

SENATE BILL NO. 38

Introduced: 1/3/83

Referred to Committee on Agriculture, Livestock, & Irrigation:
1/3/83

Hearing: 1/24/83

Died in Committee.

SENATE BILL NO. 38

INTRODUCED BY OCHSNER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE EXAMINATION, LICENSURE, AND ANNUAL REGISTRATION OF VETERINARY TECHNICIANS; AMENDING SECTIONS 37-18-501 AND 37-18-502, MCA."

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

NEW SECTION. Section 1. Definitions relating to veterinary technicians. As used in this chapter, the following definitions apply:

(1) "Veterinary technician" means a person providing veterinary services under the direct supervision of a licensed veterinarian.

(2) "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 followup by the veterinarian to evaluate and determine the quality and effectiveness of the function performed and with all billing for such services to be made by the veterinarian.

NEW SECTION. Section 2. Examination application -- fee -- qualifications of applicants. A candidate for

examination as a veterinary technician shall file an application for examination with the department at least 30 days before the date set by the board for the commencement of the examination and at the time of making the application shall pay the department a fee, commensurate with the costs of the examination and set annually by the board. 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 study recognized and approved by the board, as well as such other information as may be required by the board.

NEW SECTION. Section 3. Examination -- issuance of license upon passage. (1) The board shall adopt rules, within the limitations of [sections 1 through 7], governing the matter of examinations for license to practice as a veterinary technician, which examinations shall be open to any applicant meeting the requirements of [sections 1 through 7]. The rules must provide for giving reasonable notice of the time and place where examinations will be held.

(2) Each applicant who passes the examination prescribed by the board must be granted a certificate of licensure to practice as a veterinary technician and must be registered as such in a record kept by the board.

NEW SECTION. Section 4. Licensure without

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examination. The board may, upon payment of a fee of \$25, grant a certificate of licensure to practice as a veterinary technician to a person who can produce satisfactory evidence that he has been employed as a veterinary technician in the office of a licensed veterinarian in the state of Montana for 2 or more years prior to October 1, 1983. However, if the board in its discretion finds that animal health and the public interest so require, it may require the applicant to pass a practical examination in veterinary technology. Before such person may continue practice as a veterinary technician, he must obtain a certificate of licensure.

NEW SECTION. Section 5. Technician to practice under supervision. (1) A licensed veterinary technician may practice only in the office of and under the direct supervision, as defined in [section 1], of a legally licensed and actively practicing veterinarian or in a department of state government in which a licensed veterinarian is present to exercise direct supervision.

(2) None of the following functions may be delegated to a veterinary technician:

- (a) diagnosis;
- (b) prognosis;
- (c) prescription; or
- (d) surgery.

NEW SECTION. Section 6. Renewal -- board to be kept

informed of employer. (1) Each licensed veterinary technician shall annually, on or before January 1, procure from the board a certificate of annual registration. The fee for annual registration shall be fixed by the board. Failure of a licensee to procure a certificate of registration on or before January 1 constitutes a forfeiture of the license.

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

NEW SECTION. Section 7. Denial, suspension, or revocation of license. The board may, with respect to any veterinary technician, deny, suspend, or revoke his license upon the grounds that he is guilty of:

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

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

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

(4) any offense punishable by incarceration in a state

1 or federal prison. However, at the conclusion of state
2 supervision imposed as a consequence of such conviction, the
3 board may not consider the conviction upon reapplication for
4 a certificate of licensure.

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

7 (6) fraud or misrepresentation in applying for or
8 procuring a certificate of licensure or annual registration;

9 (7) impersonating another person registered as a
10 veterinary technician or allowing any person to use his
11 certificate of licensure or registration;

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

14 (9) gross negligence in the performance of functions
15 assigned to him by a licensed veterinarian; or

16 (10) manifest incapacity or incompetence to perform as
17 a veterinary technician.

18 Section 8. Section 37-18-501, MCA, is amended to read:

19 "37-18-501. Penalty. A person practicing veterinary
20 medicine or practicing as a veterinary technician within
21 this state, as defined in this chapter, without first having
22 obtained a license to practice and being registered as
23 required by this chapter or after his license to practice
24 has been suspended or revoked or contrary to the provisions
25 of this chapter in any manner is guilty of a misdemeanor for

1 each violation of the provisions of this chapter or for each
2 act relating to the practice of veterinary medicine or
3 practice as a veterinary technician in this state and upon
4 conviction shall be punished by a fine of not less than \$200
5 or more than \$500, or by imprisonment in the county jail for
6 not less than 30 days or more than 6 months, or by both such
7 fine and imprisonment. Any person convicted a second time
8 for any violation of this chapter shall be punished by both
9 such fine and imprisonment. The district court has
10 jurisdiction of all prosecutions brought hereunder."

11 Section 9. Section 37-18-502, MCA, is amended to read:

12 "37-18-502. Injunction. The board or any person may
13 bring an action in the district court to enjoin any person
14 who is not licensed from engaging in the practice of
15 veterinary medicine or practice as a veterinary technician
16 unless otherwise exempted under 37-18-104(3). If the court
17 finds that the defendant is violating or threatening to
18 violate any provision of Title 37, chapter 18, it shall
19 enter an order restraining him from the violation, without
20 regard to any criminal provisions of Title 37, chapter 18."

21 NEW SECTION. Section 10. Codification instruction.
22 Sections 1 through 7 are intended to be codified as an
23 integral part of Title 37, chapter 18, and the provisions of
24 Title 37, chapter 18, apply to sections 1 through 7.

-End-

STATE OF MONTANA

REQUEST NO. 010-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 4, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 38 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 38 is an act to provide for the examination, licensure, and annual registration of veterinary technicians; amending Sections 37-18-501 and 37-18-502, MCA.

ASSUMPTIONS:

- 1) Assume 60 licensed veterinarian technicians under Grandfather Clause (Section 4) at \$25 application fee.
- 2) Assume \$50 application/examination fee with 10 new applicants per year.
- 3) Assume \$15 annual renewal fee.
- 4) Assume 2 special board meetings (6 members) in FY 84 for implementation and rule hearings.
- 5) Assume 7 pages rule notices at \$13.50 per page, 5 replacement pages in veterinarians rules at \$7.37 per page in FY 84.
- 6) Assume \$400 for license forms, supplies, correspondence, telephone and postage.
- 7) First year implementation will draw on Board of Veterinarians earmarked revenue account (\$31.00).

FISCAL IMPACT:

	<u>FY 83-84</u>	<u>FY 84-85</u>
Revenue:		
Application and Renewal Fees	\$2,000	\$1,550
Funds from Board of Veterinarians	<u>31</u>	<u>0</u>
Total Revenue	<u>\$2,031</u>	<u>\$1,550</u>
Expenditures:		
Personal Services	300	750
Operating Expenses	<u>1,731</u>	<u>750</u>
Total Expenditures	<u>\$2,031</u>	<u>\$ 750</u>
Estimated Revenue	<u>\$ -0-</u>	<u>\$ 800</u>

NOTE:

Veterinary technicians were previously licensed by the Board of Veterinarians and the license provision was sunset by the 1981 Legislature.

FISCAL NOTE2:P/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-10-83