and development of methods and
20 techniques directly or indirectly applicable to the practice of
21 veterinary medicine, ~~so~~ as long as such research is conducted in
22 compliance with applicable state and federal laws, rules and regu-
23 lations.

24 (n) Any person from performing artificial insemination of domestic an-
25 imals as governed by chapter 8, title 25, Idaho Code.

26 (o) Any person from horseshoeing or hoof-trimming bovine, equine and
27 farm animals.

28 (p) An allied health professional actively licensed and in good stand-
29 ing in any state from participating in a medical procedure involving an
30 animal, provided that such participation is in ~~his~~ the health profes-
31 sional's licensed field of medicine and under the indirect supervision
32 of an actively licensed veterinarian.

33 (q) Any person from the gratuitous treatment of animals in an emergency
34 as a neighborly act.

35 (r) Any state or federal livestock inspector from performing ~~his~~ the
36 official duties specifically required under any lawful act or statute,
37 ~~and~~ provided that this exemption shall not apply to such persons not
38 actively engaged in performing or fulfilling their official duties and
39 responsibilities.

40 (s) A certified euthanasia agency from operating as a CEA as defined by
41 law and rules.

42 (t) A certified euthanasia technician from performing those duties as
43 defined by law and rules.

44 (u) Any person from utilizing cotton swabs, gauze, dental floss, denti-
45 frice or toothbrushes to clean an animal's teeth.

46 (v) A certified veterinary technician from practicing veterinary tech-
47 nology under appropriate supervision, as defined by the rules of the
48 board.

1 (w) An assistant or veterinary technician from performing acts per-
 2 taining to the practice of veterinary medicine under appropriate super-
 3 vision, as defined by the rules of the board.

4 (x) The personal representative, executor or sole surviving heir of a
 5 licensed veterinarian from continuing to operate the veterinary med-
 6 ical practice of the deceased for a period of not more than three (3)
 7 years following death. This exception ~~only~~ applies only where during
 8 such three (3) year period:

9 (i) Good faith efforts are being made to sell the veterinary medi-
 10 cal practice; and

11 (ii) All the decisions pertaining to the diagnosis, care and
 12 treatment of the patients are made by an actively licensed veteri-
 13 narian.

14 (y) A veterinarian with an active license in good standing from another
 15 state from practicing veterinary medicine on animals in the collection
 16 of a publicly owned zoo that is either licensed by the United States
 17 department of agriculture (USDA) as an exhibitor or is accredited by
 18 the association of zoos and aquariums (AZA), but only when the Idaho li-
 19 censed veterinarian who regularly attends to these animals is unavail-
 20 able or unqualified to render the services required. This exemption
 21 from licensure ~~only~~ applies only after the out-of-state veterinarian
 22 notifies the board in writing: (1) ~~where he will be practicing of the~~
 23 location of practice in Idaho; and (2) the expected duration of the
 24 practice. After the out-of-state veterinarian completes ~~his~~ the ser-
 25 vices under this section, ~~he~~ the veterinarian must so notify the board
 26 in writing of that fact. Unless expressly extended by the board in its
 27 sound discretion, an exemption under this section is limited to a period
 28 of one (1) year from the initial notification date.

29 (3) Nothing in this section shall be construed as limiting the board's
 30 authority to provide other exemptions or exceptions to the requirements for
 31 licensing, under its rulemaking authority, as the board may find necessary
 32 or appropriate.

33 SECTION 3. That Section 54-2105, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT
 36 -- VACANCY -- QUALIFICATIONS -- COMPENSATION -- REMOVAL -- MEETINGS -- OFFI-
 37 CERS -- REVENUES -- POWERS.

38 (1) (a) A board of veterinary medicine, which shall consist of six (6)
 39 members to be appointed by and serve at the pleasure of the governor, is
 40 hereby created in the department of self-governing agencies. Five (5)
 41 members shall be veterinarians and one (1) ~~member~~ shall be a public mem-
 42 ber. Each of the five (5) veterinary board members shall serve a term of
 43 ~~four~~ five (45) years ~~as a veterinary board member and a~~, with the fifth
 44 year serving also as a liaison officer, or until ~~his~~ a successor is ap-
 45 pointed. The public member shall serve for a term of three (3) years or
 46 until ~~his~~ a successor is appointed.

47 (b) Whenever the occasion arises for an appointment of a veterinary
 48 member under this section, the governor may consider recommendations
 49 for appointment to the board from the state veterinary medical associa-

1 tion, ~~one (1)~~ from any of the regional veterinary medical associations,
2 and from any individual residing in this state. Vacancies due to death,
3 resignation or removal shall be filled for the remainder of the un-
4 expired term in the same manner as regular appointments. Filling the
5 remainder of a previous member's term shall not count toward the term
6 limits provided for in this section. No ~~person~~ veterinarian shall serve
7 two (2) consecutive terms, ~~except in the case of a person appointed for~~
8 ~~less than a full term.~~ The public member may serve two (2) full consec-
9 utive terms. Each of the five (5) veterinarians shall be qualified to
10 serve as a member of the board if a graduate of an accredited or approved
11 school of veterinary medicine or, if a graduate of a nonaccredited or
12 nonapproved school, by providing a letter from the educational commis-
13 sion for foreign veterinary graduates (ECFVG) certifying completion
14 of the ECFVG program or a copy of their ECFVG certificate, or verifica-
15 tion of successful completion of any educational equivalency program
16 established for the purpose of evaluating an individual's educational
17 knowledge and clinical skills as they relate to the practice of vet-
18 erinary medicine, as approved and outlined by the rules of the board.
19 In addition to verification of graduation from an accredited or nonac-
20 credited school of veterinary medicine, each of the five (5) veterinary
21 members shall be a resident of this state, and have been licensed to
22 practice veterinary medicine in this state for the five (5) years imme-
23 diately preceding the time of appointment. The public member shall be
24 at least twenty-one (21) years of age and a resident of this state for
25 five (5) years immediately preceding appointment. No person may serve
26 on the board who is, or was, during the two (2) years preceding appoint-
27 ment, a member of the faculty or trustees of an accredited school of
28 veterinary medicine.

29 (2) Each member of the board and committee on humane euthanasia shall be
30 compensated as provided by section 59-509(n), Idaho Code.

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

33 (4) The board shall meet at least once each year at the time and place
34 fixed by the rules of the board. Other necessary meetings may be called
35 by the president of the board by giving notice as may be required by state
36 statute or rule. Except as may otherwise be provided, a majority of the board
37 constitutes a quorum. Meetings shall be open and public except as otherwise
38 provided by the open meetings law, chapter 2, title 74, Idaho Code.

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

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

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

48 (8) The responsibility for enforcement of the provisions of this chap-
49 ter is hereby vested in the board. The board shall have all of the duties,
50 powers and authority specifically granted by or necessary for the enforce-

1 ment of this chapter and the rules made pursuant thereto, as well as such
2 other duties, powers and authority as it may be granted from time to time by
3 applicable law. The powers vested in the board shall include, but are not
4 limited to:

5 (a) Establish qualifications and prescribe the application format for
6 issuance or renewal of a license to practice as a veterinarian and cer-
7 tification to practice as a veterinary technician, euthanasia agency or
8 euthanasia technician, to review each application for compliance with
9 the licensure and certification requirements, and to issue, renew or
10 deny licenses and certifications. Upon a showing of good cause by a li-
11 censee or certificate holder to the board, the board may grant an ex-
12 tension of time for submission of the required application or renewal
13 documentation, including the required number of continuing education
14 hours, as set forth by this chapter or the rules of the board.

15 (b) Examine and determine the qualifications and fitness of applicants
16 for a license to practice veterinary medicine, or certification to
17 practice veterinary technology or as a euthanasia technician or operate
18 as a certified euthanasia agency in the state.

19 (c) Issue, renew, reinstate, deny, suspend, sanction, reprimand, re-
20 strict, limit, place on probation, require voluntary surrender of,
21 or revoke any licenses, certifications or temporary permits or certi-
22 fications to practice veterinary medicine, veterinary technology or
23 euthanize the euthanizing of animals in the state, and may fine and im-
24 pose other forms of discipline, and enter into consent agreements and
25 negotiated settlements with licensed veterinarians, certified vet-
26 erinary technicians, certified euthanasia technicians and certified
27 euthanasia agencies consistent with the provisions of this chapter and
28 the rules adopted hereunder. Whenever it appears that grounds for dis-
29 cipline exist under this chapter and the board finds that there is an
30 immediate danger to the public health, safety or welfare, the board is
31 authorized to commence emergency proceedings for revocation or other
32 action. Such proceedings shall be promptly instituted and processed
33 under the applicable provisions of chapter 52, title 67, Idaho Code.

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

38 (e) In addition to the fees specifically provided for herein, the board
39 may assess additional reasonable fees for services rendered to carry
40 out its duties and responsibilities as required or authorized by this
41 chapter or rules adopted hereunder. Such services rendered shall in-
42 clude, but not be limited to, the following:

- 43 (i) Issuance of duplicate licenses or certificates;
- 44 (ii) Mailing lists or reports of data maintained by the board;
- 45 (iii) Copies of any documents;
- 46 (iv) Verification of license or certification status;
- 47 (v) Examination review, approval and administration; and
- 48 (vi) Examination materials.

49 (f) Upon its own motion or upon any complaint, to initiate and conduct
50 investigations on all matters relating to the practice of veteri-

1 nary medicine or veterinary technology or the euthanizing of animals.
2 ~~Complaints not filed within one (1) year after the alleged unlawful con-~~
3 ~~duct occurs will not be investigated. If the alleged unlawful conduct~~
4 ~~is of a continuing nature, the date of the occurrence of such conduct~~
5 ~~shall be deemed to be any date subsequent to the commencement of the~~
6 ~~unlawful conduct up to and including the date on which the complaint is~~
7 ~~filed so long as the alleged unlawful conduct continues.~~

8 (g) Initiate and conduct disciplinary hearings or proceedings on its
9 own or through its designated hearing officer, provided such hearings
10 and proceedings shall be held in conformance with the provisions of
11 chapter 52, title 67, Idaho Code, and in connection thereto, to admin-
12 ister oaths, receive evidence, make the necessary determinations, and
13 enter orders consistent with the findings. The board may require the
14 attendance and testimony of witnesses and the production of papers,
15 records, or other documentary evidence and may commission depositions.
16 The board may designate one (1) or more of its members or appoint a per-
17 son ~~appointed by the state board of veterinary medicine~~ to serve as its
18 hearing officer.

19 (h) Employ an executive director who shall be responsible for the per-
20 formance of the administrative functions of the board and such other du-
21 ties as the board may direct. The board may also employ or contract with
22 other individuals to provide professional, clerical or other services
23 deemed necessary by the board to effectuate the provisions of this chap-
24 ter and the rules of the board, and purchase or rent necessary office
25 space, equipment and supplies. The compensation of the executive di-
26 rector and other personnel shall be determined by the board and the ex-
27 ecutive director shall be exempt from the provisions of chapter 53, ti-
28 tle 67, Idaho Code.

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

32 (j) Bring proceedings in the courts for the enforcement of this chapter
33 or any rules ~~made pursuant thereto~~ of the board.

34 (k) For purposes of enforcement of the provisions of this chapter and
35 any rules duly promulgated hereunder, including the levying of civil
36 penalties, assessment and collection of fines, and recovery of costs
37 and paralegal, hearing officer and attorney's fees incurred by the
38 board in investigation and prosecution of complaints, the board shall
39 maintain jurisdiction over individuals, irrespective of their license
40 or certification status (i.e., active, inactive, expired, lapsed, sur-
41 rendered or disciplined) relative to acts, omissions, complaints and
42 investigations which occurred during the licensure or certification
43 period. Jurisdiction of the board shall also extend to all individuals
44 engaged in the practice of veterinary medicine, veterinary technology
45 or practicing as a certified euthanasia agency or certified euthanasia
46 technician in this state as defined in section 54-2103, Idaho Code. It
47 is the intent of this subsection that the board's jurisdiction should
48 extend to all licensed or unlicensed or certified or uncertified in-
49 dividuals and that licensees and certification holders cannot divest

1 the board of jurisdiction by changing, surrendering or relinquishing
2 licensure or certification status.

3 (l) Establish a committee on humane euthanasia for the purposes of
4 training, examining, licensing and certifying euthanasia agencies and
5 euthanasia technicians and assess application, training workshop and
6 certification fees. The fees so assessed are continuously appropriated
7 to the board to support the activities of the committee.

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

14 (n) Conduct probationary or other practice and facility inspections
15 necessary for enforcement of this chapter or the rules duly promul-
16 gated hereunder or any order, negotiated settlement or probationary
17 agreement of the board and issue administrative citations to alleged
18 violators.

19 SECTION 4. That Section [54-2107](#), Idaho Code, be, and the same is hereby
20 repealed.

21 SECTION 5. That Chapter 21, Title 54, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
23 ignated as Section 54-2107, Idaho Code, and to read as follows:

24 54-2107. LICENSE APPLICATION -- CONTENTS -- FEE. (1) Any person de-
25 siring a license to practice veterinary medicine in this state shall make
26 written application to the board and bear the burden of substantiating to the
27 board the license application requirements. To apply for a veterinary li-
28 cense, the applicant shall complete the application available from the board
29 office, receive a passing score of at least ninety percent (90%) on the Idaho
30 jurisprudence examination, submit the license application fee and first
31 year's license fee in the amount established in the board rules, and provide
32 any additional information that the board may request.

33 (2) A completed application shall contain the applicant's nota-
34 rized signature and shall include the items set out in section 54-2107A or
35 54-2107B, Idaho Code. Such application shall include an attestation by the
36 applicant, under penalty of perjury, that:

37 (a) The applicant is twenty-one (21) years of age or older;

38 (b) All information contained in the application is true and correct to
39 the best of the applicant's knowledge; and

40 (c) If applicable, the applicant has always been in good standing in any
41 state in which the applicant has held a license in veterinary medicine.

42 (3) Application materials shall be valid for one (1) year after receipt
43 by the board.

44 (4) An applicant denied licensure may request a hearing pursuant to the
45 procedures set forth in chapter 52, title 67, Idaho Code.

1 SECTION 6. That Chapter 21, Title 54, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 54-2107A, Idaho Code, and to read as follows:

4 54-2107A. LICENSURE BY ENDORSEMENT. (1) This section shall apply to
5 any applicant who:

6 (a) Is an active duty military member, a former member of the mili-
7 tary after discharge under honorable conditions as defined in section
8 67-9403, Idaho Code, a veteran, or a spouse of any such person; or

9 (b) Has had an active license in any state, district, or territory of
10 the United States for three (3) years immediately preceding the date of
11 application for an Idaho license.

12 (2) A person applying for a license by endorsement pursuant to this sec-
13 tion shall meet the requirements set out in section 54-2107, Idaho Code, and
14 shall submit the following to the board:

15 (a) An attestation that the applicant has a degree in veterinary
16 medicine from an accredited or approved school of veterinary medicine
17 or has completed the requirements of the American veterinary medical
18 association's education commission for foreign veterinary graduates
19 program or the program for the assessment of veterinary education
20 equivalence of the American association of veterinary state boards;

21 (b) Passing scores on the national examinations approved by the board;
22 provided that an applicant who has held an active license from any state
23 or states for the three (3) years immediately preceding application for
24 an Idaho license may submit the written verification required in para-
25 graph (c) of this subsection in lieu of such scores; and

26 (c) Written verification of any license or licenses from the licensing
27 organization or organizations in any state or states where the appli-
28 cant has held an active license for the three (3) years immediately pre-
29 ceding application for an Idaho license or as provided by the veterinary
30 information verifying agency of the American association of veterinary
31 state boards.

32 SECTION 7. That Chapter 21, Title 54, Idaho Code, be, and the same is
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
34 ignated as Section 54-2107B, Idaho Code, and to read as follows:

35 54-2107B. LICENSURE BY WRITTEN EXAMINATION. (1) In addition to the
36 requirements set out in section 54-2107, Idaho Code, any applicant who does
37 not qualify for licensure by endorsement pursuant to section 54-2107A, Idaho
38 Code, shall submit the following to the board:

39 (a) A certified copy of a diploma or transcript showing the appli-
40 cant has a degree from an accredited or approved school of veterinary
41 medicine or a letter from an accredited or approved school of veterinary
42 medicine verifying satisfactory graduation by the applicant; or, if a
43 graduate of a nonaccredited or nonapproved school, a letter from the ed-
44 ucational commission for foreign veterinary graduates (ECFVG) certify-
45 ing completion of the ECFVG program or a copy of the ECFVG certificate;
46 or by completion of any educational equivalency program established for
47 the purpose of evaluating an individual's educational knowledge and

1 clinical skills as they relate to the practice of veterinary medicine;
2 and as approved and outlined by the rules of the board; and

3 (b) Passing scores on the national examinations approved by the board.

4 (2) After November 1, 2000, applicants who have taken their national
5 examinations prior to this date and have not taken and passed the clinical
6 competency test (CCT) may, in lieu of a passing score on the CCT, provide the
7 following documentation from the licensing board in the state in which they
8 are currently actively practicing or from the veterinary information veri-
9 fying agency of the American association of veterinary state boards:

10 (a) Verification of five (5) years of continuous, active practice in
11 the same state or states where they have practiced for the past five (5)
12 years immediately preceding application for licensure in Idaho, and
13 provided that the requirements for licensure in the state or states are
14 similar to those in Idaho; and

15 (b) Verification of no disciplinary action taken against the appli-
16 cant's license to practice veterinary medicine during the five (5) year
17 period immediately preceding application for a veterinary license in
18 Idaho.

19 (3) The practice of an applicant licensed under subsection (2) of this
20 section shall be limited to the same fields of veterinary medicine as such
21 applicant has practiced in another state or states during the five (5) year
22 period immediately preceding application for a veterinary license in Idaho.

23 (4) If applicable, the applicant shall submit written verification
24 of any license or licenses from the licensing organization in any state or
25 states where the applicant has held a license or as provided by the veteri-
26 nary information verifying agency of the American association of veterinary
27 state boards.

28 SECTION 8. That Section 54-2108, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 54-2108. CRIMINAL BACKGROUND CHECKS FOR LICENSURE. (1) All applicants
31 for ~~original~~ licensure or certification, or for reinstatement after the
32 license or certification has lapsed pursuant to section 54-2112(3), Idaho
33 Code, must submit to a fingerprint-based criminal history check of the Idaho
34 central criminal database and the federal bureau of investigation criminal
35 history database.

36 (2) For purposes of complying with this section, each such applicant
37 must:

38 (a) Submit to the ~~Idaho board of veterinary medicine~~ a full set of the
39 applicant's fingerprints for forwarding to the Idaho state police for
40 appropriate processing by the Idaho state police and the federal bureau
41 of investigation; and

42 (b) Submit to the ~~Idaho board of veterinary medicine~~ for forwarding to
43 the Idaho state police and the federal bureau of investigation the full
44 amount of the processing fees charged by ~~these~~ such agencies.

45 (3) This section shall apply to individuals only. This section shall
46 not apply to entities applying for a certificate as a certified euthanasia
47 agency.

1 SECTION 9. That Section 54-2110, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-2110. LICENSE WITHOUT CLINICAL COMPETENCY TEST (CCT). (1) The
4 board may, upon payment of the fee prescribed under section 54-2107, Idaho
5 Code, license without the clinical competency test (CCT) any person who is
6 a diplomate with current certification from a specialty board approved by
7 the American veterinary medical association. The applicant shall fulfill
8 all requirements for licensure with the exception of a passing score on the
9 ~~clinical competency test (CCT)~~ and shall provide verification of a current
10 certification from a specialty board approved by the American veterinary
11 medical association. The veterinary practice of any person who is licensed
12 pursuant to this subsection is limited to referrals in the specialty in which
13 the person is board-certified.

14 (2) After November 1, 2000, the board may, upon payment of the fee
15 prescribed under section 54-2107, Idaho Code, license without the ~~clinical~~
16 ~~competency test (CCT)~~ any person who has taken ~~their~~ national examinations
17 prior to this date and has not taken and passed the CCT but has fulfilled,
18 ~~in addition to the other requirements for licensure,~~ the requirements of
19 section 54-2107(5), 54-2107A, or 54-2107B, Idaho Code.

20 (3) The board may require a personal interview of any or all applicants
21 under this section.

22 SECTION 10. That Section [54-2111](#), Idaho Code, be, and the same is hereby
23 repealed.

24 SECTION 11. That Section 54-2112, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 54-2112. EXPIRATION OF LICENSE OR CERTIFICATION -- NOTICE -- RENEWAL
27 -- INACTIVE STATUS. (1) All licenses and certifications shall expire annu-
28 ally on ~~July 1~~ the date established by the board unless renewed in a timely
29 manner by submission of the annual renewal form prescribed by the board, by
30 proof of completion of the appropriate hours of continuing education, by
31 paying the renewal fee, and by meeting other requirements as defined in the
32 rules adopted by of the board and payment of the renewal fee established and
33 published by the board.

34 (2) An expired license or certification may be reinstated by paying the
35 established late fee and renewal fee, and by fulfilling the other require-
36 ments of this section.

37 (3) An expired license or certification not reinstated prior to ~~August~~
38 ~~1~~ thirty (30) days after it has expired will lapse. Individuals whose li-
39 censes or certifications have lapsed must ~~make~~ submit an application to the
40 board as if for a new license or certification.

41 (4) Once a license or certification has expired or lapsed, the person
42 or agency may not practice veterinary medicine or veterinary technology or
43 function as a certified euthanasia technician or agency until the license or
44 certification has been reinstated or until the person or agency has applied
45 for and received a new license or certification.

46 (5) Any veterinarian licensed in Idaho or veterinary technician certi-
47 fied in Idaho who advises the board, in writing, that ~~he~~ the veterinarian or

1 veterinary technician wishes to remain licensed or certified in this state,
 2 but does not intend to actively practice veterinary medicine or veterinary
 3 technology in the state of Idaho and therefore does not intend to meet the
 4 licensing or certification requirements for an active license or certifica-
 5 tion, shall be transferred from active to inactive status and shall be re-
 6 quired to pay inactive status fees as prescribed in the rules of the board.
 7 Any person may transfer from inactive to active status by making written ap-
 8 plication for reinstatement to active status, providing adequate proof of
 9 continued competence if requested by the board, by paying all required fees,
 10 and by meeting other requirements for reinstatement as defined in the rules
 11 of the board.

12 SECTION 12. That Section 54-2115, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 54-2115. GROUNDS FOR DISCIPLINE. The board may refuse to issue, renew
 15 or reinstate the license of a veterinarian, or may deny, revoke, suspend,
 16 sanction, reprimand, restrict, limit, place on probation or require volun-
 17 tary surrender of, the license of a veterinarian, and may fine and impose
 18 other forms of discipline and enter into consent agreements and negotiated
 19 settlements with any licensed veterinarian pursuant to the procedures set
 20 forth in chapter 52, title 67, Idaho Code, for any or all of the following
 21 reasons:

22 (1) The employment of fraud, misrepresentation of a material fact or
 23 deception by an applicant or licensee in:

24 (a) Securing or attempting to secure the issuance or renewal of a li-
 25 cense; ~~or~~

26 (b) Statements regarding the veterinarian's skills or efficacy or
 27 value of any treatment provided or to be provided or using any false,
 28 fraudulent, misleading or deceptive statement connected with the prac-
 29 tice of veterinary medicine including, but not limited to, false or
 30 misleading advertising; ~~or~~

31 (c) Participating in a breach of the ~~n~~North American veterinary licens-
 32 ing examination (NAVLE). The following activity is a violation and con-
 33 stitutes grounds for discipline under this subsection:

34 (i) Written notification from the national board examination
 35 committee (NBEC), or its designee, that the NBEC has nullified the
 36 NAVLE score of the applicant or licensee because the applicant or
 37 licensee has admitted cheating or committing other improprieties
 38 in the taking, administering or processing of the NAVLE; or

39 (ii) Written notification from the NBEC, or its designee, that the
 40 NBEC has obtained a court judgment against the applicant or li-
 41 censee after proving allegations that the applicant or licensee
 42 cheated or committed other improprieties in the taking, adminis-
 43 tering or processing of the NAVLE.

44 (2) Unethical or unprofessional conduct, as defined by section
 45 54-2103, Idaho Code, and as established by the rules of the board, ~~and the~~
 46 ~~code of professional conduct established by the rules of the board.~~

47 (3) Being found guilty, convicted, placed on probation, having entered
 48 a guilty plea that is accepted by the court, forfeiture of bail, bond or col-
 49 lateral deposited to secure a defendant's appearance, or having received a

1 withheld judgment or suspended sentence by a court of competent jurisdiction
2 in this state or any other state of one (1) or more of the following:

3 (a) Any felony as defined in chapter 1, title 18, Idaho Code;

4 (b) Any other criminal act ~~which~~ that in any way is related to the prac-
5 tice of veterinary medicine as defined by section 54-2103, Idaho Code;
6 or

7 (c) Any violation of any federal or state statute, rule or regulation
8 regulating narcotics, dangerous drugs or controlled substances.

9 (4) Medical incompetence in the practice of veterinary medicine, as de-
10 fined by section 54-2103, Idaho Code.

11 (5) Physical or mental incompetence, in the practice of veterinary
12 medicine, as defined in section 54-2103, Idaho Code.

13 (6) Malpractice or negligence, in the practice of veterinary medicine,
14 as defined in section 54-2103, Idaho Code.

15 (7) Aiding or abetting an unlicensed or uncertified person to practice
16 veterinary medicine or veterinary technology or employing or holding such
17 unlicensed person out as being able to practice veterinary medicine or vet-
18 erinary technology.

19 (8) Fraud, dishonesty, failure to report, or gross negligence in the
20 inspection of animals and animal products intended for human consumption,
21 issuance of health or inspection certificates, in the application, vaccina-
22 tion, treatment or reporting of any test for disease in animals, and in re-
23 porting any contagious or infectious disease.

24 (9) Failure to comply with the veterinary standards of practice, as es-
25 tablished by the rules of the board ~~rule~~.

26 (10) Failure to comply with the recordkeeping requirements, as estab-
27 lished by the rules of the board.

28 (11) Cruelty to animals including, but not limited to, the intentional
29 and malicious infliction of pain, physical suffering, injury or death, per-
30 formance of experimental treatments without the owner's consent, depriva-
31 tion of necessary sustenance, withholding of appropriate pain medications
32 or levels of pain medications, or the administration of unnecessary proce-
33 dures and treatment.

34 (12) Infliction of pain on any animal in self-defense, or to prevent
35 physical harm to others, or in accordance with local custom and culture in
36 moving, handling, treating, dehorning, castrating or performing other pro-
37 cedures on livestock, shall not be considered cruel or physically abusive
38 unless done in an unnecessary or intentionally malicious manner. This pro-
39 vision does not alter section 25-3514, Idaho Code.

40 (13) Revocation, suspension, disciplinary sanction, other adverse ac-
41 tion, or failure to report any such adverse action to the board, including
42 voluntary surrender of a license or certificate by virtue of which one is li-
43 censed to practice veterinary medicine in that jurisdiction or country on
44 grounds other than nonpayment of renewal fees.

45 (14) Falsifying or failing to fulfill the continuing education require-
46 ments, as established by the rules of the board.

47 (15) The use, prescription or sale of any controlled substance, veteri-
48 nary legend/prescription drug or prescription of an extra-label use for any
49 human or veterinary drug without a valid veterinarian/client/patient rela-
50 tionship.

1 (16) Charging for services ~~which that~~ were not rendered, charging for
2 services that were not documented in the patient's records, or charging for
3 services that were not consented to by the owner of the patient or the owner's
4 agent.

5 (17) Failure to timely furnish details of a patient's medical record to
6 another veterinarian, hospital, clinic, owner or owner's agent.

7 (18) Failure of any applicant or licensee to cooperate with the board
8 during any investigation, even if such investigation does not personally
9 concern the applicant or licensee.

10 (19) Failure to comply with the terms of any order, negotiated settle-
11 ment or probationary agreement of the board or to pay the costs assessed in a
12 disciplinary matter pursuant to section 54-2105, Idaho Code.

13 (20) Failure to comply with the terms for renewal or to timely pay li-
14 cense, certification or registration renewal fees, as specified by section
15 54-2112, Idaho Code, and the rules of the board.

16 (21) Failure of a licensed veterinarian to exercise proper supervision,
17 as defined by the rules of the board, when supervising a temporary licensee
18 or holder of a temporary certification, a certified veterinary technician, a
19 veterinary technician, a veterinary assistant, a certified euthanasia tech-
20 nician or other person, except in an emergency situation as defined in sec-
21 tion 54-2103, Idaho Code.

22 (22) Delegation of an act pertaining to the practice of veterinary
23 medicine or veterinary technology to an unqualified person, regardless of
24 the supervision provided.

25 (23) Aiding or abetting or violating any of the provisions of this chap-
26 ter or any lawful rule or order of the board.

27 SECTION 13. That Section 54-2118, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 54-2118. VIOLATIONS OF CHAPTER -- REMEDIES AND PENALTIES. In addition
30 to the disciplinary actions set forth in section 54-2115, Idaho Code:

31 (1) Administrative actions.

32 (a) Any person violating the provisions of this chapter, or violating a
33 ~~board rule promulgated by the board to implement the provisions of this~~
34 ~~chapter~~, may be fined by the board or its duly authorized agent not more
35 than five thousand dollars (\$5,000) for each offense; provided that
36 each act on each day of violation shall constitute a separate offense.
37 Imposition of a fine may be made in conjunction with any other board ad-
38 ministrative action. No fine may be assessed unless the person charged
39 was given notice and opportunity for a hearing pursuant to the Idaho
40 administrative procedure act. If a person fined fails to fully pay the
41 fine, investigatory expenses or reasonable paralegal and attorney's
42 fees, the board may recover such amount by action in the appropriate
43 district court. Any assessment for costs and attorney's fees incurred
44 in the investigation and prosecution or defense of a person under this
45 chapter shall be governed by the provisions of section 12-117(5), Idaho
46 Code.

47 (b) The board may establish alternatives to formal disciplinary action
48 for violations of this chapter or board rules that may include a prac-
49 tice remediation program to educate and remediate licensees and cer-

1 tificate holders as a result of practice deficiencies. An alternative
2 to formal discipline may be offered by the board's liaison officer to a
3 licensee or certificate holder when the officer has determined, in ~~his~~
4 the officer's sound discretion, after consultation with and approval of
5 the board president or vice president if the president is unavailable,
6 that animal and public safety will not be compromised and the violation
7 can most appropriately be resolved without formal discipline. To fur-
8 ther the purposes of an alternative to discipline, it will be offered
9 only by or through the liaison officer and, unless the person violates
10 its terms, the full board will not be informed of the alternative to
11 discipline or have to expressly approve its terms. An alternative to
12 formal discipline shall not be available and may not be offered by the
13 liaison officer in any of the following circumstances:

14 (i) Within the preceding five (5) years, the person has been for-
15 mally disciplined by the board or been the subject of an alterna-
16 tive to discipline under this subsection;

17 (ii) The person is currently on probation by the board;

18 (iii) The person is currently under investigation by the board for
19 any other offense;

20 (iv) Felony charges are pending against the person, or the person
21 is the subject of a current criminal investigation involving al-
22 legations that, if verified, may reasonably be expected to affect
23 the person's qualifications or eligibility to remain licensed or
24 certified under this chapter; or

25 (v) The act or omission committed by the person:

26 1. Caused significant harm to an animal;

27 2. Created a substantial risk likely to cause significant
28 harm to an animal; or

29 3. Involved fraud or deception.

30 Among other terms and conditions, an alternative to formal discipline
31 may require the licensee or certificate holder to comply with the in-
32 structions of the board's liaison officer on remedying the violation,
33 pay a monetary civil penalty to the board of up to one thousand dollars
34 (\$1,000) and pay all board investigative expenses and costs associated
35 with the file, if warranted under section 12-117(5), Idaho Code.

36 Upon successful completion of the terms and conditions of the alterna-
37 tive to discipline, the violation shall not be considered "discipline,"
38 shall not be reported to any national disciplinary database, and docu-
39 ments and records related to the violation shall be exempt from disclo-
40 sure under chapter 1, title 74, Idaho Code.

41 (2) Civil court proceedings. The board, the attorney general's of-
42 fice, a county prosecuting attorney or any citizen of this state may bring an
43 action in the district court of either Ada county or any county where a viola-
44 tion is occurring, to enjoin any person from practicing veterinary medicine
45 or practicing as a certified veterinary technician, certified euthanasia
46 technician or any agency operating as a certified euthanasia agency without
47 a currently valid, active license, certification, temporary permit or tem-
48 porary certification. If the court finds that the person is violating the
49 provisions of this chapter, it shall enter an injunction restraining that
50 person from such unlawful acts.

1 (3) Criminal actions. Any person who practices veterinary medicine,
2 any person practicing as a certified veterinary technician, a certified eu-
3 thanasia technician or any agency operating as a certified euthanasia agency
4 without a currently valid, active license, certification, temporary permit
5 or temporary certification shall be guilty of a misdemeanor and upon convic-
6 tion or withheld judgment shall be fined not less than one hundred dollars
7 (\$100), nor more than ten thousand dollars (\$10,000), or incarcerated for no
8 more than one hundred eighty (180) days, or both fined and incarcerated, and
9 provided that each act of such unlawful practice shall constitute a distinct
10 and separate offense.

11 (4) The remedies set forth in this section are not mutually exclusive
12 and a successful action on any one (1) remedy does not preclude action on some
13 or all of the other remedies.