# SENATE BILL NO. 36

# INTRODUCED BY REA BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE SENATE

FIRST READING.

PRINTING REPORT.

ENGROSSING REPORT.

DECEMBER 31, 1990

INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.

JANUARY 7, 1991

JANUARY 17, 1991

JANUARY 18, 1991

JANUARY 19, 1991

THIRD READING, PASSED. AYES, 44; NOES, 1.

SECOND READING, DO PASS.

COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 21, 1991

JANUARY 31, 1991

FEBRUARY 1, 1991

FEBRUARY 2, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 88; NOES, 6.

RETURNED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

52nd Legislature

#### SB 0036/01

SENATE BILL NO. 36 1 2 INTRODUCED BY REA BY REQUEST OF THE DEPARTMENT OF COMMERCE 3 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 VETERINARY PRACTICE LAW; REMOVING THE REQUIREMENT THAT THE 8 9 BOARD OF VETERINARY MEDICINE SET LICENSING AND EXAMINATION FEES EACH YEAR; REMOVING THE REQUIREMENT THAT APPLICANTS FOR 10 LICENSURE AS VETERINARIANS OBTAIN A GRADE OF 70 PERCENT IN 11 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: Section 1. Section 37-18-104, MCA, is amended to read: 17

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

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

24 (b) laboratory technicians and veterinary research25 workers, as distinguished from veterinarians, in the employ

Nontana Legislative Council

SB 0036/01

1 of this state or the United States and engaged in labors in laboratories under the direct supervision of the board of 2 livestock, Montana state university, or the United States; 3 4 (c) lawfully qualified veterinarians from other states 5 or a foreign country meeting legally licensed and registered Montana veterinarians in this state in consultation: 6 7 (d) a veterinarian residing on a border of a в neighboring state and authorized under the laws thereof to 9 practice veterinary medicine therein, who is actually called to attend cases in this state but who does not open an 10 office or appoint a place to meet patients or receive calls 11 12 in this state, if veterinarians licensed and registered in this state are extended a like privilege to engage in the 13 practice of veterinary medicine to the same extent in the 14 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.

# -2- INTRODUCED BILL SB 36

والمراجع والمنتجر والمناجر الراجع الأرا

#### SB 0036/01

(2) The operations known and designated as castrating
 or dehorning of cattle, sheep, horses, and swine are not the
 practice of veterinary medicine within the meaning of this
 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 and21 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

one member of the board who is a veterinarian;

6 (II) one member of the Montana state university7 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 testing17 and certification procedures. The committee may not adopt18 rules.

(C) in cooperation with the board, shall conduct a
study of the practice of bovine pregnancy testing and ovine
pregnancy testing with the use of ultrasound equipment. The
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."

Section 2. Section 37-18-302, MCA, is amended to read: 13 14 \*37-18-302. Application -- gualification -- fee. A person desiring to begin the practice of veterinary medicine 15 or veterinary surgery in this state or who desires to hold 16 himself out to the public as a practitioner of veterinary 17 medicine or veterinary surgery, except as provided in 18 37-18-104, shall make application to the department for a 19 license to do so. The application shall be on a form 20 furnished by the department and shall be accompanied by 21 satisfactory evidence of the good moral character of the 22 applicant and shall present evidence of his having graduated 23 in and received a degree from a legally authorized 24 veterinary medical school having educational standards equal 25

1 to those approved by the American veterinary medical association. On application, a photostatic copy of the 2 3 diploma of the applicant shall be submitted to the department for inspection and verification. The photostatic 4 5 copy remains the property of the department. A person applying for a license to practice shall pay to the 6 department a nonrefundable fee commensurate with the costs 7 of the examinations and set annually by the board." 8

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

10 "37-18-303. Examination -- temporary permit pending **examination.** (1) Subject to 37-1-101, the board shall by 11 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 license of applicants under this part. An investigation 15 under reciprocity arrangements may replace examination for 16 licensees from other states under 37-18-304. The department 17 shall issue a license to all who are found to be, in the 18 19 judgment of the board, competent to practice. A license may not be issued to a person who is not found by the 20 examination or investigation to be competent. 21

(2) The examination shall be held when determined
necessary by the board, but not less frequently than once
each year at a time and place specified by the board. The
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 veterinary medicine prior to taking the examination if the 19 20 applicant is employed by and working under the supervision of and in the same office with a veterinarian licensed under 21 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 SB 0036/01

- 1 examination given under this section."
- 2 NEW SECTION. Section 4. Effective date. [This act] is
- 3 effective on passage and approval.

-End-

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STATE OF MONTANA - FISCAL NOTE Form BD-15 In compliance with a written request, there is hereby submitted a Fiscal Note for <u>SB0036</u>, <u>as int</u>roduced.

## 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

DATE

ROD SUNDSTED, BUDGET DIRECTOR Office of Budget and Program Planning

JACK "DOC" PRIMARY SPONSOR DATE REA.

5B 36

Fiscal Note for SB0036, as introduced.

	egislature SB 0036/01		SB 0036/01
	APPROVED BY COMMITTEE ON AGRICULTURE LIVESTOCK & IRRIGATION		
1	SENATE BILL NO. 36	1	of this state or the United States and engaged in labors in
2	INTRODUCED BY REA	2	laboratories under the direct supervision of the board of
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE	3	livestock, Montana state university, or the United States;
4		4	(c) lawfully qualified veterinarians from other states
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSING	5	or a foreign country meeting legally licensed and registered
6	PROCEDURES REGARDING VETERINARIANS; CLARIFYING THE EXEMPTION	6	Montana veterinarians in this state in consultation;
7	OF PERSONS PERFORMING EMBRYO TRANSFER TECHNOLOGY FROM	7	(d) a veterinarian residing on a border of a
8	VETERINARY PRACTICE LAW; REMOVING THE REQUIREMENT THAT THE	8	neighboring state and authorized under the laws thereof to
9	BOARD OF VETERINARY MEDICINE SET LICENSING AND EXAMINATION	9	practice veterinary medicine therein, who is actually called
10	FEES EACH YEAR; REMOVING THE REQUIREMENT THAT APPLICANTS FOR	10	to attend cases in this state but who does not open an
11	LICENSURE AS VETERINARIANS OBTAIN A GRADE OF 70 PERCENT IN	11	office or appoint a place to meet patients or receive calls
12	ALL SUBJECTS EXAMINED; AMENDING SECTIONS 37-18-104,	12	in this state, if veterinarians licensed and registered in
13	37-18-302, AND 37-18-303, MCA; AND PROVIDING AN IMMEDIATE	13	this state are extended a like privilege to engage in the
14	EFFECTIVE DATE."	14	practice of veterinary medicine to the same extent in the
15		15	neighboring state;
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	16	(e) the employment as assistants to veterinarians
17	Section 1. Section 37-18-104, MCA, is amended to read:	17	licensed and registered under this chapter of veterinary
1.8		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
9 10 11 12 13 14 15 16	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 PERCENT IN ALL SUBJECTS EXAMINED; AMENDING SECTIONS 37-18-104, 37-18-302, AND 37-18-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."	9 10 11 12 13 14 15 16 17 18 19 20	practice veterinary medicine therein, who is actually c to attend cases in this state but who does not ope office or appoint a place to meet patients or receive in this state, if veterinarians licensed and registered this state are extended a like privilege to engage is practice of veterinary medicine to the same extent in neighboring state; (e) the employment as assistants to veterina licensed and registered under this chapter of veter medical students who have successfully completed 3 yea the professional curriculum in veterinary medicine a college having educational standards equal to those app

United States unless they engage in the practice of

workers, as distinguished from veterinarians, in the employ

(b) laboratory technicians and veterinary research

veterinary medicine in a private capacity;

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24

25

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

> SECOND READING -2-SB 36



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

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1 examination given under this section."

2 NEW SECTION. Section 4. Effective date. [This act] is

3 effective on passage and approval.

-End-

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52nd Legislature

1 2

3 4 5 SENATE BILL NO. 36 INTRODUCED BY REA BY REQUEST OF THE DEPARTMENT OF COMMERCE A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSING

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25 workers, as distinguished from veterinarians, in the employ



SB 0036/01

There are no changes in this bill, and will not be reprinted. Please refer to yellow copy for complete text.



2

SB 0036/02

SENATE BILL NO. 36 1 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 PERSONS PERFORMING EMBRYO TRANSFER TECHNOLOGY FROM OF VETERINARY PRACTICE LAW; REMOVING THE REQUIREMENT THAT THE 8 9 BOARD OF VETERINARY MEDICINE SET LICENSING AND EXAMINATION 10 FEES EACH YEAR; REMOVING THE REQUIREMENT THAT APPLICANTS FOR LICENSURE AS VETERINARIANS OBTAIN A GRADE OF 70 PERCENT IN 11 AMENDING SECTIONS 37-18-104, 12 ALL SUBJECTS EXAMINED; 13 37-18-302, AND 37-18-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 14 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:

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REFERENCE BILL

SB 0036/02

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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 permit may not be issued to a person who has failed an 25

1 examination given under this section."

2 NEW SECTION. Section 4. Effective date. [This act] is

3 effective on passage and approval.

-End-

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