



1                   SENATE BILL NO. 36  
 2                   INTRODUCED BY REA  
 3                   BY REQUEST OF THE DEPARTMENT OF COMMERCE  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSING  
 6 PROCEDURES REGARDING VETERINARIANS; CLARIFYING THE EXEMPTION  
 7 OF PERSONS PERFORMING EMBRYO TRANSFER TECHNOLOGY FROM  
 8 VETERINARY PRACTICE LAW; REMOVING THE REQUIREMENT THAT THE  
 9 BOARD OF VETERINARY MEDICINE SET LICENSING AND EXAMINATION  
 10 FEES EACH YEAR; REMOVING THE REQUIREMENT THAT APPLICANTS FOR  
 11 LICENSURE AS VETERINARIANS OBTAIN A GRADE OF 70 PERCENT IN  
 12 ALL SUBJECTS EXAMINED; AMENDING SECTIONS 37-18-104,  
 13 37-18-302, AND 37-18-303, MCA; AND PROVIDING AN IMMEDIATE  
 14 EFFECTIVE DATE."

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17       **Section 1.** Section 37-18-104, MCA, is amended to read:

18       **"37-18-104. Exemptions -- rules.** (1) This chapter does  
19 not apply to:

20       (a) veterinarians in the performance of their official  
21 duties, either civil or military, in the service of the  
22 United States unless they engage in the practice of  
23 veterinary medicine in a private capacity;

24       (b) laboratory technicians and veterinary research  
25 workers, as distinguished from veterinarians, in the employ

1 of this state or the United States and engaged in labors in  
2 laboratories under the direct supervision of the board of  
3 livestock, Montana state university, or the United States;

4       (c) lawfully qualified veterinarians from other states  
5 or a foreign country meeting legally licensed and registered  
6 Montana veterinarians in this state in consultation;

7       (d) a veterinarian residing on a border of a  
8 neighboring state and authorized under the laws thereof to  
9 practice veterinary medicine therein, who is actually called  
10 to attend cases in this state but who does not open an  
11 office or appoint a place to meet patients or receive calls  
12 in this state, if veterinarians licensed and registered in  
13 this state are extended a like privilege to engage in the  
14 practice of veterinary medicine to the same extent in the  
15 neighboring state;

16       (e) the employment as assistants to veterinarians  
17 licensed and registered under this chapter of veterinary  
18 medical students who have successfully completed 3 years of  
19 the professional curriculum in veterinary medicine at a  
20 college having educational standards equal to those approved  
21 by the American veterinary medical association and  
22 authorized by law to confer degrees; or

23       (f) a person advising with respect to or performing  
24 acts that the board defines by rule as accepted livestock  
25 management practices.



1 (2) The operations known and designated as castrating  
2 or dehorning of cattle, sheep, horses, and swine are not the  
3 practice of veterinary medicine within the meaning of this  
4 chapter.

5 (3) (a) Embryo Nonsurgical embryo transfers in bovines  
6 may be performed, under the supervision of a licensed  
7 veterinarian licensed and residing in Montana, by  
8 individuals who attest to the board that they possess a  
9 combination of 3 years' education, experience, and training  
10 in that procedure.

11 (b) Exemption under subsection (3)(a) remains in effect  
12 until testing and certification procedures, as determined by  
13 board rule, are implemented on or before July 1, 1991. At a  
14 minimum, board rules must address:

- 15 (i) minimum education requirements;
- 16 (ii) minimum requirements of practical experience;
- 17 (iii) continuing education requirements;
- 18 (iv) limitations on practices and procedures that may be  
19 performed by certified individuals;
- 20 (v) the use of specific drugs necessary for safe and  
21 proper practice of certified procedures;
- 22 (vi) content and administration of the certification  
23 test, including written and practical testing;
- 24 (vii) application and reexamination procedures;
- 25 (viii) conduct of certified individuals, including rules

1 for suspension, revocation, and denial of certification; and  
2 (ix) establishment of an advisory committee. The  
3 committee:

4 (A) must consist of:

5 (I) one member of the board who is a veterinarian;

6 (II) one member of the Montana state university  
7 reproductive physiology department;

8 (III) one member representing the Montana stockgrowers  
9 association animal health committee;

10 (IV) one member representing the Montana woolgrowers  
11 association;

12 (V) one reproductive specialist with practical  
13 experience in embryo transfers; and

14 (VI) a veterinarian who is a member of the American  
15 college of theriogenologists;

16 (B) shall make recommendations regarding the testing  
17 and certification procedures. The committee may not adopt  
18 rules.

19 (C) in cooperation with the board, shall conduct a  
20 study of the practice of bovine pregnancy testing and ovine  
21 pregnancy testing with the use of ultrasound equipment. The  
22 study must include but is not limited to:

23 (I) federal laws governing the practice of pregnancy  
24 testing;

25 (II) education and experience requirements for the

1 practice of pregnancy testing; and

2 (III) pregnancy testing by nonveterinarians;

3 (D) terminates July 1, 1991.

4 (4) This chapter does not prohibit a person from caring  
5 for and treating his own farm animals or being assisted in  
6 this treatment by his full-time employees, as defined in  
7 2-18-601, employed in the conduct of his business or by  
8 other persons whose services are rendered gratuitously in  
9 case of emergency.

10 (5) This chapter does not prohibit the selling of  
11 veterinary remedies and instruments by a registered  
12 pharmacist at his regular place of business."

13 **Section 2.** Section 37-18-302, MCA, is amended to read:

14 \*37-18-302. **Application -- qualification -- fee.** A  
15 person desiring to begin the practice of veterinary medicine  
16 or veterinary surgery in this state or who desires to hold  
17 himself out to the public as a practitioner of veterinary  
18 medicine or veterinary surgery, except as provided in  
19 37-18-104, shall make application to the department for a  
20 license to do so. The application shall be on a form  
21 furnished by the department and shall be accompanied by  
22 satisfactory evidence of the good moral character of the  
23 applicant and shall present evidence of his having graduated  
24 in and received a degree from a legally authorized  
25 veterinary medical school having educational standards equal

1 to those approved by the American veterinary medical  
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6 applying for a license to practice shall pay to the  
7 department a nonrefundable fee commensurate with the costs  
8 of the examinations and set ~~annually~~ by the board."

9 **Section 3.** Section 37-18-303, MCA, is amended to read:

10 \*37-18-303. **Examination -- temporary permit pending**  
11 **examination.** (1) Subject to 37-1-101, the board shall by  
12 means of examination, either oral, written, or practical or  
13 a combination of oral, written, or practical as the board  
14 determines, ascertain the professional qualifications for  
15 license of applicants under this part. An investigation  
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17 licensees from other states under 37-18-304. The department  
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21 examination or investigation to be competent.

22 (2) The examination shall be held when determined  
23 necessary by the board, but not less frequently than once  
24 each year at a time and place specified by the board. The  
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1 and therapeutics, animal sanitation, surgery, communicable  
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6 (3) The department shall consecutively number  
 7 applications received, note on each the disposition made of  
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10 (4) Applicants must achieve a grade of 70% in ~~all~~  
 11 ~~subjects~~ in order to obtain a license. An applicant who has  
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 25 permit may not be issued to a person who has failed an

1 examination given under this section."

2 NEW SECTION. **Section 4.** Effective date. [This act] is  
 3 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0036, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising licensing procedures regarding veterinarians; clarifying the exemption of persons performing embryo transfer technology from veterinary practice law; removing the requirement that the Board of Veterinary Medicine set licensing and examination fees each year; removing the requirement that applicants for licensure as veterinarians obtain a grade of 70% in all subjects examined, amending sections 37-18-104, 37-18-302, and 37-18-303, MCA; and providing an immediate effective date.

ASSUMPTIONS:

1. Current license and examination fees will remain in effect until revised by the board.
2. There is no change to the personnel requirements or operations of the Department of Commerce so there is no fiscal impact.

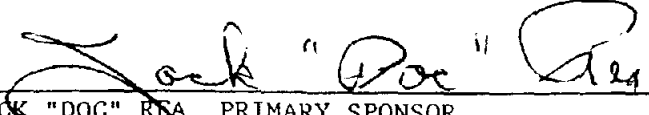
FISCAL IMPACT:

None

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

None

  
\_\_\_\_\_  
ROD SUNDSTED, BUDGET DIRECTOR      1-9-91  
Office of Budget and Program Planning      DATE

  
\_\_\_\_\_  
JACK "DOC" REA, PRIMARY SPONSOR      1-10-91  
DATE  
Fiscal Note for SB0036, as introduced.      **SB 36**

APPROVED BY COMMITTEE  
ON AGRICULTURE LIVESTOCK  
& IRRIGATION

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There are no changes in this bill,  
 and will not be reprinted. Please  
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 text.



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16 under reciprocity arrangements may replace examination for  
17 licensees from other states under 37-18-304. The department  
18 shall issue a license to all who are found to be, in the  
19 judgment of the board, competent to practice. A license may  
20 not be issued to a person who is not found by the  
21 examination or investigation to be competent.

22 (2) The examination shall be held when determined  
23 necessary by the board, but not less frequently than once  
24 each year at a time and place specified by the board. The  
25 examination shall cover theory and practice, pharmacology

1 and therapeutics, animal sanitation, surgery, communicable  
 2 diseases, and other subjects chosen by the board which are  
 3 ordinarily included in the curriculum of a school of  
 4 veterinary medicine recognized and approved by the American  
 5 veterinary medical association.

6 (3) The department shall consecutively number  
 7 applications received, note on each the disposition made of  
 8 it, and preserve them for reference and shall number  
 9 consecutively licenses issued.

10 (4) Applicants must achieve a grade of 70% ~~in all~~  
 11 ~~subjects~~ in order to obtain a license. An applicant who has  
 12 failed an examination may apply to be reexamined at a  
 13 subsequent examination and shall pay another application fee  
 14 commensurate with the costs of the examinations and set  
 15 ~~annually~~ by the board and shall take another complete  
 16 examination in all subjects.

17 (5) An applicant for examination may, in the discretion  
 18 of the board, be given a temporary permit to practice  
 19 veterinary medicine prior to taking the examination if the  
 20 applicant is employed by and working under the supervision  
 21 of and in the same office with a veterinarian licensed under  
 22 this part. The temporary permit is valid only until the date  
 23 of the next examination. Under no circumstances may a second  
 24 temporary permit be issued to the same person. A temporary  
 25 permit may not be issued to a person who has failed an

1 examination given under this section."

2 NEW SECTION. **Section 4. Effective date.** [This act] is  
 3 effective on passage and approval.

-End-