

1 *Knopp*  
 2 *House* BILL NO. *261*  
 3 INTRODUCED BY *Jack Thron* *Johnston* *Bertelsen*  
 4 *Leater* *Murphy* *Manuel* *Underdal* *Johnson*  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE  
 6 PRACTICE OF VETERINARY TECHNOLOGY; TO INCREASE THE NUMBER OF  
 7 MEMBERS ON THE BOARD OF VETERINARIANS FROM FIVE (5) TO SIX  
 8 (6) BY AMENDING SECTIONS 82A-1602 AND 66-2202, R.C.M. 1947;  
 9 TO PROVIDE FOR CONTINUING EDUCATION AND INCREASE THE LICENSE  
 10 FEE BY AMENDING SECTION 66-2207, R.C.M. 1947; AND TO CHANGE  
 11 THE DEFINITION OF VETERINARY MEDICINE BY AMENDING SECTIONS  
 12 66-2209 AND 66-2211, R.C.M. 1947."

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. There is a new R.C.M. section that reads as  
15 follows:

16 Veterinary technicians -- definitions -- examinations.

17 (1) The board of veterinarians may also issue to qualified  
18 applicants licenses for the practice of veterinary  
19 technology, to be known as veterinary technicians.

20 (2) As used in this act:

21 (a) "Veterinary technician" means a person determined  
22 by the board to be qualified by education and training to  
23 provide limited veterinary services under the direct  
24 supervision of a licensed veterinarian who shall be  
25 responsible for the performance of that technician;

1 provided, however, that nothing in this act permits the  
2 board or any licensed veterinarian to delegate any of the  
3 following duties or functions: (i) diagnosis;  
4 (ii) prognosis; (iii) prescription; or (iv) surgery.

5 (b) "Direct supervision" means an order by the  
6 supervising licensed veterinarian to the veterinary  
7 technician, with notice to the client, to perform a specific  
8 function for that client within the veterinarian's routine  
9 practice, with a follow-up by the veterinarian to evaluate  
10 and determine the quality and effectiveness of the function  
11 performed and with all billing for such services to be made  
12 by the veterinarian. In practice in the field, as  
13 distinguished from practice in an office, hospital, or  
14 clinic, the veterinary technician must be accompanied by the  
15 supervising veterinarian.

16 (3) Each candidate for examination as a veterinary  
17 technician shall file in his full name an application for  
18 examination with the board at least thirty (30) days before  
19 the date set by the board for the commencement of the  
20 examination and at the time of making the application shall  
21 pay the board a fee of twenty-five dollars (\$25). The  
22 applicant shall furnish satisfactory proof that he is of  
23 good moral character and has earned a diploma or certificate  
24 from a school of veterinary technology offering a course of  
25 study recognized and approved by the board of veterinarians,

1 as well as such other information as may be required by the  
2 board.

3 (4) The board shall adopt uniform rules within the  
4 limitations of this act, governing the matter of  
5 examinations for license to practice veterinary technology  
6 in the state of Montana, which examinations shall be open to  
7 any applicant meeting the requirements of this act, and  
8 shall also provide in such rules for giving reasonable  
9 notice of the time and place where examinations shall be  
10 held.

11 (5) A person who can produce satisfactory evidence  
12 that he has been employed as a veterinary technician in the  
13 office of a regularly licensed veterinarian in the state of  
14 Montana for two (2) or more years prior to the passage of  
15 this act, may, upon payment of a fee of twenty-five dollars  
16 (\$25), be granted a certificate to practice by the board of  
17 veterinarians; provided that if the board in its discretion  
18 finds that animal health and the public interest so require,  
19 the board may require the applicant to pass a practical  
20 examination in veterinary technology. A certificate must be  
21 secured before such person may continue practice as a  
22 veterinary technician.

23 (6) Each applicant who passes the examination  
24 prescribed by the board shall be granted a license as a  
25 veterinary technician and shall be registered as such in a

1 record kept by the board, and shall receive a certificate in  
2 a form to be prescribed by the board.

3 (7) A licensed veterinary technician may practice in  
4 the office of and under the direct supervision of a legally  
5 licensed and actively practicing veterinarian or in a  
6 department of state government in which a legally licensed  
7 veterinarian is present to exercise direct supervision.

8 (8) Each licensed veterinary technician shall  
9 annually, on or before July 1, procure from the board a  
10 certificate of annual registration. The fee for annual  
11 registration shall be fixed by the board, not exceeding the  
12 sum of ten dollars (\$10). Failure of a licensee to procure  
13 a certificate of registration on or before July 1 shall  
14 constitute a forfeiture of the license.

15 (9) Each licensed veterinary technician shall keep the  
16 board informed of his address, the name and address of the  
17 licensed veterinarian or of the state department which is  
18 his employer, and such other information as the board may by  
19 rule require.

20 Section 2. There is a new R.C.M. section that reads as  
21 follows:

22 Denial, suspension and revocation of licenses or  
23 certificates. The board may deny or suspend or revoke any  
24 license or certificate of registration upon the grounds that  
25 the applicant or veterinary technician is guilty of:

1 (1) soliciting patients for any practitioner of the  
2 healing arts;

3 (2) soliciting or receiving any form of compensation  
4 from any person other than his registered employer for  
5 performing as a veterinary technician;

6 (3) willfully or negligently divulging a professional  
7 confidence or discussing a veterinarian's diagnosis, or  
8 treatment, without the express permission of the  
9 veterinarian;

10 (4) any offense punishable by incarceration in a state  
11 penitentiary or federal prison. A copy of the record of  
12 conviction, certified to by the clerk of the court entering  
13 the conviction, shall be conclusive evidence, provided that  
14 at the conclusion of state supervision imposed as a  
15 consequence of such conviction the board shall not consider  
16 the conviction upon reapplication for a license or  
17 certificate;

18 (5) the habitual or excessive use of intoxicants or  
19 drugs;

20 (6) fraud or misrepresentation in applying for or  
21 procuring a certificate of qualification to perform as a  
22 veterinary technician, or in applying for or procuring an  
23 annual registration;

24 (7) impersonating another person registered as a  
25 veterinary technician or allowing any person to use his

1 certificate of qualification or registration;

2 (8) aiding or abetting the practice of veterinary  
3 medicine by a person not licensed by the board;

4 (9) gross negligence in the performance of duties,  
5 tasks or functions assigned to him by a licensed  
6 veterinarian;

7 (10) manifest incapacity or incompetence to perform as  
8 a veterinary technician.

9 Section 3. There is a new R.C.M. section that reads as  
10 follows:

11 Injunction. The board or any person may bring an action  
12 in the district court to enjoin any person who is not  
13 licensed from engaging in the practice of veterinary  
14 medicine or veterinary technology. If the court finds that  
15 the defendant is violating, or threatening to violate, any  
16 provision of Title 66, chapter 22, R.C.M. 1947, it shall  
17 enter an order restraining him from the violation, without  
18 regard to any criminal provisions of Title 66, chapter 22,  
19 R.C.M. 1947.

20 Section 4. Section 82A-1602.24, R.C.M. 1947, is  
21 amended to read as follows:

22 "82A-1602.24. Board of veterinarians -- appointment --  
23 qualifications -- term -- removal. (1) There is a board of  
24 veterinarians.

25 (2) The board consists of ~~five~~ six (6) members

1 appointed by the governor, five (5) of whom shall be  
 2 licensed veterinarians and one (1) of whom shall be a public  
 3 member who is a consumer of veterinary services and who  
 4 shall not be a licentiate of the board or of any other board  
 5 under the department of professional and occupational  
 6 licensing.

7 (3) The Montana state veterinary medical association  
 8 shall, at each annual meeting, nominate twice the number of  
 9 veterinarian board members to be appointed that year. The  
 10 names of these nominees shall be annually transmitted, under  
 11 seal, to the governor before July 1. The governor shall,  
 12 before August 1, appoint from this list the board members to  
 13 fill the vacancies that will occur July 31. If no nominee  
 14 has the required qualifications to be on the board, the  
 15 governor may appoint any licensed and registered  
 16 veterinarian.

17 ~~(3)~~ (4) Each veterinarian member shall be a reputable  
 18 licensed veterinarian who has graduated from a college  
 19 authorized by law to confer degrees, and have educational  
 20 standards equal to those approved by the American veterinary  
 21 medical association. Each veterinarian member shall have  
 22 actually and legally practiced veterinary medicine in either  
 23 private practice or public service in this state for at  
 24 least five (5) years immediately before his appointment.

25 ~~(4)~~ (5) Each member shall serve for a term of five (5)

1 years. The governor may, after notice and hearing, remove a  
 2 member for misconduct, incapacity, or neglect of duty."

3 Section 5. Section 66-2202, R.C.M. 1947, is amended to  
 4 read as follows:

5 "66-2202. Organization of board--quorum--powers. (1) A  
 6 board member shall receive a certificate of appointment from  
 7 the governor.

8 (2) The board shall annually elect from its members a  
 9 president, vice-president, and secretary-treasurer, and  
 10 shall hold at least two (2) regular meetings each year. At a  
 11 meeting ~~three-(3)~~ four (4) members of the board constitute a  
 12 quorum. If a member of the board, without cause, absents  
 13 himself from two (2) of its regular meetings consecutively,  
 14 his office is vacant.

15 (3) The board may adopt rules and orders necessary for  
 16 the performance of its duties; prescribe forms for  
 17 application for examination and license; prepare  
 18 examinations and the department shall, subject to section  
 19 82A-1603, supervise the examination of applicants for  
 20 license to practice veterinary medicine; obtain the services  
 21 of professional examination agencies instead of its own  
 22 preparation of examinations; and grant and revoke licenses.

23 (4) The department may employ attorneys, subject to the  
 24 approval of the attorney general, to assist county attorneys  
 25 in prosecutions brought under this chapter in the respective

1 district courts of the state or to assist the attorney  
2 general in representing the board before the supreme court."

3 Section 6. Section 66-2207, R.C.M. 1947, is amended to  
4 read as follows:

5 "66-2207. Issuance, registration and reinstatement of  
6 licenses. (1) The board shall, at the conclusion of a  
7 regular examination or after investigation under the  
8 reciprocity arrangements of section 66-2208, if in its  
9 judgment the applicant is qualified, authorize the  
10 department to issue a license to practice veterinary  
11 medicine.

12 (2) Every license granted shall be issued under seal,  
13 and shall be signed by the president and secretary-treasurer  
14 of the board, and shall state that the licensee has given  
15 satisfactory evidence of fitness as to age, character,  
16 veterinary medical education, and other matters required by  
17 law, and that after full examination or investigation under  
18 reciprocity arrangements he has been found qualified to  
19 practice.

20 (3) A person licensed to practice veterinary medicine  
21 in this state shall procure from the department before July  
22 1, annually, his certificate of registration. The  
23 certificate shall be issued by the department on the payment  
24 of a fee to be fixed annually by the board, not exceeding  
25 the sum of ~~ten-dollars-(\$10)~~ twenty-five dollars (\$25) and

1 the presentation of evidence satisfactory to the board that  
2 the licensee, in the year preceding the application for  
3 renewal, attended an educational program approved by the  
4 board. However, the board may authorize the department to  
5 issue renewals, but not consecutive renewals, on a showing  
6 satisfactory to the board that attendance at the educational  
7 programs was unavoidably prevented; and new licensees who  
8 secure licenses by examination during the six (6) months  
9 preceding July 1 shall be granted renewals without attending  
10 the educational programs. The certificate is prima facie  
11 evidence of the right of the holder to practice veterinary  
12 medicine in this state during the time for which it is  
13 issued. Failure of a person licensed to procure a  
14 certificate of registration before July 1 annually  
15 constitutes a forfeiture of the license held by the person.  
16 A person who has thus forfeited his license may have it  
17 restored to him by making written application for  
18 restoration within one (1) year of the forfeiture setting  
19 forth the reasons for failure to procure the certificate of  
20 registration at the time specified and accompanied by  
21 payment of the registration fee provided for in this section  
22 and an additional restoration fee not in excess of ~~ten~~  
23 dollars---(~~\$10~~) twenty-five dollars (\$25) as the board  
24 requires and by presentation of evidence satisfactory to the  
25 board that he has fulfilled the continuing educational

1 requirements required of all licensees recited above. The  
 2 person making application for restoration of license within  
 3 one (1) year of its forfeiture is not required to submit to  
 4 examination.

5 (4) Notwithstanding any other provisions in this  
 6 chapter, a person licensed who enters, or is called to  
 7 active duty by, a branch of the armed services of the United  
 8 States is entitled to receive automatic registration of his  
 9 license during the period of his duty with the armed  
 10 services. However, within one (1) year after release or  
 11 discharge from duty in the armed services he shall procure a  
 12 certificate of renewal from the department and pay the  
 13 regular fee. Failure to procure the certificate of renewal  
 14 within one (1) year after release or discharge is the  
 15 equivalent of a failure to procure a certificate of  
 16 registration before July 1 of any year, and the same  
 17 forfeiture and restoration requirements apply.

18 (5) A person licensed shall at all times have his  
 19 residence and office address on file with the department."

20 Section 7. Section 66-2209, R.C.M. 1947, is amended to  
 21 read as follows:

22 "66-2209. Veterinary medicine defined. (1) A person is  
 23 considered practicing veterinary medicine when he does any  
 24 of the following:

25 (a) Represents himself as or is engaged in the practice

1 of veterinary medicine in any of its branches either  
 2 directly or indirectly.

3 (b) Uses words, titles, or letters in this connection  
 4 or on a display or advertisement or under circumstances so  
 5 as to induce the belief the person using them is engaged in  
 6 the practice of veterinary medicine. This use is prima facie  
 7 evidence of the intention to represent oneself as engaged in  
 8 the practice of veterinary medicine in any of its branches.

9 (c) Diagnoses, prescribes, or administers a drug,  
 10 medicine, appliance, application, or treatment of whatever  
 11 nature, or performs a surgical operation or manipulation,  
 12 for the prevention, cure, or relief of a pain, deformity,  
 13 wound, fracture, bodily injury, physical condition, or  
 14 disease of animals.

15 (d) Instructs, demonstrates, or solicits, by a notice,  
 16 sign, or other indication, with contract either express or  
 17 implied, or otherwise, with or without the necessary  
 18 instruments for the administration of biologics or medicines  
 19 or animal disease cures for the prevention and treatment of  
 20 disease of animals and remedies for the treatment of  
 21 internal parasites in animals.

22 (e) Performs a manual or laboratory procedure for the  
 23 diagnosis of pregnancy, sterility, or infertility on  
 24 livestock for remuneration or hire.

25 (f) Performs acupuncture or ova transfer or animals.

1       (g) Instructs others for compensation in any manner how  
 2       to perform any acts which constitute the practice of  
 3       veterinary medicine.

4       (2) A person may not practice veterinary medicine or  
 5       veterinary surgery in this state unless licensed, and  
 6       registered as required by this chapter; nor may a person  
 7       practice veterinary medicine or surgery whose authority to  
 8       practice is suspended or revoked by the board."

9       Section 8. Section 66-2211, R.C.M. 1947, is amended to  
 10       read as follows:

11       \*66-2211. Interpretation of statute--persons not  
 12       embraced within provisions. This chapter does not apply to:

13       (1) Veterinarians in the performance of their official  
 14       duties, either civil or military, in the service of the  
 15       United States, unless they engage in the practice of  
 16       veterinary medicine in a private capacity.

17       (2) Laboratory technicians and veterinary research  
 18       workers, as distinguished from veterinarians, in the employ  
 19       of this state, or the United States, and engaged in labors  
 20       in laboratories under the direct supervision of the board of  
 21       livestock, Montana state university or the United States.

22       (3) Lawfully qualified veterinarians from other states  
 23       or a foreign country meeting legally licensed and registered  
 24       Montana veterinarians in this state in consultation.

25       (4) A veterinarian residing on a border of a

1       neighboring state and authorized under the laws thereof to  
 2       practice veterinary medicine therein, who is actually called  
 3       to attend cases in this state, but who does not open an  
 4       office or appoint a place to meet patients or receive calls  
 5       in this state, if veterinarians licensed and registered in  
 6       this state are extended a like privilege to engage in the  
 7       practice of veterinary medicine to the same extent in the  
 8       neighboring state.

9       (5) The employment of veterinary medical students who  
 10       have successfully completed three (3) years of the  
 11       professional curriculum in veterinary medicine at a college  
 12       having educational standards equal to those approved by the  
 13       American veterinary medical association and authorized by  
 14       law to confer degrees as assistants to veterinarians  
 15       licensed and registered under this chapter. However, this  
 16       employment may not be contracted for or entered into except  
 17       after written application for approval directed to the board  
 18       and the written grant of approval by the board. This  
 19       employment may not be for a period in excess of six (6)  
 20       months from the date of completion of the third year of  
 21       study.

22       (6) The operations known and designated as ~~spaying~~,  
 23       castrating, or dehorning of cattle, sheep, ~~horses~~, and  
 24       swine ~~and related species~~ are not the practice of veterinary  
 25       medicine within the meaning of this chapter.

1           (7) This chapter does not prohibit a person from  
2 treating his own farm animals or being assisted in this  
3 treatment by his employees regularly employed in the conduct  
4 of his business, or by other persons whose services are  
5 rendered gratuitously in case of emergency.

6           (8) This chapter does not prohibit the selling of  
7 veterinary remedies and instruments by a registered  
8 pharmacist at his regular place of business."

-End-



Approved by Committee  
on Public Health, Welfare  
& Safety

HOUSE BILL NO. 261

INTRODUCED BY JACK MOORE, JOHNSTON, BERTELSEN, KROPP,  
LESTER, MURPHY, MANUEL, UNDERDAL, JACOBSEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE  
PRACTICE OF VETERINARY TECHNOLOGY; TO INCREASE THE NUMBER OF  
MEMBERS ON THE BOARD OF VETERINARIANS FROM FIVE (5) TO SIX  
(6) BY AMENDING SECTIONS ~~62A-1602~~ 82A-1602.24 AND 66-2202,  
R.C.M. 1947; TO PROVIDE FOR CONTINUING EDUCATION AND  
INCREASE THE LICENSE FEE BY AMENDING SECTION 66-2207, R.C.M.  
1947; AND TO CHANGE THE DEFINITION OF VETERINARY MEDICINE BY  
AMENDING SECTIONS 66-2209 AND 66-2211, R.C.M. 1947."

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

Section 1. There is a new R.C.M. section that reads as  
follows:

Veterinary technicians -- definitions -- examinations.

(1) The board of veterinarians may also issue to qualified  
applicants licenses for the practice of veterinary  
technology, to be known as veterinary technicians.

(2) As used in this act:

(a) "Veterinary technician" means a person determined  
by the board to be qualified by education and training to  
provide limited veterinary services under the direct  
supervision of a licensed veterinarian who shall be

responsible for the performance of that technician;  
provided, however, that nothing in this act permits the  
board or any licensed veterinarian to delegate any of the  
following duties or functions: (i) diagnosis;  
(ii) prognosis; (iii) prescription; or (iv) surgery.

(b) "Direct supervision" means an order by the  
supervising licensed veterinarian to the veterinary  
technician, with notice to the client, to perform a specific  
function for that client within the veterinarian's routine  
practice, with a follow-up by the veterinarian to evaluate  
and determine the quality and effectiveness of the function  
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by the veterinarian. ~~In--practice--in--the--field,--as  
distinguished--from--practice--in--an--office,--hospital,--or  
clinic,--the--veterinary--technician--must--be--accompanied--by--the  
supervising--veterinarian.~~

(3) Each candidate for examination as a veterinary  
technician shall file in his full name an application for  
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examination and at the time of making the application shall  
pay the board a fee of twenty-five dollars (\$25). The  
applicant shall furnish satisfactory proof that he is of  
good moral character and has earned a diploma or certificate  
from a school of veterinary technology offering a course of

1 study recognized and approved by the board of veterinarians,  
2 as well as such other information as may be required by the  
3 board.

4 (4) The board shall adopt uniform rules within the  
5 limitations of this act, governing the matter of  
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7 in the state of Montana, which examinations shall be open to  
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11 held.

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19 finds that animal health and the public interest so require,  
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21 examination in veterinary technology. A certificate must be  
22 secured before such person may continue practice as a  
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 11 shall hold at least two (2) regular meetings each year. At a  
 12 meeting ~~three-(3)~~ four (4) members of the board constitute a  
 13 quorum. If a member of the board, without cause, absents  
 14 himself from two (2) of its regular meetings consecutively,  
 15 his office is vacant.

16           (3) The board may adopt rules and orders necessary for  
 17 the performance of its duties; prescribe forms for  
 18 application for examination and license; prepare  
 19 examinations and the department shall, subject to section  
 20 82A-1603, supervise the examination of applicants for  
 21 license to practice veterinary medicine; obtain the services  
 22 of professional examination agencies instead of its own  
 23 preparation of examinations; and grant and revoke licenses.

24           (4) The department may employ attorneys, subject to  
 25 the approval of the attorney general, to assist county

1 attorneys in prosecutions brought under this chapter in the  
 2 respective district courts of the state or to assist the  
 3 attorney general in representing the board before the  
 4 supreme court."

5 Section 6. Section 66-2207, R.C.M. 1947, is amended to  
 6 read as follows:

7 "66-2207. Issuance, registration and reinstatement of  
 8 licenses. (1) The board shall, at the conclusion of a  
 9 regular examination or after investigation under the  
 10 reciprocity arrangements of section 66-2208, if in its  
 11 judgment the applicant is qualified, authorize the  
 12 department to issue a license to practice veterinary  
 13 medicine.

14 (2) Every license granted shall be issued under seal,  
 15 and shall be signed by the president and secretary-treasurer  
 16 of the board, and shall state that the licensee has given  
 17 satisfactory evidence of fitness as to age, character,  
 18 veterinary medical education, and other matters required by  
 19 law, and that after full examination or investigation under  
 20 reciprocity arrangements he has been found qualified to  
 21 practice.

22 (3) A person licensed to practice veterinary medicine  
 23 in this state shall procure from the department before July  
 24 1, annually, his certificate of registration. The  
 25 certificate shall be issued by the department on the payment

1 of a fee to be fixed annually by the board, not exceeding  
 2 the sum of ~~ten dollars--(\$10)~~ twenty-five dollars (\$25) and  
 3 the presentation of evidence satisfactory to the board that  
 4 the licensee, in the year preceding the application for  
 5 renewal, attended an educational program approved by the  
 6 board. However, the board may authorize the department to  
 7 issue renewals, but not consecutive renewals, on a showing  
 8 satisfactory to the board that attendance at the educational  
 9 programs was unavoidably prevented; and new licensees who  
 10 secure licenses by examination during the six (6) months  
 11 preceding July 1 shall be granted renewals without attending  
 12 the educational programs. The certificate is prima facie  
 13 evidence of the right of the holder to practice veterinary  
 14 medicine in this state during the time for which it is  
 15 issued. Failure of a person licensed to procure a  
 16 certificate of registration before July 1 annually  
 17 constitutes a forfeiture of the license held by the person.  
 18 A person who has thus forfeited his license may have it  
 19 restored to him by making written application for  
 20 restoration within one (1) year of the forfeiture setting  
 21 forth the reasons for failure to procure the certificate of  
 22 registration at the time specified and accompanied by  
 23 payment of the registration fee provided for in this section  
 24 and an additional restoration fee not in excess of ~~ten~~  
 25 ~~dollars---~~ twenty-five dollars (\$25) as the board

1 requires and by presentation of evidence satisfactory to the  
 2 board that he has fulfilled the continuing educational  
 3 requirements required of all licensees recited above. The  
 4 person making application for restoration of license within  
 5 one (1) year of its forfeiture is not required to submit to  
 6 examination.

7 (4) Notwithstanding any other provisions in this  
 8 chapter, a person licensed who enters, or is called to  
 9 active duty by, a branch of the armed services of the United  
 10 States is entitled to receive automatic registration of his  
 11 license during the period of his duty with the armed  
 12 services. However, within one (1) year after release or  
 13 discharge from duty in the armed services he shall procure a  
 14 certificate of renewal from the department and pay the  
 15 regular fee. Failure to procure the certificate of renewal  
 16 within one (1) year after release or discharge is the  
 17 equivalent of a failure to procure a certificate of  
 18 registration before July 1 of any year, and the same  
 19 forfeiture and restoration requirements apply.

20 (5) A person licensed shall at all times have his  
 21 residence and office address on file with the department."

22 Section 7. Section 66-2209, R.C.M. 1947, is amended to  
 23 read as follows:

24 "66-2209. Veterinary medicine defined. (1) A person is  
 25 considered practicing veterinary medicine when he does any

1 of the following:

2 (a) Represents himself as or is engaged in the  
 3 practice of veterinary medicine in any of its branches  
 4 either directly or indirectly.

5 (b) Uses words, titles, or letters in this connection  
 6 or on a display or advertisement or under circumstances so  
 7 as to induce the belief the person using them is engaged in  
 8 the practice of veterinary medicine. This use is prima facie  
 9 evidence of the intention to represent oneself as engaged in  
 10 the practice of veterinary medicine in any of its branches.

11 (c) Diagnoses, prescribes, or administers a drug,  
 12 medicine, appliance, application, or treatment of whatever  
 13 nature, or performs a surgical operation or manipulation,  
 14 for the prevention, cure, or relief of a pain, deformity,  
 15 wound, fracture, bodily injury, physical condition, or  
 16 disease of animals.

17 (d) Instructs, demonstrates, or solicits, by a notice,  
 18 sign, or other indication, with contract either express or  
 19 implied, or otherwise, with or without the necessary  
 20 instruments for the administration of biologics or medicines  
 21 or animal disease cures for the prevention and treatment of  
 22 disease of animals and remedies for the treatment of  
 23 internal parasites in animals.

24 (e) Performs a manual or laboratory procedure for the  
 25 diagnosis of pregnancy, sterility, or infertility on

1 livestock for remuneration or hire.

2 (f) Performs acupuncture or ova transfer on animals.

3 (g) Instructs others for compensation in any manner  
 4 how to perform any acts which constitute the practice of  
 5 veterinary medicine.

6 (2) A person may not practice veterinary medicine or  
 7 veterinary surgery in this state unless licensed, and  
 8 registered as required by this chapter; nor may a person  
 9 practice veterinary medicine or surgery whose authority to  
 10 practice is suspended or revoked by the board."

11 Section 8. Section 66-2211, R.C.M. 1947, is amended to  
 12 read as follows:

13 "66-2211. Interpretation of statute -- persons not  
 14 embraced within provisions. This chapter does not apply to:

15 (1) Veterinarians in the performance of their official  
 16 duties, either civil or military, in the service of the  
 17 United States, unless they engage in the practice of  
 18 veterinary medicine in a private capacity.

19 (2) Laboratory technicians and veterinary research  
 20 workers, as distinguished from veterinarians, in the employ  
 21 of this state, or the United States, and engaged in labors  
 22 in laboratories under the direct supervision of the board of  
 23 livestock, Montana state university or the United States.

24 (3) Lawfully qualified veterinarians from other states  
 25 or a foreign country meeting legally licensed and registered

1 Montana veterinarians in this state in consultation.

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

11 (5) The employment of veterinary medical students who  
 12 have successfully completed three (3) years of the  
 13 professional curriculum in veterinary medicine at a college  
 14 having educational standards equal to those approved by the  
 15 American veterinary medical association and authorized by  
 16 law to confer degrees as assistants to veterinarians  
 17 licensed and registered under this chapter. However, this  
 18 employment may not be contracted for or entered into except  
 19 after written application for approval directed to the board  
 20 and the written grant of approval by the board. This  
 21 employment may not be for a period in excess of six (6)  
 22 months from the date of completion of the third year of  
 23 study.

24 (6) The operations known and designated as ~~spaying,~~  
 25 ~~castrating,~~ or dehorning of cattle, sheep, ~~horses,~~ HORSES,

1 ~~and swine and--related--species~~ are not the practice of  
2 veterinary medicine within the meaning of this chapter.

3 (7) This chapter does not prohibit a person from  
4 treating his own farm animals or being assisted in this  
5 treatment by his employees regularly employed in the conduct  
6 of his business, or by other persons whose services are  
7 rendered gratuitously in case of emergency.

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

-End-



## 1 HOUSE BILL NO. 261

2 INTRODUCED BY JACK MOORE, JOHNSTON, BERTELSEN, KROPP,

3 LESTER, MURPHY, MANUEL, UNDERDAL, JACOBSEN

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE  
6 PRACTICE OF VETERINARY TECHNOLOGY; TO INCREASE THE NUMBER OF  
7 MEMBERS ON THE BOARD OF VETERINARIANS FROM FIVE (5) TO SIX  
8 (6) BY AMENDING SECTIONS ~~82A-1602~~ 82A-1602.24 AND 66-2202,  
9 R.C.M. 1947; TO PROVIDE FOR CONTINUING EDUCATION AND  
10 INCREASE THE LICENSE FEE BY AMENDING SECTION 66-2207, R.C.M.  
11 1947; AND TO CHANGE THE DEFINITION OF VETERINARY MEDICINE BY  
12 AMENDING SECTIONS 66-2209 AND 66-2211, R.C.M. 1947."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:15 Section 1. There is a new R.C.M. section that reads as  
16 follows:

17 Veterinary technicians -- definitions -- examinations.

18 (1) The board of veterinarians may also issue to qualified  
19 applicants licenses for the practice of veterinary  
20 technology, to be known as veterinary technicians.

21 (2) As used in this act:

22 (a) "Veterinary technician" means a person determined  
23 by the board to be qualified by education and training to  
24 provide limited veterinary services under the direct  
25 supervision of a licensed veterinarian who shall be

1 responsible for the performance of that technician;  
2 provided, however, that nothing in this act permits the  
3 board or any licensed veterinarian to delegate any of the  
4 following duties or functions: (i) diagnosis;  
5 (ii) prognosis; (iii) prescription; or (iv) surgery.

6 (b) "Direct supervision" means an order by the  
7 supervising licensed veterinarian to the veterinary  
8 technician, with notice to the client, to perform a specific  
9 function for that client within the veterinarian's routine  
10 practice, with a follow-up by the veterinarian to evaluate  
11 and determine the quality and effectiveness of the function  
12 performed and with all billing for such services to be made  
13 by the veterinarian. ~~In--practice--in--the--field--as  
14 distinguished--from--practice--in--an--office--hospital--or  
15 clinic--the--veterinary--technician--must--be--accompanied--by--the  
16 supervising--veterinarian.~~

17 (3) Each candidate for examination as a veterinary  
18 technician shall file in his full name an application for  
19 examination with the board at least thirty (30) days before  
20 the date set by the board for the commencement of the  
21 examination and at the time of making the application shall  
22 pay the board a fee of twenty-five dollars (\$25). The  
23 applicant shall furnish satisfactory proof that he is of  
24 good moral character and has earned a diploma or certificate  
25 from a school of veterinary technology offering a course of

1 study recognized and approved by the board of veterinarians,  
 2 as well as such other information as may be required by the  
 3 board.

4 (4) The board shall adopt uniform rules within the  
 5 limitations of this act, governing the matter of  
 6 examinations for license to practice veterinary technology  
 7 in the state of Montana, which examinations shall be open to  
 8 any applicant meeting the requirements of this act, and  
 9 shall also provide in such rules for giving reasonable  
 10 notice of the time and place where examinations shall be  
 11 held.

12 (5) A person who can produce satisfactory evidence  
 13 that he has been employed as a veterinary technician in the  
 14 office of a regularly licensed veterinarian in the state of  
 15 Montana for two (2) or more years prior to the passage of  
 16 this act, may, upon payment of a fee of twenty-five dollars  
 17 (\$25), be granted a certificate to practice by the board of  
 18 veterinarians; provided that if the board in its discretion  
 19 finds that animal health and the public interest so require,  
 20 the board may require the applicant to pass a practical  
 21 examination in veterinary technology. A certificate must be  
 22 secured before such person may continue practice as a  
 23 veterinary technician.

24 (6) Each applicant who passes the examination  
 25 prescribed by the board shall be granted a license as a

1 veterinary technician and shall be registered as such in a  
 2 record kept by the board, and shall receive a certificate in  
 3 a form to be prescribed by the board.

4 (7) A licensed veterinary technician may practice in  
 5 the office of and under the direct supervision of a legally  
 6 licensed and actively practicing veterinarian or in a  
 7 department of state government in which a legally licensed  
 8 veterinarian is present to exercise direct supervision.

9 (8) Each licensed veterinary technician shall  
 10 annually, on or before July 1, procure from the board a  
 11 certificate of annual registration. The fee for annual  
 12 registration shall be fixed by the board, not exceeding the  
 13 sum of ten dollars (\$10). Failure of a licensee to procure  
 14 a certificate of registration on or before July 1 shall  
 15 constitute a forfeiture of the license.

16 (9) Each licensed veterinary technician shall keep the  
 17 board informed of his address, the name and address of the  
 18 licensed veterinarian or of the state department which is  
 19 his employer, and such other information as the board may by  
 20 rule require.

21 Section 2. There is a new R.C.M. section that reads as  
 22 follows:

23 Denial, suspension and revocation of licenses or  
 24 certificates. The board may deny or suspend or revoke any  
 25 license or certificate of registration upon the grounds that

1 the applicant or veterinary technician is guilty of:

2 (1) soliciting patients for any practitioner of the  
3 healing arts;

4 (2) soliciting or receiving any form of compensation  
5 from any person other than his registered employer for  
6 performing as a veterinary technician;

7 (3) willfully or negligently divulging a professional  
8 confidence or discussing a veterinarian's diagnosis, or  
9 treatment, without the express permission of the  
10 veterinarian;

11 (4) any offense punishable by incarceration in a state  
12 penitentiary or federal prison. A copy of the record of  
13 conviction, certified to by the clerk of the court entering  
14 the conviction, shall be conclusive evidence, provided that  
15 at the conclusion of state supervision imposed as a  
16 consequence of such conviction the board shall not consider  
17 the conviction upon reapplication for a license or  
18 certificate;

19 (5) the habitual or excessive use of intoxicants or  
20 drugs;

21 (6) fraud or misrepresentation in applying for or  
22 procuring a certificate of qualification to perform as a  
23 veterinary technician, or in applying for or procuring an  
24 annual registration;

25 (7) impersonating another person registered as a

1 veterinary technician or allowing any person to use his  
2 certificate of qualification or registration;

3 (8) aiding or abetting the practice of veterinary  
4 medicine by a person not licensed by the board;

5 (9) gross negligence in the performance of duties,  
6 tasks or functions assigned to him by a licensed  
7 veterinarian;

8 (10) manifest incapacity or incompetence to perform as  
9 a veterinary technician.

10 Section 3. There is a new R.C.M. section that reads as  
11 follows:

12 Injunction. The board or any person may bring an action  
13 in the district court to enjoin any person who is not  
14 licensed from engaging in the practice of veterinary  
15 medicine or veterinary technology. If the court finds that  
16 the defendant is violating, or threatening to violate, any  
17 provision of Title 66, chapter 22, R.C.M. 1947, it shall  
18 enter an order restraining him from the violation, without  
19 regard to any criminal provisions of Title 66, chapter 22,  
20 R.C.M. 1947.

21 Section 4. Section 82A-1602.24, R.C.M. 1947, is  
22 amended to read as follows:

23 "82A-1602.24. Board of veterinarians -- appointment --  
24 qualifications -- term -- removal. (1) There is a board of  
25 veterinarians.

1           (2) The board consists of ~~five-(5)~~ six (6) members  
 2 appointed by the governor, five (5) of whom shall be  
 3 licensed veterinarians and one (1) of whom shall be a public  
 4 member who is a consumer of veterinary services and who  
 5 shall not be a licentiate of the board or of any other board  
 6 under the department of professional and occupational  
 7 licensing.

8           (3) The Montana state veterinary medical association  
 9 shall, at each annual meeting, nominate twice the number of  
 10 veterinarian board members to be appointed that year. The  
 11 names of these nominees shall be annually transmitted, under  
 12 seal, to the governor before July 1. The governor shall,  
 13 before August 1, appoint from this list the board members to  
 14 fill the vacancies that will occur July 31. If no nominee  
 15 has the required qualifications to be on the board, the  
 16 governor may appoint any licensed and registered  
 17 veterinarian.

18           ~~(3)~~--(4) Each veterinarian member shall be a reputable  
 19 licensed veterinarian who has graduated from a college  
 20 authorized by law to confer degrees, and have educational  
 21 standards equal to those approved by the American veterinary  
 22 medical association. Each veterinarian member shall have  
 23 actually and legally practiced veterinary medicine in either  
 24 private practice or public service in this state for at  
 25 least five (5) years immediately before his appointment.

1           ~~(4)~~--(5) Each member shall serve for a term of five (5)  
 2 years. The governor may, after notice and hearing, remove a  
 3 member for misconduct, incapacity, or neglect of duty."

4           Section 5. Section 66-2202, R.C.M. 1947, is amended to  
 5 read as follows:

6           "66-2202. Organization of board -- quorum -- powers.  
 7 (1) A board member shall receive a certificate of  
 8 appointment from the governor.

9           (2) The board shall annually elect from its members a  
 10 president, vice-president, and secretary-treasurer, and  
 11 shall hold at least two (2) regular meetings each year. At a  
 12 meeting ~~three-(3)~~ four (4) members of the board constitute a  
 13 quorum. If a member of the board, without cause, absents  
 14 himself from two (2) of its regular meetings consecutively,  
 15 his office is vacant.

16           (3) The board may adopt rules and orders necessary for  
 17 the performance of its duties; prescribe forms for  
 18 application for examination and license; prepare  
 19 examinations and the department shall, subject to section  
 20 82A-1603, supervise the examination of applicants for  
 21 license to practice veterinary medicine; obtain the services  
 22 of professional examination agencies instead of its own  
 23 preparation of examinations; and grant and revoke licenses.

24           (4) The department may employ attorneys, subject to  
 25 the approval of the attorney general, to assist county

1 attorneys in prosecutions brought under this chapter in the  
 2 respective district courts of the state or to assist the  
 3 attorney general in representing the board before the  
 4 supreme court."

5 Section 6. Section 66-2207, R.C.M. 1947, is amended to  
 6 read as follows:

7 "66-2207. Issuance, registration and reinstatement of  
 8 licenses. (1) The board shall, at the conclusion of a  
 9 regular examination or after investigation under the  
 10 reciprocity arrangements of section 66-2208, if in its  
 11 judgment the applicant is qualified, authorize the  
 12 department to issue a license to practice veterinary  
 13 medicine.

14 (2) Every license granted shall be issued under seal,  
 15 and shall be signed by the president and secretary-treasurer  
 16 of the board, and shall state that the licensee has given  
 17 satisfactory evidence of fitness as to age, character,  
 18 veterinary medical education, and other matters required by  
 19 law, and that after full examination or investigation under  
 20 reciprocity arrangements he has been found qualified to  
 21 practice.

22 (3) A person licensed to practice veterinary medicine  
 23 in this state shall procure from the department before July  
 24 1, annually, his certificate of registration. The  
 25 certificate shall be issued by the department on the payment

1 of a fee to be fixed annually by the board, not exceeding  
 2 the sum of ~~ten dollars--(\$10)~~ twenty-five dollars (\$25) and  
 3 the presentation of evidence satisfactory to the board that  
 4 the licensee, in the year preceding the application for  
 5 renewal, attended an educational program approved by the  
 6 board. However, the board may authorize the department to  
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 12 the educational programs. The certificate is prima facie  
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 18 A person who has thus forfeited his license may have it  
 19 restored to him by making written application for  
 20 restoration within one (1) year of the forfeiture setting  
 21 forth the reasons for failure to procure the certificate of  
 22 registration at the time specified and accompanied by  
 23 payment of the registration fee provided for in this section  
 24 and an additional restoration fee not in excess of ~~ten~~  
 25 ~~dollars---~~ (\$10) twenty-five dollars (\$25) as the board

1 requires and by presentation of evidence satisfactory to the  
 2 board that he has fulfilled the continuing educational  
 3 requirements required of all licensees recited above. The  
 4 person making application for restoration of license within  
 5 one (1) year of its forfeiture is not required to submit to  
 6 examination.

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 8 chapter, a person licensed who enters, or is called to  
 9 active duty by, a branch of the armed services of the United  
 10 States is entitled to receive automatic registration of his  
 11 license during the period of his duty with the armed  
 12 services. However, within one (1) year after release or  
 13 discharge from duty in the armed services he shall procure a  
 14 certificate of renewal from the department and pay the  
 15 regular fee. Failure to procure the certificate of renewal  
 16 within one (1) year after release or discharge is the  
 17 equivalent of a failure to procure a certificate of  
 18 registration before July 1 of any year, and the same  
 19 forfeiture and restoration requirements apply.

20 (5) A person licensed shall at all times have his  
 21 residence and office address on file with the department."

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 6 or on a display or advertisement or under circumstances so  
 7 as to induce the belief the person using them is engaged in  
 8 the practice of veterinary medicine. This use is prima facie  
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 10 the practice of veterinary medicine in any of its branches.

11 (c) Diagnoses, prescribes, or administers a drug,  
 12 medicine, appliance, application, or treatment of whatever  
 13 nature, or performs a surgical operation or manipulation,  
 14 for the prevention, cure, or relief of a pain, deformity,  
 15 wound, fracture, bodily injury, physical condition, or  
 16 disease of animals.

17 (d) Instructs, demonstrates, or solicits, by a notice,  
 18 sign, or other indication, with contract either express or  
 19 implied, or otherwise, with or without the necessary  
 20 instruments for the administration of biologics or medicines  
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 25 diagnosis of pregnancy, sterility, or infertility on

1 livestock for remuneration or hire.

2 (f) Performs acupuncture or ova transfer on animals.

3 (g) Instructs others for compensation in any manner  
 4 how to perform any acts which constitute the practice of  
 5 veterinary medicine.

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 7 veterinary surgery in this state unless licensed, and  
 8 registered as required by this chapter; nor may a person  
 9 practice veterinary medicine or surgery whose authority to  
 10 practice is suspended or revoked by the board."

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 12 read as follows:

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 14 embraced within provisions. This chapter does not apply to:

15 (1) Veterinarians in the performance of their official  
 16 duties, either civil or military, in the service of the  
 17 United States, unless they engage in the practice of  
 18 veterinary medicine in a private capacity.

19 (2) Laboratory technicians and veterinary research  
 20 workers, as distinguished from veterinarians, in the employ  
 21 of this state, or the United States, and engaged in labors  
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 23 livestock, Montana state university or the United States.

24 (3) Lawfully qualified veterinarians from other states  
 25 or a foreign country meeting legally licensed and registered

1 Montana veterinarians in this state in consultation.

2 (4) A veterinarian residing on a border of a  
 3 neighboring state and authorized under the laws thereof to  
 4 practice veterinary medicine therein, who is actually called  
 5 to attend cases in this state, but who does not open an  
 6 office or appoint a place to meet patients or receive calls  
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 8 this state are extended a like privilege to engage in the  
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11 (5) The employment of veterinary medical students who  
 12 have successfully completed three (3) years of the  
 13 professional curriculum in veterinary medicine at a college  
 14 having educational standards equal to those approved by the  
 15 American veterinary medical association and authorized by  
 16 law to confer degrees as assistants to veterinarians  
 17 licensed and registered under this chapter. However, this  
 18 employment may not be contracted for or entered into except  
 19 after written application for approval directed to the board  
 20 and the written grant of approval by the board. This  
 21 employment may not be for a period in excess of six (6)  
 22 months from the date of completion of the third year of  
 23 study.

24 (6) The operations known and designated as ~~spaying,~~  
 25 ~~castrating,~~ or dehorning of cattle, sheep, ~~horses,~~ HORSES,

1 and swine and--related--species are not the practice of  
2 veterinary medicine within the meaning of this chapter.

3 (7) This chapter does not prohibit a person from  
4 treating his own farm animals or being assisted in this  
5 treatment by his employees regularly employed in the conduct  
6 of his business, or by other persons whose services are  
7 rendered gratuitously in case of emergency.

8 (8) This chapter does not prohibit the selling of  
9 veterinary remedies and instruments by a registered  
10 pharmacist at his regular place of business.\*

-End-



March 5, 1975

SENATE COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

AMENDMENTS TO HOUSE BILL NO. 261

That House Bill No. 261, third reading, be amended as follows:

1. Amend page 6, section 3, line 15.  
Following: "technology"  
Insert: ", unless otherwise exempted under section 66-2211, subsection (7)"
2. Amend page 13, section 7, line 2.  
Following: "ova"  
Insert: "or embryo"
3. Amend page 13, section 7, line 3.  
Following: "others"  
Insert: "except those covered under the provisions of section 66-2211, subsection (7)"

## 1 HOUSE BILL NO. 261

2 INTRODUCED BY JACK MOORE, JOHNSTON, BERTELSEN, KROPP,  
3 LESTER, MURPHY, MANUEL, UNDERDAL, JACOBSEN

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE  
6 PRACTICE OF VETERINARY TECHNOLOGY; TO INCREASE THE NUMBER OF  
7 MEMBERS ON THE BOARD OF VETERINARIANS FROM FIVE (5) TO SIX  
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9 R.C.M. 1947; TO PROVIDE FOR CONTINUING EDUCATION AND  
10 INCREASE THE LICENSE FEE BY AMENDING SECTION 66-2207, R.C.M.  
11 1947; AND TO CHANGE THE DEFINITION OF VETERINARY MEDICINE BY  
12 AMENDING SECTIONS 66-2209 AND 66-2211, R.C.M. 1947."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. There is a new R.C.M. section that reads as  
16 follows:

17 Veterinary technicians -- definitions -- examinations.

18 (1) The board of veterinarians may also issue to qualified  
19 applicants licenses for the practice of veterinary  
20 technology, to be known as veterinary technicians.

21 (2) As used in this act:

22 (a) "Veterinary technician" means a person determined  
23 by the board to be qualified by education and training to  
24 provide limited veterinary services under the direct  
25 supervision of a licensed veterinarian who shall be

1 responsible for the performance of that technician;  
2 provided, however, that nothing in this act permits the  
3 board or any licensed veterinarian to delegate any of the  
4 following duties or functions: (i) diagnosis;  
5 (ii) prognosis; (iii) prescription; or (iv) surgery.

6 (b) "Direct supervision" means an order by the  
7 supervising licensed veterinarian to the veterinary  
8 technician, with notice to the client, to perform a specific  
9 function for that client within the veterinarian's routine  
10 practice, with a follow-up by the veterinarian to evaluate  
11 and determine the quality and effectiveness of the function  
12 performed and with all billing for such services to be made  
13 by the veterinarian. ~~In--practice--in--the--field,--as~~  
14 ~~distinguished--from--practice--in--an--office,--hospital,--or~~  
15 ~~clinic,--the--veterinary--technician--must--be--accompanied--by--the~~  
16 ~~supervising--veterinarian.~~

17 (3) Each candidate for examination as a veterinary  
18 technician shall file in his full name an application for  
19 examination with the board at least thirty (30) days before  
20 the date set by the board for the commencement of the  
21 examination and at the time of making the application shall  
22 pay the board a fee of twenty-five dollars (\$25). The  
23 applicant shall furnish satisfactory proof that he is of  
24 good moral character and has earned a diploma or certificate  
25 from a school of veterinary technology offering a course of

1 study recognized and approved by the board of veterinarians,  
2 as well as such other information as may be required by the  
3 board.

4 (4) The board shall adopt uniform rules within the  
5 limitations of this act, governing the matter of  
6 examinations for license to practice veterinary technology  
7 in the state of Montana, which examinations shall be open to  
8 any applicant meeting the requirements of this act, and  
9 shall also provide in such rules for giving reasonable  
10 notice of the time and place where examinations shall be  
11 held.

12 (5) A person who can produce satisfactory evidence  
13 that he has been employed as a veterinary technician in the  
14 office of a regularly licensed veterinarian in the state of  
15 Montana for two (2) or more years prior to the passage of  
16 this act, may, upon payment of a fee of twenty-five dollars  
17 (\$25), be granted a certificate to practice by the board of  
18 veterinarians; provided that if the board in its discretion  
19 finds that animal health and the public interest so require,  
20 the board may require the applicant to pass a practical  
21 examination in veterinary technology. A certificate must be  
22 secured before such person may continue practice as a  
23 veterinary technician.

24 (6) Each applicant who passes the examination  
25 prescribed by the board shall be granted a license as a

1 veterinary technician and shall be registered as such in a  
2 record kept by the board, and shall receive a certificate in  
3 a form to be prescribed by the board.

4 (7) A licensed veterinary technician may practice in  
5 the office of and under the direct supervision of a legally  
6 licensed and actively practicing veterinarian or in a  
7 department of state government in which a legally licensed  
8 veterinarian is present to exercise direct supervision.

9 (8) Each licensed veterinary technician shall  
10 annually, on or before July 1, procure from the board a  
11 certificate of annual registration. The fee for annual  
12 registration shall be fixed by the board, not exceeding the  
13 sum of ten dollars (\$10). Failure of a licensee to procure  
14 a certificate of registration on or before July 1 shall  
15 constitute a forfeiture of the license.

16 (9) Each licensed veterinary technician shall keep the  
17 board informed of his address, the name and address of the  
18 licensed veterinarian or of the state department which is  
19 his employer, and such other information as the board may by  
20 rule require.

21 Section 2. There is a new R.C.M. section that reads as  
22 follows:

23 Denial, suspension and revocation of licenses or  
24 certificates. The board may deny or suspend or revoke any  
25 license or certificate of registration upon the grounds that

1 the applicant or veterinary technician is guilty of:

2 (1) soliciting patients for any practitioner of the  
3 healing arts;

4 (2) soliciting or receiving any form of compensation  
5 from any person other than his registered employer for  
6 performing as a veterinary technician;

7 (3) willfully or negligently divulging a professional  
8 confidence or discussing a veterinarian's diagnosis, or  
9 treatment, without the express permission of the  
10 veterinarian;

11 (4) any offense punishable by incarceration in a state  
12 penitentiary or federal prison. A copy of the record of  
13 conviction, certified to by the clerk of the court entering  
14 the conviction, shall be conclusive evidence, provided that  
15 at the conclusion of state supervision imposed as a  
16 consequence of such conviction the board shall not consider  
17 the conviction upon reapplication for a license or  
18 certificate;

19 (5) the habitual or excessive use of intoxicants or  
20 drugs;

21 (6) fraud or misrepresentation in applying for or  
22 procuring a certificate of qualification to perform as a  
23 veterinary technician, or in applying for or procuring an  
24 annual registration;

25 (7) impersonating another person registered as a

1 veterinary technician or allowing any person to use his  
2 certificate of qualification or registration;

3 (8) aiding or abetting the practice of veterinary  
4 medicine by a person not licensed by the board;

5 (9) gross negligence in the performance of duties,  
6 tasks or functions assigned to him by a licensed  
7 veterinarian;

8 (10) manifest incapacity or incompetence to perform as  
9 a veterinary technician.

10 Section 3. There is a new R.C.M. section that reads as  
11 follows:

12 Injunction. The board or any person may bring an action  
13 in the district court to enjoin any person who is not  
14 licensed from engaging in the practice of veterinary  
15 medicine or veterinary technology, UNLESS OTHERWISE EXEMPTED  
16 UNDER SECTION 66-2211, SUBSECTION (7). If the court finds  
17 that the defendant is violating, or threatening to violate,  
18 any provision of Title 66, chapter 22, R.C.M. 1947, it shall  
19 enter an order restraining him from the violation, without  
20 regard to any criminal provisions of Title 66, chapter 22,  
21 R.C.M. 1947.

22 Section 4. Section 82A-1602.24, R.C.M. 1947, is  
23 amended to read as follows:

24 "82A-1602.24. Board of veterinarians -- appointment --  
25 qualifications -- term -- removal. (1) There is a board of

1 veterinarians.

2 (2) The board consists of ~~five--(5)~~ six (6) members  
 3 appointed by the governor, five (5) of whom shall be  
 4 licensed veterinarians and one (1) of whom shall be a public  
 5 member who is a consumer of veterinary services and who  
 6 shall not be a licentiate of the board or of any other board  
 7 under the department of professional and occupational  
 8 licensing.

9 (3) The Montana state veterinary medical association  
 10 shall, at each annual meeting, nominate twice the number of  
 11 veterinarian board members to be appointed that year. The  
 12 names of these nominees shall be annually transmitted, under  
 13 seal, to the governor before July 1. The governor shall,  
 14 before August 1, appoint from this list the board members to  
 15 fill the vacancies that will occur July 31. If no nominee  
 16 has the required qualifications to be on the board, the  
 17 governor may appoint any licensed and registered  
 18 veterinarian.

19 ~~(3)--(4)~~ Each veterinarian member shall be a reputable  
 20 licensed veterinarian who has graduated from a college  
 21 authorized by law to confer degrees, and have educational  
 22 standards equal to those approved by the American veterinary  
 23 medical association. Each veterinarian member shall have  
 24 actually and legally practiced veterinary medicine in either  
 25 private practice or public service in this state for at

1 least five (5) years immediately before his appointment.

2 ~~(4)--(5)~~ Each member shall serve for a term of five (5)  
 3 years. The governor may, after notice and hearing, remove a  
 4 member for misconduct, incapacity, or neglect of duty."

5 Section 5. Section 66-2202, R.C.M. 1947, is amended to  
 6 read as follows:

7 "66-2202. Organization of board -- quorum -- powers.

8 (1) A board member shall receive a certificate of  
 9 appointment from the governor.

10 (2) The board shall annually elect from its members a  
 11 president, vice-president, and secretary-treasurer, and  
 12 shall hold at least two (2) regular meetings each year. At a  
 13 meeting ~~three--(3)~~ four (4) members of the board constitute a  
 14 quorum. If a member of the board, without cause, absents  
 15 himself from two (2) of its regular meetings consecutively,  
 16 his office is vacant.

17 (3) The board may adopt rules and orders necessary for  
 18 the performance of its duties; prescribe forms for  
 19 application for examination and license; prepare  
 20 examinations and the department shall, subject to section  
 21 82A-1603, supervise the examination of applicants for  
 22 license to practice veterinary medicine; obtain the services  
 23 of professional examination agencies instead of its own  
 24 preparation of examinations; and grant and revoke licenses.

25 (4) The department may employ attorneys, subject to

1 the approval of the attorney general, to assist county  
 2 attorneys in prosecutions brought under this chapter in the  
 3 respective district courts of the state or to assist the  
 4 attorney general in representing the board before the  
 5 supreme court."

6 Section 6. Section 66-2207, R.C.M. 1947, is amended to  
 7 read as follows:

8 "66-2207. Issuance, registration and reinstatement of  
 9 licenses. (1) The board shall, at the conclusion of a  
 10 regular examination or after investigation under the  
 11 reciprocity arrangements of section 66-2208, if in its  
 12 judgment the applicant is qualified, authorize the  
 13 department to issue a license to practice veterinary  
 14 medicine.

15 (2) Every license granted shall be issued under seal,  
 16 and shall be signed by the president and secretary-treasurer  
 17 of the board, and shall state that the licensee has given  
 18 satisfactory evidence of fitness as to age, character,  
 19 veterinary medical education, and other matters required by  
 20 law, and that after full examination or investigation under  
 21 reciprocity arrangements he has been found qualified to  
 22 practice.

23 (3) A person licensed to practice veterinary medicine  
 24 in this state shall procure from the department before July  
 25 1, annually, his certificate of registration. The

1 certificate shall be issued by the department on the payment  
 2 of a fee to be fixed annually by the board, not exceeding  
 3 the sum of ~~ten dollars~~ ~~(\$10)~~ twenty-five dollars (\$25) and  
 4 the presentation of evidence satisfactory to the board that  
 5 the licensee, in the year preceding the application for  
 6 renewal, attended an educational program approved by the  
 7 board. However, the board may authorize the department to  
 8 issue renewals, but not consecutive renewals, on a showing  
 9 satisfactory to the board that attendance at the educational  
 10 programs was unavoidably prevented; and new licensees who  
 11 secure licenses by examination during the six (6) months  
 12 preceding July 1 shall be granted renewals without attending  
 13 the educational programs. The certificate is prima facie  
 14 evidence of the right of the holder to practice veterinary  
 15 medicine in this state during the time for which it is  
 16 issued. Failure of a person licensed to procure a  
 17 certificate of registration before July 1 annually  
 18 constitutes a forfeiture of the license held by the person.  
 19 A person who has thus forfeited his license may have it  
 20 restored to him by making written application for  
 21 restoration within one (1) year of the forfeiture setting  
 22 forth the reasons for failure to procure the certificate of  
 23 registration at the time specified and accompanied by  
 24 payment of the registration fee provided for in this section  
 25 and an additional restoration fee not in excess of ~~ten~~

1 ~~dollars--(\$10)~~ twenty-five dollars (\$25) as the board  
 2 requires and by presentation of evidence satisfactory to the  
 3 board that he has fulfilled the continuing educational  
 4 requirements required of all licensees recited above. The  
 5 person making application for restoration of license within  
 6 one (1) year of its forfeiture is not required to submit to  
 7 examination.

8 (4) Notwithstanding any other provisions in this  
 9 chapter, a person licensed who enters, or is called to  
 10 active duty by, a branch of the armed services of the United  
 11 States is entitled to receive automatic registration of his  
 12 license during the period of his duty with the armed  
 13 services. However, within one (1) year after release or  
 14 discharge from duty in the armed services he shall procure a  
 15 certificate of renewal from the department and pay the  
 16 regular fee. Failure to procure the certificate of renewal  
 17 within one (1) year after release or discharge is the  
 18 equivalent of a failure to procure a certificate of  
 19 registration before July 1 of any year, and the same  
 20 forfeiture and restoration requirements apply.

21 (5) A person licensed shall at all times have his  
 22 residence and office address on file with the department.\*

23 Section 7. Section 66-2209, R.C.M. 1947, is amended to  
 24 read as follows:

25 \*66-2209. Veterinary medicine defined. (1) A person is

1 considered practicing veterinary medicine when he does any  
 2 of the following:

3 (a) Represents himself as or is engaged in the  
 4 practice of veterinary medicine in any of its branches  
 5 either directly or indirectly.

6 (b) Uses words, titles, or letters in this connection  
 7 or on a display or advertisement or under circumstances so  
 8 as to induce the belief the person using them is engaged in  
 9 the practice of veterinary medicine. This use is prima facie  
 10 evidence of the intention to represent oneself as engaged in  
 11 the practice of veterinary medicine in any of its branches.

12 (c) Diagnoses, prescribes, or administers a drug,  
 13 medicine, appliance, application, or treatment of whatever  
 14 nature, or performs a surgical operation or manipulation,  
 15 for the prevention, cure, or relief of a pain, deformity,  
 16 wound, fracture, bodily injury, physical condition, or  
 17 disease of animals.

18 (d) Instructs, demonstrates, or solicits, by a notice,  
 19 sign, or other indication, with contract either express or  
 20 implied, or otherwise, with or without the necessary  
 21 instruments for the administration of biologics or medicines  
 22 or animal disease cures for the prevention and treatment of  
 23 disease of animals and remedies for the treatment of  
 24 internal parasites in animals.

25 (e) Performs a manual or laboratory procedure for the

1 diagnosis of pregnancy, sterility, or infertility on  
2 livestock for remuneration or hire.

3 (f) Performs acupuncture or ova OR EMBRYO transfer on  
4 animals.

5 (g) Instructs others EXCEPT THOSE COVERED UNDER THE  
6 PROVISIONS OF SECTION 66-2211, SUBSECTION (7) for  
7 compensation in any manner how to perform any acts which  
8 constitute the practice of veterinary medicine.

9 (2) A person may not practice veterinary medicine or  
10 veterinary surgery in this state unless licensed, and  
11 registered as required by this chapter; nor may a person  
12 practice veterinary medicine or surgery whose authority to  
13 practice is suspended or revoked by the board."

14 Section 8. Section 66-2211, R.C.M. 1947, is amended to  
15 read as follows:

16 "66-2211. Interpretation of statute -- persons not  
17 embraced within provisions. This chapter does not apply to:

18 (1) Veterinarians in the performance of their official  
19 duties, either civil or military, in the service of the  
20 United States, unless they engage in the practice of  
21 veterinary medicine in a private capacity.

22 (2) Laboratory technicians and veterinary research  
23 workers, as distinguished from veterinarians, in the employ  
24 of this state, or the United States, and engaged in labors  
25 in laboratories under the direct supervision of the board of

1 livestock, Montana state university or the United States.

2 (3) Lawfully qualified veterinarians from other states  
3 or a foreign country meeting legally licensed and registered  
4 Montana veterinarians in this state in consultation.

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

14 (5) The employment of veterinary medical students who  
15 have successfully completed three (3) years of the  
16 professional curriculum in veterinary medicine at a college  
17 having educational standards equal to those approved by the  
18 American veterinary medical association and authorized by  
19 law to confer degrees as assistants to veterinarians  
20 licensed and registered under this chapter. However, this  
21 employment may not be contracted for or entered into except  
22 after written application for approval directed to the board  
23 and the written grant of approval by the board. This  
24 employment may not be for a period in excess of six (6)  
25 months from the date of completion of the third year of



1 study.

2 (6) The operations known and designated as ~~spaying~~  
3 castrating, or dehorning of cattle, sheep, ~~horses~~, HORSES,  
4 and swine ~~and--related--species~~ are not the practice of  
5 veterinary medicine within the meaning of this chapter.

6 (7) This chapter does not prohibit a person from  
7 treating his own farm animals or being assisted in this  
8 treatment by his employees ~~regularly~~ employed in the conduct  
9 of his business, or by other persons whose services are  
10 rendered gratuitously in case of emergency.

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

-End-