

By: Representatives Dedeaux, Bailey, Clarke, To: Agriculture  
Robinson (63rd)

HOUSE BILL NO. 805

1 AN ACT TO AMEND SECTION 73-39-19, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE BOARD OF VETERINARY MEDICINE TO INSPECT THE  
3 PREMISES AND EQUIPMENT OF VETERINARIANS AND SANCTION THEM FOR  
4 FAILURE TO KEEP THE PREMISES AND EQUIPMENT IN A CLEAN AND SANITARY  
5 CONDITION; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 73-39-19, Mississippi Code of 1972, is  
8 amended as follows:

9 73-39-19. (1) After a hearing held as set out in this  
10 chapter, the board, on concurrence of three (3) members, shall  
11 have the right and power to revoke or suspend the license of a  
12 veterinarian, or the certificate of an animal technician and may  
13 place said veterinarian or technician on probation conditioned on  
14 future good conduct and compliance with this chapter, and may  
15 impose an administrative fine not to exceed One Thousand Dollars  
16 (\$1,000.00) for each such separate offense, for any of the  
17 following reasons:

18 (a) Insanity or mental incompetence or an adjudication  
19 of insanity or mental incompetence by a court of competent  
20 jurisdiction.

21 (b) Chronic inebriety or habitual use of drugs, or any  
22 adjudication by a court of competent jurisdiction that such  
23 veterinarian is an alcoholic or habitual user of drugs. Decrees  
24 of divorce shall not be construed as an adjudication that a  
25 veterinarian is an alcoholic or habitual user of drugs.

26 (c) A final conviction of a felony or of an offense  
27 involving moral turpitude by a court of competent jurisdiction.

28 (d) Fraud or dishonesty in the application or reporting  
29 of any test for disease in animals, including intentional  
30 misrepresentation on any forms filed with any governmental agency.

31 (e) Failure to report or making a false report of any  
32 contagious or infectious disease required by state or federal law  
33 to be reported.

34 (f) Dishonesty, intentional misrepresentation or gross  
35 negligence in the inspection of foodstuffs or the issuance of  
36 health or inspection certificates.

37 (g) The refusal of licensing authority of another state  
38 to issue or renew a license, permit or certificate to practice  
39 veterinary medicine in that state or the revocation, suspension or  
40 other restriction imposed on a license, permit or certificate  
41 issued by such licensing authority which prevents or restricts  
42 practice in that state; further, any probationary status imposed  
43 by another state which had the offense occurred in this state  
44 would have been a violation of this chapter.

45 (h) The employment of fraud, misrepresentation or  
46 deception in obtaining a license.

47 (i) The use of advertising or solicitation which is  
48 false or misleading or is deemed unprofessional under rules or  
49 regulations adopted by the board.

50 (j) Incompetence, gross negligence, cruelty or gross  
51 malpractice in the practice of veterinary medicine.

52 (k) Employing any person practicing veterinary medicine  
53 unlawfully with the knowledge of such illegal practice by said  
54 employee.

55 (l) Failure to keep veterinary premises and equipment  
56 in a clean and sanitary condition. The board shall inspect such  
57 premises and equipment at least annually and shall promulgate  
58 rules and standards by which the conditions of the premises and  
59 equipment may be evaluated. Further, the board shall establish

60 sanctions for failure to keep the premises and equipment in  
61 accordance with its rules and standards.

62 (m) Cruelty to animals in the practice of veterinary  
63 medicine.

64 (n) Unprofessional or unethical conduct as defined in  
65 regulations adopted by the board.

66 (o) Administering, dispensing or prescribing any  
67 narcotic drug having addiction-forming, addiction-sustaining or  
68 habituating liability otherwise than in the course of legitimate  
69 professional practice.

70 (p) Conviction of violation of any federal or state law  
71 regulating the possession, distribution or use of any narcotic  
72 drug or any drug considered a controlled substance under state or  
73 federal law.

74 (q) Obtaining or procuring, or attempting to obtain or  
75 procure by misrepresentation, fraud, deception or subterfuge, any  
76 narcotic or drug classified as a controlled substance.

77 (r) Making or causing to be made any false claims  
78 concerning the licensee's professional excellence.

79 (s) Being guilty of any dishonorable or unethical  
80 conduct likely to deceive, defraud or harm the public.

81 (t) Refusing to permit the board or any legal  
82 representative of the board to inspect the business premises of  
83 the licensee during regular business hours.

84 (u) Failure to complete requirement of continuing  
85 education.

86 (2) A certified copy of any judgment of conviction or  
87 finding of guilt by a court of competent jurisdiction or by a  
88 governmental board or agency authorized to issue licenses or  
89 permits, including the United States Department of Agriculture,  
90 Animal and Plant Health Inspection Service, the Mississippi Board  
91 of Animal Health and the Mississippi State Board of Health, of a  
92 veterinarian or animal technician of any of the matters listed in

93 paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection (1)  
94 shall be admissible in evidence in any hearing held by the board  
95 to discipline such veterinarian and shall constitute prima facie  
96 evidence of the commission of any such act.

97 (3) In addition to the reasons specified in subsection (1)  
98 of this section, the board shall be authorized to suspend the  
99 license or certificate of any licensee or certificate holder for  
100 being out of compliance with an order for support, as defined in  
101 Section 93-11-153. The procedure for suspension of a license or  
102 certificate for being out of compliance with an order for support,  
103 and the procedure for the reissuance or reinstatement of a license  
104 or certificate suspended for that purpose, and the payment of any  
105 fees for the reissuance or reinstatement of a license or  
106 certificate suspended for that purpose, shall be governed by  
107 Section 93-11-157 or 93-11-163, as the case may be. If there is  
108 any conflict between any provision of Section 93-11-157 or  
109 93-11-163 and any provision of this chapter, the provisions of  
110 Section 93-11-157 or 93-11-163, as the case may be, shall control.

111 **SECTION 2.** This act shall take effect and be in force from  
112 and after July 1, 2005.