| 1 | SENATE BILL NO. 101 |
|----|---|
| 2 | INTRODUCED BY BECK |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CERTAIN VETERINARY MEDICAL STUDENTS |
| 5 | WHO WORK UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN ARE EXEMPT FROM |
| 6 | VETERINARY LICENSURE; ALLOWING AN EMPLOYEE OF A LICENSED VETERINARIAN TO PERFORM |
| 7 | CERTAIN VETERINARY FUNCTIONS, INCLUDING EMERGENCY SERVICES, AS DETERMINED BY RULE OF |
| 8 | THE BOARD OF VETERINARY MEDICINE; AND AMENDING SECTIONS 37-18-104 AND 37-18-202, MCA." |
| 9 | |
| 10 | STATEMENT OF INTENT |
| 11 | A statement of intent is required for this bill because 37-18-104(6) and (7) and 37-18-202(1)(c) |
| 12 | grant authority to the board of veterinary medicine to adopt rules regarding the limited exemption of certain |
| 13 | veterinary support personnel from the practice of veterinary medicine. It is intended that the board be |
| 14 | allowed to define by rule the scope of treatments that support personnel may render when working under |
| 15 | the supervision of a veterinarian. It is also intended that, in its discretion, the board be allowed to further |
| 16 | define situations that constitute emergencies during which support personnel may provide limited care to |
| 17 | a veterinarian's animal patients. |
| 18 | |
| 19 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 20 | |
| 21 | Section 1. Section 37-18-104, MCA, is amended to read: |
| 22 | "37-18-104. Exemptions rules. (1) This chapter does not apply to: |
| 23 | (a) veterinarians in the performance of their official duties, either civil or military, in the service of |
| 24 | the United States unless they engage in the practice of veterinary medicine in a private capacity; |
| 25 | (b) laboratory technicians and veterinary research workers, as distinguished from veterinarians, in |
| 26 | the employ of this state or the United States and engaged in labors in laboratories under the direct |
| 27 | supervision of the board of livestock, Montana state university-Bozeman, or the United States; |
| 28 | (c) lawfully qualified veterinarians from other states or a foreign country meeting legally licensed |
| 29 | and registered Montana veterinarians in this state in consultation; |
| 30 | (d) a veterinarian residing on a border of a neighboring state and authorized under the laws thereof |

| 1 | of that state to practice veterinary medicine therein, who is actually called to attend cases in this state but |
|----|--|
| 2 | who does not open an office or appoint a place to meet patients or receive calls in this state, if veterinarians |
| 3 | licensed and registered in this state are extended a like privilege to engage in the practice of veterinary |
| 4 | medicine to the same extent in the neighboring state; |
| 5 | (e) the employment as assistants to veterinarians licensed and registered under this chapter of |
| 6 | veterinary medical students who have successfully completed 3 years of the professional curriculum in |
| 7 | veterinary medicine at a college having educational standards equal to those approved by the American |
| 8 | veterinary medical association and authorized by law to confer degrees, if the students are employed by |
| 9 | and work under the immediate supervision of a veterinarian licensed and registered under this chapter; or |
| 10 | (f) a person advising with respect to or performing acts that the board defines by rule as accepted |
| 11 | livestock management practices. |
| 12 | (2) The operations known and designated as castrating or dehorning of cattle, sheep, horses, and |
| 13 | swine are not the practice of veterinary medicine within the meaning of this chapter. |
| 14 | (3) (a) Nonsurgical embryo transfers in bovines may be performed, under the supervision of a |
| 15 | veterinarian licensed and residing in Montana, by individuals who attest to the board that they possess a |
| 16 | combination of 3 years' education, experience, and training in that procedure. |
| 17 | (b) Exemption under subsection (3)(a) remains in effect until testing and certification procedures, |
| 18 | as determined by board rule, are implemented on or before July 1, 1991. At a minimum, board rules |
| 19 | regarding nonsurgical embryo transfers in bovines must address: |
| 20 | (i)(a) minimum education requirements; |
| 21 | (ii)(b) minimum requirements of practical experience; |
| 22 | (iii)(c) continuing education requirements; |
| 23 | (iv)(d) limitations on practices and procedures that may be performed by certified individuals; |
| 24 | (w)(e) the use of specific drugs necessary for safe and proper practice of certified procedures; |
| 25 | (vi)(f) content and administration of the certification test, including written and practical testing; |
| 26 | (vii)(g) application and reexamination procedures; and |
| 27 | (viii)(h) conduct of certified individuals, including rules for suspension, revocation, and denial of |

(ix) establishment of an advisory committee: The committee:

certification; and

(A) must consist of:

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| 1 | (I) one member of the board who is a veterinarian; |
|----|---|
| 2 | (II) one member of the Montana state university Bozeman reproductive physiology department; |
| 3 | (III) one member representing the Montana stockgrowers association animal health committee; |
| 4 | (IV) one member representing the Montana woolgrowers association; |
| 5 | (V) one reproductive specialist with practical experience in embryo transfers; and |
| 6 | (VI) a veterinarian who is a member of the American college of theriogenologists; |
| 7 | (B) shall make recommendations regarding the testing and certification procedures. The committee |
| 8 | may not adopt rules. |
| 9 | (C) in cooperation with the board, shall conduct a study of the practice of bovine pregnancy testing |
| 10 | and ovine pregnancy testing with the use of ultrasound equipment. The study must include but is no |
| 11 | limited to: |
| 12 | (I) federal laws governing the practice of pregnancy testing; |
| 13 | (II) education and experience requirements for the practice of pregnancy testing; and |
| 14 | (III) pregnancy testing by nonveterinarians. |
| 15 | (D) terminates July 1, 1991. |
| 16 | (4) This chapter does not prohibit a person from caring for and treating his the person's own farm |
| 17 | animals or being assisted in this treatment by his the person's full-time employees, as defined in 2-18-601 |
| 18 | employed in the conduct of his the person's business or by other persons whose services are rendered |
| 19 | gratuitously in case of emergency. |
| 20 | (5) This chapter does not prohibit the selling of veterinary remedies and instruments by a registered |
| 21 | pharmacist at his the pharmacist's regular place of business. |
| 22 | (6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities |
| 23 | determined by board rule to be acceptable, when performed under the supervision of the employing |
| 24 | veterinarian. |
| 25 | (7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for |
| 26 | that veterinarian's animal patients in cases of emergency. Permissible emergency employee activities unde |
| 27 | this subsection include activities determined by board rule to be acceptable but do not include the |
| 28 | performance of surgery or the rendering of diagnoses." |



| 1 | "37-18-202. Powers of board and department examinations. (1) The board may adopt rules and |
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| 2 | orders necessary for the performance of its duties, including but not limited to: |
| 3 | (a) prescribing of forms for application for examination and license; and |
| 4 | (b) preparation of examinations; and |
| 5 | (c) clarifying the use of support personnel and the provision of emergency services. |
| 6 | (2) The department shall, subject to 37-1-101, supervise the examination of applicants for license |
| 7 | to practice veterinary medicine, obtain the services of professional examination agencies instead of its own |
| 8 | preparation of examinations, and grant and revoke licenses." |
| 9 | -END- |

APPROVED BY COM ON BUSINESS & INDUSTRY

| 1 | SENATE BILL NO. 101 |
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| 8 | THE BOARD OF VETERINARY MEDICINE; AND AMENDING SECTIONS 37-18-104 AND 37-18-202, MCA." |
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| 10 | STATEMENT OF INTENT |
| 11 | A statement of intent is required for this bill because 37-18-104(6) and (7) and 37-18-202(1)(c) |
| 12 | grant authority to the board of veterinary medicine to adopt rules regarding the limited exemption of certain |
| 13 | veterinary support personnel from the practice of veterinary medicine. It is intended that the board be |
| 14 | allowed to define by rule the scope of treatments that support personnel may render when working under |
| 15 | the supervision of a veterinarian. It is also intended that, in its discretion, the board be allowed to further |
| 16 | define situations that constitute emergencies during which support personnel may provide limited care to |
| 17 | a veterinarian's animal patients. |
| 18, | |
| 19 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 20 | |
| 21 | Section 1. Section 37-18-104, MCA, is amended to read: |
| 22 | "37-18-104. Exemptions rules. (1) This chapter does not apply to: |
| 23 | (a) veterinarians in the performance of their official duties, either civil or military, in the service of |
| 24 | the United States unless they engage in the practice of veterinary medicine in a private capacity; |
| 25 | (b) laboratory technicians and veterinary research workers, as distinguished from veterinarians, in |
| 26 | the employ of this state or the United States and engaged in labors in laboratories under the direct |
| 27 | supervision of the board of livestock, Montana state university-Bozeman, or the United States; |
| 28 | (c) lawfully qualified veterinarians from other states or a foreign country meeting legally licensed |
| 29 | and registered Montana veterinarians in this state in consultation; |

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(d) a veterinarian residing on a border of a neighboring state and authorized under the laws thereof

| of that state to practice veterinary medicine therein, who is actually called to attend cases in this state but |
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| who does not open an office or appoint a place to meet patients or receive calls in this state, if veterinarians |
| licensed and registered in this state are extended a like privilege to engage in the practice of veterinary |
| medicine to the same extent in the neighboring state; |
| (e) the employment as assistants to votorinarians licensed and registered under this chapter of |
| veterinary medical students who have successfully completed 3 years of the professional curriculum in |
| veterinary medicine at a college having educational standards equal to those approved by the American |
| veterinary medical association and authorized by law to confer degrees, if the students are employed by |
| and work under the immediate supervision of a veterinarian licensed and registered under this chapter; or |
| (f) a person advising with respect to or performing acts that the board defines by rule as accepted |
| livestock management practices. |
| (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. |
| (3) (a) Nonsurgical embryo transfers in bovines may be performed, under the supervision of a |
| veterinarian licensed and residing in Montana, by individuals who attest to the board that they possess a |
| combination of 3 years' education, experience, and training in that procedure. |
| (b) Exemption under subsection (3)(a) remains in effect until testing and certification procedures; |
| as determined by board rule, are implemented on or before July 1, 1991. At a minimum, board rules |
| regarding nonsurgical embryo transfers in boyines must address: |
| (i)(a) minimum education requirements; |
| (ii)(b) minimum requirements of practical experience; |
| (iii)(c) continuing education requirements; |
| (iv)(d) limitations on practices and procedures that may be performed by certified individuals; |
| (v)(e) the use of specific drugs necessary for safe and proper practice of certified procedures; |
| (vi)(f) content and administration of the certification test, including written and practical testing; |
| (vii)(g) application and reexamination procedures; and |
| (viii)(h) conduct of certified individuals, including rules for suspension, revocation, and denial of |
| certification ; and |
| (ix) establishment of an advisory committee. The committee: |
| (A) must consist of: |



| 1 | (I)—one member of the board who is a veterinarian; |
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| 2 | (II) one member of the Montana state university Bezeman reproductive physiology department; |
| 3 | (III) one member representing the Montana stockgrowers association animal health committee; |
| 4 | (IV) one member representing the Montana weelgrowers association; |
| 5 | (V) one reproductive specialist with practical experience in embryo transfers; and |
| 6 | (VI) a veterinarian who is a member of the American college of theriogenologists; |
| 7 | (B) shall make recommendations regarding the testing and certification precedures. The committee |
| 8 | may not adopt rules. |
| 9 | (C) in cooperation with the board, shall conduct a study of the practice of bovine prognancy testing |
| 10 | and evine prognancy testing with the use of ultrasound equipment. The study must include but is not |
| 11 | limited to: |
| 12 | (I) federal laws governing the practice of prognancy testing; |
| 13 | (II) education and experience requirements for the practice of prognancy testing; and |
| 14 | (III) prognancy testing by nonvetorinarians. |
| 15 | (D) terminates July 1, 1991. |
| 16 | (4) This chapter does not prohibit a person from caring for and treating his the person's own farm |
| 17 | animals or being assisted in this treatment by hie the person's full-time employees, as defined in 2-18-601, |
| 18 | employed in the conduct of hie the person's business or by other persons whose services are rendered |
| 19 | gratuitously in case of emergency. |
| 20 | (5) This chapter does not prohibit the selling of veterinary remedies and instruments by a registered |
| 21 | pharmacist at his the pharmacist's regular place of business. |
| 22 | (6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities |
| 23 | determined by board rule to be acceptable, when performed under the supervision of the employing |
| 24 | veterinarian. |
| 25 | (7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for |
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| 27 | this subsection include activities determined by board rule to be acceptable but do not include the |
| 28 | performance of surgery or the rendering of diagnoses." |



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| 1 | "37-18-202. Powers of board and department examinations. (1) The board may adopt rules and |
|---|--|
| 2 | orders necessary for the performance of its duties, including but not limited to: |
| 3 | (a) prescribing of forms for application for examination and license; and |
| 4 | (b) preparation of examinations; and |
| 5 | (c) clarifying the use of support personnel and the provision of emergency services. |
| 6 | (2) The department shall, subject to 37-1-101, supervise the examination of applicants for license |
| 7 | to practice veterinary medicine, obtain the services of professional examination agencies instead of its own |
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| 9 | -END- |

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| 10 | STATEMENT OF INTENT |
| 11 | A statement of intent is required for this bill because 37-18-104(6) and (7) and 37-18-202(1)(c) |
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| 2 6 | the employ of this state or the United States and engaged in labors in laboratories under the direct |
| 27 | supervision of the board of livestock, Montana state university-Bozeman, or the United States; |
| 28 | (c) lawfully qualified veterinarians from other states or a foreign country meeting legally licensed |
| 2 9 | and registered Montana veterinarians in this state in consultation; |
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| 1 | of that state to practice veterinary medicine therein, who is actually called to attend cases in this state bu |
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| 1 | (I)- one member of the board who is a veterinarian; |
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| 7 | (B) shall make recommendations regarding the testing and certification procedures. The committee |
| 8 | may not adopt rules. |
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Legislative Services Division

29

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| 1 | "37-18-202. Powers of board and department examinations. (1) The board may adopt rules and |
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(A) must consist of:

| 1 | (1) one member of the board who is a veterinarian; |
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| 22 | (6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities |
| 2 3 | determined by board rule to be acceptable, when performed under the supervision of the employing |
| 24 | veterinarian. |
| 25 | (7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for |
| 2 6 | that veterinarian's animal patients in cases of emergency. Permissible emergency employee activities under |
| 27 | this subsection include activities determined by board rule to be acceptable but do not include the |
| 28 | performance of surgery or the rendering of diagnoses." |
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| 1 | "37-18-202. Powers of board and department examinations. (1) The board may adopt rules and |
|---|--|
| 2 | orders necessary for the performance of its duties, including but not limited to: |
| 3 | (a) prescribing of forms for application for examination and license; and |
| 4 | (b) preparation of examinations; and |
| 5 | (c) clarifying the use of support personnel and the provision of emergency services. |
| 6 | (2) The department shall, subject to 37-1-101, supervise the examination of applicants for license |
| 7 | to practice veterinary medicine, obtain the services of professional examination agencies instead of its own |
| 8 | preparation of examinations, and grant and revoke licenses." |
| a | -FND- |

| 1 | SENATE BILL NO. 101 |
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| 2 | INTRODUCED BY BECK |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CERTAIN VETERINARY MEDICAL STUDENTS |
| 5 | WHO WORK UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN ARE EXEMPT FROM |
| 6 | VETERINARY LICENSURE; ALLOWING AN EMPLOYEE OF A LICENSED VETERINARIAN TO PERFORM |
| 7 | CERTAIN VETERINARY FUNCTIONS, INCLUDING EMERGENCY SERVICES, AS DETERMINED BY RULE OF |
| 8 | THE BOARD OF VETERINARY MEDICINE; AND AMENDING SECTIONS 37-18-104 AND 37-18-202, MCA." |
| 9 | |
| 10 | STATEMENT OF INTENT |
| 11 | A statement of intent is required for this bill because 37-18-104(6) and (7) and 37-18-202(1)(c) |
| 12 | grant authority to the board of veterinary medicine to adopt rules regarding the limited exemption of certain |
| 13 | veterinary support personnel from the practice of veterinary medicine. It is intended that the board be |
| 14 | allowed to define by rule the scope of treatments that support personnel may render when working under |
| 15 | the supervision of a veterinarian. It is also intended that, in its discretion, the board be allowed to further |
| 16 | define situations that constitute emergencies during which support personnel may provide limited care to |
| 17 | a veterinarian's animal patients. |
| 18 | |
| 19 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 20 | |
| 21 | Section 1. Section 37-18-104, MCA, is amended to read: |
| 22 | "37-18-104. Exemptions rules. (1) This chapter does not apply to: |
| 23 | (a) veterinarians in the performance of their official duties, either civil or military, in the service of |
| 24 | the United States unless they engage in the practice of veterinary medicine in a private capacity; |
| 25 | (b) laboratory technicians and veterinary research workers, as distinguished from veterinarians, in |
| 26 | the employ of this state or the United States and engaged in labors in laboratories under the direct |
| 27 | supervision of the board of livestock, Montana state university-Bozeman, or the United States; |
| 28 | (c) lawfully qualified veterinarians from other states or a foreign country meeting legally licensed |
| 29 | and registered Montana veterinarians in this state in consultation; |
| 30 | (d) a veterinarian residing on a border of a neighboring state and authorized under the laws thereof |

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| of that state to practice veterinary medicine therein, who is actually called to attend cases in this state but |
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| who does not open an office or appoint a place to meet patients or receive calls in this state, if veterinarians |
| licensed and registered in this state are extended a like privilege to engage in the practice of veterinary |
| medicine to the same extent in the neighboring state; |
| (e) the employment as assistants to veterinarians licensed and registered under this chapter of |
| veterinary medical students who have successfully completed 3 years of the professional curriculum in |

- veterinary medical students who have successfully completed 3 years of the professional curriculum in veterinary medicine at a college having educational standards equal to those approved by the American veterinary medical association and authorized by law to confer degrees, if the students are employed by and work under the immediate supervision of a veterinarian licensed and registered under this chapter; or
- (f) a person advising with respect to or performing acts that the board defines by rule as accepted livestock management practices.
- (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.
- (3) (a) Nonsurgical embryo transfers in bovines may be performed, under the supervision of a veterinarian licensed and residing in Montana, by individuals who attest to the board that they possess a combination of 3 years' education, experience, and training in that procedure.
- (b) Exemption under subsection (3)(a) remains in effect until testing and certification procedures, as determined by board rule, are implemented on or before July 1, 1991. At a minimum, board rules regarding nonsurgical embryo transfers in bovines must address:
- 20 (i)(a) minimum education requirements;
- 21 (ii)(b) minimum requirements of practical experience;
- 22 (iii)(c) continuing education requirements;
- 23 (iv)(d) limitations on practices and procedures that may be performed by certified individuals;
- 24 (v)(e) the use of specific drugs necessary for safe and proper practice of certified procedures;
- 25 (vi)(f) content and administration of the certification test, including written and practical testing;
- 26 (vii)(g) application and reexamination procedures; and
- 27 (viii)(h) conduct of certified individuals, including rules for suspension, revocation, and denial of certification; and
- 29 (ix) establishment of an advisory committee:
- 30 (A) must consist of:



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| 1 | (I) one member of the board who is a veterinarian; |
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| 2 | (II) one member of the Montana state university-Bozeman reproductive physiology department; |
| 3 | (III) one member representing the Montana stockgrowers association animal health committee; |
| 4 | (IV) one member representing the Montana woolgrowers association; |
| 5 | (V) one reproductive specialist with practical experience in embryo transfers; and |
| 6 | (VI) a veterinarian who is a member of the American college of theriogenologists; |
| 7 | (B) shall make recommendations regarding the testing and certification procedures. The committee |
| 8 | may not adopt rules. |
| 9 | (C) in cooperation with the board, shall conduct a study of the practice of bovine pregnancy testing |
| 10 | and evine pregnancy testing with the use of ultrasound equipment. The study must include but is not |
| 11 | limited to: |
| 12 | (I) federal laws governing the practice of pregnancy testing; |
| 13 | (II) education and experience requirements for the practice of pregnancy testing; and |
| 14 | (III) pregnancy testing by nenveterinarians. |
| 15 | (D) terminates July 1, 1991. |
| 16 | (4) This chapter does not prohibit a person from caring for and treating his the person's own farm |
| 17 | animals or being assisted in this treatment by his the person's full-time employees, as defined in 2-18-601, |
| 18 | employed in the conduct of his the person's business or by other persons whose services are rendered |
| 19 | gratuitously in case of emergency. |
| 20 | (5) This chapter does not prohibit the selling of veterinary remedies and instruments by a registered |
| 21 | pharmacist at his the pharmacist's regular place of business. |
| 22 | (6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities |
| 23 | determined by board rule to be acceptable, when performed under the supervision of the employing |
| 24 | veterinarian. |
| 25 | (7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for |
| 26 | that veterinarian's animal patients in cases of emergency. Permissible emergency employee activities under |
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| 7 | "37-18-202. Powers of board and department examinations. (1) The board may adopt rules and |
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| 7 | to practice veterinary medicine, obtain the services of professional examination agencies instead of its own |
| 8 | preparation of examinations, and grant and revoke licenses." |
| 9 | -END- |