

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."
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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.
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19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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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)~~ (a) minimum education requirements;
 21 ~~(ii)(b)~~ (b) minimum requirements of practical experience;
 22 ~~(iii)(c)~~ (c) continuing education requirements;
 23 ~~(iv)(d)~~ (d) limitations on practices and procedures that may be performed by certified individuals;
 24 ~~(v)(e)~~ (e) the use of specific drugs necessary for safe and proper practice of certified procedures;
 25 ~~(vi)(f)~~ (f) content and administration of the certification test, including written and practical testing;
 26 ~~(vii)(g)~~ (g) application and reexamination procedures; and
 27 ~~(viii)(h)~~ (h) conduct of certified individuals, including rules for suspension, revocation, and denial of
 28 certification; and

29 ~~(ix) establishment of an advisory committee. The committee:~~

30 ~~(A) must consist of:~~

- 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 not~~
 11 ~~limited to:~~

- 12 ~~(I) federal laws governing the practice of pregnancy testing;~~
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 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
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30 **Section 2.** Section 37-18-202, MCA, is amended to read:

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BUSINESS & INDUSTRY

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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 ~~(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
 28 certification; and

29 ~~(ix) establishment of an advisory committee. The committee;~~

30 ~~(A) must consist of;~~

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 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 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 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."

29

30 **Section 2.** Section 37-18-202, MCA, is amended to read:

